

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE VILLAGE OF ARLINGTON HEIGHTS,
GRANTING PRELIMINARY APPROVAL OF A
PLANNED UNIT DEVELOPMENT, A PRELIMINARY
PLAT OF RESUBDIVISION AND CERTAIN VARIATIONS
FROM THE ARLINGTON HEIGHTS MUNICIPAL CODE
AND REPEALING A PORTION OF ORDINANCE NUMBER 92-060**

WHEREAS, on November 9, 2016, pursuant to notice, the Plan Commission of the Village of Arlington Heights, in Petition Number 16-021, conducted a public hearing on a request for rezoning from an M-1 Research Development and Light Manufacturing District to an R-6 Multi-Family Dwelling District, preliminary approval of a planned unit development, approval of a preliminary plat of resubdivision, and variations from certain provisions of Chapter 28 of the Municipal Code and repeal a portion of Ordinance Number 92-060 for the property located at 3216-3240 N. Old Arlington Heights Road, Arlington Heights, Illinois; and

WHEREAS, the President and Board of Trustees have considered the report and recommendations of the Plan Commission and have determined that authorizing and granting said requests, subject to certain conditions hereinafter described, would be in the best interests of the Village of Arlington Heights,

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

SECTION ONE: That the Zoning Ordinance of the Village of Arlington Heights is hereby amended by reclassifying the Subject Property from an M-1 Research Development and Light Manufacturing District to an R-6 Multi-Family Dwelling District, the following described property:

Lots 17, 18, 19, 20 and 21 in Freedom Small Farms, being a subdivision in the Northwest quarter of the Northwest quarter and the North half of the Southwest quarter of the Northwest quarter of Section 8, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N. 03-18-102-004, -005, -006, -007, -008

and commonly described as 3216-3240, N. Old Arlington Heights Road, Arlington Heights, Illinois.

SECTION TWO: That the preliminary planned unit development plat for Lexington Heritage Townhomes, prepared by Haeger Engineering, with revisions through October 31, 2016, consisting of one sheet, is hereby approved to allow nine townhome buildings with 48 dwelling units on one zoning lot, which property is hereby designated as a planned unit development. The Zoning Map of the Village of Arlington Heights is hereby amended accordingly. Approval is hereby given for development of the Subject Property in substantial compliance with the following plans:

Assembly Elevations & Assembly Plans, prepared by BSB Design, dated September 16, 2016, consisting of ten sheets;

The following plans have been prepared by Haeger Engineering, dated July 15, 2016 with revisions through October 27, 2016:

Title Sheet, consisting of one sheet;

Existing & Demolition Plan, consisting of one sheet;

Geometry Plan, consisting of one sheet;

Grading Plan, consisting of one sheet;

Utilities Plan, consisting of one sheet;

The following plans have been prepared by Krogstad Land Design Limited:

Preliminary Landscape Plan, dated August 18, 2016 with revisions through October 5, 2016, consisting of two sheets;

Tree Preservation Plan, dated August 31, 2016, consisting of two sheets,

copies of which are on file with the Village Clerk and available for public inspection.

SECTION THREE: That a preliminary plat of resubdivision for Lexington Heritage, prepared by Haeger Engineering, with revisions through October 5, 2016, is hereby approved.

SECTION FOUR: That variations from the requirements of certain provisions of Chapter 28 of the Arlington Heights Municipal Code are hereby granted so as to permit development of the Subject Property in accordance with the plans approved in SECTION TWO of this Ordinance, which variations are as follows:

Variations Required for the Individual Townhome Lots:

1. A variation from Section 5.1-6.3, Minimum Lot Size, to allow a reduction in the minimum lot size requirement for lots 1-1, 1-6, 2-1, 2-7, 3-1, and 3-6, from 3,500 square feet to 1,200 square feet.

2. A variation from Section 5.1-6.3, Minimum Lot Size, to allow a reduction in the minimum lot size requirement for lots 1-2 thru 1-5, 2-2 thru 2-6, and 3-2 thru 3-5, from 3,500 square feet to 1,020 square feet.

3. A variation from Section 5.1-6.3, Minimum Lot Size, to allow a reduction in the minimum lot size requirement for lots 4-1, 4-4, 5-1, 5-4, 6-1, 6-5, 7-1, 7-4, 8-1, 8-6, 9-1 and 9-6, from 3,500 square feet to 2,238 square feet.

4. A variation from Section 5.1-6.3, Minimum Lot Size, to allow a reduction in the minimum lot size requirement for lots 4-2, 4-3, 5-2, 5-3, 6-2 thru 6-4, 7-2, 7-3, 8-2 thru 8-5, and 9-2 thru 9-5, from 3,500 square feet to 1,975 square feet.

5. A variation from Section 5.1-6.4.1, Required Minimum Yards, to allow a reduction in the minimum front yard setback requirement for lots 1-1 thru 3-6, from 30 feet to 3 feet.

6. A variation from Section 5.1-6.4.1, Required Minimum Yards, to allow a reduction in the minimum front yard setback requirement for lots 4-1 thru 9-6, from 26 feet to 1.5 feet.

7. A variation from Section 5.1-6.4.1, Required Minimum Yards, to allow a reduction in the minimum side yard setback requirement for lots 1-1, 1-6, 2-1, 2-7, 3-1, and 3-6, from 7.5 feet to 0 feet.

8. A variation from Section 5.1-6.4.1, Required Minimum Yards, to allow a reduction in the minimum side yard setback requirement for lots 1-2 thru 1-5, 2-2 thru 2-6 and 3-2 thru 3-5, from 7.13 feet to 0 feet.

9. A variation from Section 5.1-6.4.1, Required Minimum Yards, to allow a reduction in the minimum side yard setback requirement for lots 4-1 thru 9-6, from 7 feet to 0 feet.

10. A variation from Section 5.1-6.4.1, Required Minimum Yards, to allow a reduction in the minimum rear yard setback requirement for lots 1-1 thru 3-6, from 35 feet to 4 feet.

11. A variation from Section 5.1-6.4.1, Required Minimum Yards, to allow a reduction in the minimum rear yard setback requirement for lots 4-1 thru 9-6, from 31 feet to 19.25 feet.

12. A variation from Section 5.1-6.5, Maximum Building Lot Coverage, to allow an increase in the maximum allowable building lot coverage requirement for Lots 1-1, 1-6, 2-1, 2-7, 3-1 and 3-6, from 35 percent to 76 percent.

13. A variation from Section 5.1-6.5, Maximum Building Lot Coverage, to allow an increase in the maximum allowable building lot coverage requirement for Lots 1-2 thru 1-5, 2-2 thru 2-6, and 3-2 thru 3-5, from 35 percent to 85 percent.

14. A variation from Section 5.1-6.5, Maximum Building Lot Coverage, to allow an increase in the maximum allowable building lot coverage requirement for Lots 4-1, 4-4, 5-1, 5-4, 6-1, 6-5, 7-1, 7-4, 8-1, 8-6, 9-1 and 9-6, from 35 percent to 60 percent.

15. A variation from Section 5.1-6.5, Maximum Building Lot Coverage, to allow an increase in the maximum allowable building lot coverage requirement for Lots 4-2, 4-3, 5-2, 5-3, 6-2 thru 6-4, 7-2, 7-3, 8-2 thru 8-5, and 9-2 thru 9-5, from 35 percent to 67 percent.

16. A variation from Section 5.3-2, Floor Area Ratio, Building Coverage, Height, to allow an increase in the maximum allowable floor area ratio requirement for Lots 1-1, 1-6, 2-1, 2-7, 3-1 and 3-6, from 150 percent to 180 percent.

17. A variation from Section 5.1-6.5, Maximum Building Lot Coverage, to allow an increase in the maximum allowable floor area ratio requirement for Lots 1-2 thru 1-5, 2-2 thru 2-6 and 3-2 thru 3-5, from 150 percent to 205 percent.

18. A variation from Section 6.6-5, Permitted Structures in Required Yards, to allow decks on Lots 1-1 thru Lot 3-6, to be setback 0 feet from the rear lot line.

19. A variation from Section 6.6-5.1, Table of Permitted Obstructions, to allow bay windows to project two feet into the side yard on Lots 1-1, 1-6, 2-1, 2-7, 3-1, 3-6, 4-1, 4-4, 5-1, 5-4, 6-1, 6-5, 7-1, 7-4, 8-1, 8-6, 9-1 and 9-6.

20. A variation from Section 6.6-5.1, Table of Permitted Obstructions, to allow central air conditioning units to encroach outside of the buildable area and into the required side and rear yards up to 0 feet setback from the side and rear lot lines on lots 1-1 thru 9-6.

Variations Required for the Overall Planned Unit Development:

21. A variation from Section 5.1-6.4.1, Required Minimum Yards, to allow a reduction in the required side yard setback for Townhome Buildings 8 and 9 from 41 feet to 31 feet.

22. A variation from Section 5.1-6.9(a), Spacing Standards, to allow a reduction in the minimum spacing requirements between Townhome Buildings 8 and 9 from 50 feet to 34 feet.

23. A variation from Section 5.1-6.9(a), Spacing Standards, to allow a reduction in the minimum spacing requirements between Townhome Buildings 6 and 7 from 50 feet to 40 feet.

24. A variation from Section 11.2-11.2, Off-Street Parking Spaces, to allow off-street parking spaces to be located in the front yard setback (relative to the northern most guest parking stall which shall be setback approximately 18 feet from the front yard line and required to be setback a minimum of 25 feet).

25. A variation from Section 6.13-3b, Location of Fences, to increase the maximum height of fences from five feet to six feet tall in the rear yard, to allow six foot tall board-on-board fences in the rear yards of the units in Townhome Buildings 4 thru 9.

SECTION FIVE: That SECTION ONE (b) of Ordinance Number 92-060 is hereby repealed.

SECTION SIX: That the rezoning, preliminary approval of the planned unit development, preliminary plat of resubdivision, variations from Chapter 28 of the Arlington Heights Municipal Code, and repeal of a portion of Ordinance Number 92-060 granted by this Ordinance are subject to the following conditions, to which the Petitioner has agreed:

1. The Petitioner shall receive final plat of resubdivision and final planned unit development approval.

2. The internal roadway network and all underground utilities (water, sanitary, storm) shall be privately owned and maintained by the homeowners' association.

3. The Petitioner shall comply with the September 6, 2016 motion of the Housing Commission to provide a fee in lieu for affordable housing (\$2,500 for each unit in the development) to be paid at the time of building permit.

4. The Petitioner shall comply with the October 4, 2016 motion of the Design Commission.

5. No fence shall be allowed in the area between the townhome buildings and Old Arlington Heights Road and no fence shall be constructed in the area between the townhome buildings and Country Lane.

6. Construction of all off-site public improvements as required per the Illinois Department of Transportation's approval.

7. Contribution fees shall be paid for parks, schools and library as required by Chapter 29 of the Municipal Code.

8. The Petitioner shall comply with all Federal, State, and Village codes, regulations and policies.

SECTION SEVEN: That the approval of the preliminary planned unit development granted in SECTION TWO of this Ordinance shall continue in effect for a period of twelve months from the approval of this Ordinance, during which period the Petitioner must submit to the Village the materials required by the Zoning Ordinance for final approval of the Planned Unit Development.

SECTION EIGHT: That the approval of the preliminary plat of resubdivision granted in SECTION THREE of this Ordinance authorizes the submission and detailed plans for the proposed resubdivision and detailed plans and specifications for the public improvements therein; and further, that approval of the preliminary plat shall be effective for a period no longer than twelve months, unless extended by the President and Board of Trustees during that period.

SECTION NINE: That this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law and shall be recorded by the Village in the office of the Recorder of Cook County.

AYES:

NAYS:

PASSED AND APPROVED this 5th day of December, 2016.

Village President

ATTEST:

Village Clerk