

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING A SPECIAL USE PERMIT AND
GRANTING VARIATIONS FOR A BUILDING EXPANSION
AT OLIVE-MARY STITT SCHOOL
(303 E. Olive Street)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ARLINGTON HEIGHTS
THIS ____ DAY OF _____, 2023.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
_____ day of _____, 2023

Village Clerk

{00131055.4}

AN ORDINANCE AMENDING A SPECIAL USE PERMIT AND
GRANTING VARIATIONS FOR A BUILDING EXPANSION
AT OLIVE-MARY STITT SCHOOL
(303 E. Olive Street)

WHEREAS, Arlington Heights School District 25 (“*Applicant*”) is the owner of record of that certain property located in the R-3 One Family Dwelling District (“*R-3 District*”) and P-L Public Lands District (“*P-L District*”), commonly known as 303 East Olive Street, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (“*Property*”); and

WHEREAS, the Property is currently used for an elementary school, and is improved with an elementary school building, parking lots, and other related improvements (collectively, the “*Existing Improvements*”); and

WHEREAS, on October 5, 2015, the President and Board of Trustees adopted Ordinance No. 15-038, granting, among other things, a special use permit for the operation of an elementary school on the Property, a variation from the side yard setback requirements, and a variation from the minimum number of off-street parking spaces required, to allow 49 spaces on the Property (“*Existing Special Use Permit*”); and

WHEREAS, the Applicant desires to expand the elementary school building on the Property and make other modifications to the Existing Improvements (collectively, the “*Proposed Improvements*”); and

WHEREAS, pursuant to Section 5.5-1 of “The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“*Zoning Code*”), the Proposed Improvements may only be constructed and used on the Property upon issuance by the Village Board of Trustees of an amended special use permit therefor; and

WHEREAS, pursuant to Section 6.13-3.a of the Zoning Code, front yard fences may not exceed a height of three feet; and

WHEREAS, the Applicant desires to construct the fence portion of the Proposed Improvements at a height of four feet, in violation of Section 6.13-3.a of the Zoning Code; and

WHEREAS, pursuant to Section 10.4-4 of the Zoning Code, upon implementation of the Proposed Improvements, an additional 30 parking spaces will be required on the Property; and

WHEREAS, pursuant to Sections 8 and 12 of the Zoning Code, the Applicant has filed an application for approval of: (i) an amendment to the Existing Special Use Permit to permit the construction and use of the Proposed Improvements on the Property; (ii) a variation from Sections 6.13-3.a of the Zoning Code to permit the construction of the Proposed Improvements on the Property; and (iii) a variation from the minimum parking spaces requirement in Section 10.4 of the Zoning Code to allow the Proposed Improvements with 49 parking spaces on the Property, where the Zoning Code requires 79 parking spaces on the Property (collectively, the “*Requested Relief*”); and

WHEREAS, a public hearing of the Plan Commission of the Village to consider approval of the Requested Relief was duly advertised in the *Daily Herald* on January 24, 2023, and held on February 8, 2023; and

WHEREAS, on February 8, 2023, the Plan Commission made findings and recommendations in support of the Requested Relief, with conditions; and

WHEREAS, the President and Board of Trustees have determined that the Requested Relief meets the required standards for special use permits and variations as set forth in Sections 8.2 and 12.2 of the Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the Village to grant the Requested Relief, subject to the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. GRANT OF SPECIAL USE PERMIT AMENDMENT. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, and in accordance with, and pursuant to, Section 8 of the Zoning Code and the home rule powers of the Village, the Village hereby grants an amendment to the Existing Special Use Permit to the Applicant for the construction and use of the Proposed Improvements on the Property.

SECTION 3. GRANT OF VARIATIONS. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, and in accordance with, and pursuant to, Section 12 of the Zoning Code and the home rule powers of the Village, the Village hereby grants the following variations to the Applicant in connection with the Proposed Improvements of the Property:

- A. Fence Height. A variation from Section 6.13-3.a of the Zoning Code to increase the maximum front yard height of the fence portion of the Proposed Improvements on the west side of the elementary school building fronting Arlington Heights Road, from three feet to four feet.
- B. Parking Stalls. A variation from Section 10.4-4 of the Zoning Code to decrease the number of required parking spaces on the Property, from 79 spaces to 49 spaces.

SECTION 4. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Code, the approvals granted pursuant to Sections 2 and 3 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Property in compliance with each and all of the following conditions:

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Proposed Improvements and the Property must comply at all times with all applicable Federal, State, and Village statutes, codes, ordinances, and regulations, as the same have been or may be amended from time to time.
- B. Compliance with Plans. Except for minor changes and site work approved by the Village Director of Building & Life Safety (for matters within their permitting authority) in accordance with all applicable Village standards, and except as may be approved pursuant to Sections 4.C and 4.D of this Ordinance, the development, use, operation, and maintenance of the Proposed Improvements and of the Property must be substantially compliant with the following plans (collectively, the “Plans”):

1. The Site Plan, prepared by STR Partners, LLC and consisting of one sheet, with a last revision date of January 20, 2023, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit B;
 2. The First Floor Plan, prepared by STR Partners, LLC and consisting of one sheet, with a last revision date of January 20, 2023, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit C;
 3. The Second Floor Plan, prepared by STR Partners, LLC and consisting of one sheet, with a last revision date of January 20, 2023, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit D;
 4. The Roof Plan, prepared by STR Partners, LLC and consisting of one sheet, with a last revision date of November 21, 2022, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit E;
 5. The Building Elevations / Color Rendering, prepared by STR Partners, LLC consisting of one sheet, with a last revision date of January 20, 2023, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit F;
 6. The Olive-Mary Stitt School Building Addition and Renovations plans and drawings, prepared by Eriksson Engineering Associates, Ltd. consisting of sixteen sheets, with a last revision date of January 20, 2023, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit G;
 7. The Landscape Plan, prepared by Eriksson Engineering Associates, Ltd. consisting of two sheets, with a last revision date of February 1, 2023, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit H; and
 8. The Site Plan – Photometric Calculations, prepared by STR Partners, LLC consisting of 1 sheet, with a last revision date of January 20, 2023, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit I.
- C. Parking Demand. If enrollment at the elementary school on the Property exceeds or is projected to exceed 634 students within the expanded building, the Applicant must promptly provide written notice to the Village and demonstrate, to the satisfaction of the Village Manager, that adequate on-site parking can accommodate peak demand and that drop-off and pick-up operations will not create unsafe vehicular or pedestrian movements. Thereafter, the Applicant must either: (1) implement improvements on the Property as may be necessary, in the determination of the Village Manager, to accommodate the increased vehicular traffic and parking generated by the increased enrollment; or (2) obtain approval of the Board of Trustees of appropriate amendments to the special use permit granted pursuant to this Ordinance.
- D. Off-Site Parking Agreement. If the Applicant’s current off-site parking agreement with Orchard Church, for use of the parking lot at 1330 N. Douglas Avenue, is terminated or otherwise no longer in effect: (1) the Village may direct the Applicant to create additional parking and drop-off and pick-up loading areas on the Property, as determined by the Village in its discretion; and (2) the Village may direct the Applicant to implement

operational changes to address parking issues, as determined by the Village in its discretion.

- E. Drop-Off and Pick-Up Coordination. The Applicant will coordinate and work with the Village and neighbors of the Property regarding traffic and safety issues related to student drop-off and pick-up activity within the vicinity of the Property.
- F. Stormwater Information. The Applicant must provide the Village with stormwater information necessary to verify compliance with all Metropolitan Water Reclamation District of Greater Chicago and Village regulations to the satisfaction of the Village.
- G. Design Commission. The Applicant must comply with all required conditions imposed by the Village Design Commission at its meeting on February 14, 2023.

SECTION 5. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded on title to the Property with the Cook County Clerk's Recording Division. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 6. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approvals granted in Sections 2 and 3 of this Ordinance may, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approvals granted in Sections 2 and 3 of this Ordinance unless they first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the R-3 District and the P-L District and the applicable provisions of the Village Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 7. AMENDMENTS. Any amendments to the approvals granted in Sections 2 or 3 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Code.

SECTION 8. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 9. EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
 - 1. Passage by the Village President and Board of Trustees in the manner required by law; and
 - 2. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit J attached to and, by this reference, made a part of this

Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

- B. In the event the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 9.A.2 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

PASSED AND APPROVED THIS ___ day of _____, 2023

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

THE WEST HALF OF LOT 31 (EXCEPT THEREFROM A STRIP OF LAND HERETOFORE TAKEN FOR ROAD ON THE NORTH LINE OF SAID LOT; AND EXCEPT THE SOUTH 132 FEET OF SAID WEST HALF OF LOT 31), IN ALLISON'S ADDITION TO ARLINGTON HEIGHTS, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE WEST HALF OF THE SOUTHWEST QUARTER THEREOF, AND THE SOUTH FOUR (4) ACRES OF THE EAST HALF OF THE SOUTHWEST QUARTER THEREOF), IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID ADDITION, RECORDED OCTOBER 19, 1906, IN BOOK 92 OF PLATS, PAGE 42, AS DOCUMENT NUMBER 3941663.

PARCEL 2:

THE SOUTH 132 FEET OF THE EAST 330 FEET OF THE WEST HALF OF LOT 31 IN ALLISON'S ADDITION TO ARLINGTON HEIGHTS, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE WEST HALF OF THE SOUTHWEST QUARTER THEREOF, AND THE SOUTH FOUR (4) ACRES OF THE EAST HALF OF THE SOUTHWEST QUARTER THEREOF), IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID ADDITION, RECORDED OCTOBER 19, 1906, IN BOOK 92 OF PLATS, PAGE 42, AS DOCUMENT NUMBER 3941663.

Commonly known as: 303 E. Olive Street, Arlington Heights, Illinois.

PINs: 03-20-306-039-0000, 03-20-306-040-0000, 03-20-306-041-0000, and 03-20-306-051-0000

EXHIBIT B

SITE PLAN

EXHIBIT C
FIRST FLOOR PLAN

EXHIBIT D

SECOND FLOOR PLAN

EXHIBIT E
ROOF PLAN

EXHIBIT F

BUILDING ELEVATIONS / COLOR RENDERING

EXHIBIT G

OLIVE-MART STITT SCHOOL BUILDING ADDITION
AND RENOVATIONS PLANS AND DRAWINGS

EXHIBIT H
LANDSCAPE PLANS

EXHIBIT I

SITE PLAN – PHOTOMETRIC CALCULATIONS

EXHIBIT J

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois (“*Village*”):

WHEREAS, Arlington Heights School District 25 (“*Applicant*”) is the owner of record of that certain property located in the R-3 One Family Dwelling District and the P-L Public Lands District, and commonly known as 303 E. Olive Street (“*Property*”); and

WHEREAS, Ordinance No. 2023-_____, adopted by the Village President and Board of Trustees on _____, 2023 (“*Ordinance*”), approves an amendment to an existing special use permit and grants variations to the Applicant for the expansion and continued operation of an elementary school on the Property; and

WHEREAS, Section 9 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant files, within 30 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to, accepts, consents to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village’s granting of the amended special use permit and the variations for the Property or its adoption of the Ordinance, and that the Village’s approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
4. The Applicant hereby agrees to hold harmless and indemnify the Village, the Village’s corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village’s adoption of the Ordinance granting the amended special use permit and the variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2023

ATTEST:

ARLINGTON HEIGHTS SCHOOL DISTRICT 25

By: _____

By: _____

Its: _____

Its: _____