

CITY OF ELMHURST

ORDINANCE NO. ZO - _____ - 2022

AN ORDINANCE REZONING (MAP AMENDMENT), APPROVING A FINAL PLAT OF SUBDIVISION AND GRANTING A CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT FOR THE CONSTRUCTION OF TOWNHOMES ON THE PROPERTY COMMONLY KNOWN AS 278 & 290 W. BUTTERFIELD ROAD, ELMHURST, ILLINOIS

WHEREAS, the City of Elmhurst (the “City”) has heretofore adopted an ordinance, entitled the “Elmhurst Zoning Ordinance” (the “Zoning Ordinance”); and

WHEREAS, Section 22.26, entitled “Conditional Uses,” of Article III, entitled “Administration and Enforcement,” of the Zoning Ordinance sets forth the standards with respect to conditional uses; and

WHEREAS, Section 22.31, entitled “Planned Unit Development,” of Article III, entitled “Administration and Enforcement,” of the Zoning Ordinance sets forth the authority and standards of the granting of a planned unit development; and

WHEREAS, the City of Elmhurst has heretofore adopted an ordinance entitled the “Elmhurst Subdivision Ordinance”; and

WHEREAS, Section 22.25, entitled, “Amendments,” of Article III, entitled “Administration and Enforcement,” of the Elmhurst Zoning Ordinance sets forth the authority and standards for the amendment to the Official Zoning Map of the City of Elmhurst; and

WHEREAS, Andrew Juiris, of Aimco Elm Creek Townhomes Four, LLC (the “Applicant), on behalf of Aimco Elm Creek Townhomes Four, LLC, David R. Burnier and Hillview Builders, Inc./Gerard Campbell (the “Owners”) proposes to develop certain property for the purpose constructing fifty (50) townhomes with reconfigured parking (“Project”), located on the property legally described as follows:

PARCEL 1:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION AND RUNNING THENCE EAST ON THE SECTION LINE, 676.5 FEET TO THE SOUTH WEST CORNER OF LAND DESCRIBED IN DOCUMENT 313359; THENCE NORTHERLY ON THE WEST LINE OF SAID LAND. 1841.60 FEET TO THE CENTER LINE OF THE CONCRETE PAVEMENT IN BUTTERFIELD ROAD: THENCE NORTHEASTERLY ON SAID CENTER LINE 34.75 FEET TO THE LINE OF AN OLD FENCE RUNNING SOUTHERLY FOR A POINT OF BEGINNING: THENCE SOUTHERLY ALONG SAID FENCE LINE WHICH FORMS AN ANGLE OF 91 DEGREES 34 MINUTES WITH THE CENTER LINE OF SAID PAVEMENT, MEASURED FROM EAST TO SOUTH, 476 FEET TO AN IRON PIPE STAKE THENCE NORTHEASTERLY PARALLEL WITH THE CENTER LINE OF SAID PAVEMENT, 137.33 FEET TO AN IRON PIPE STAKE: THENCE NORTHERLY 476 FEET TO A POINT IN THE CENTER LINE OF THE PAVEMENT IN BUTTERFIELD ROAD, WHICH IS 137.33 FEET NORTHEASTERLY FROM THE POINT OF BEGINNING: THENCE SOUTHWESTERLY 137.33 FEET TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM THAT PART TAKEN FOR HIGHWAY) IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

THE WESTERLY 110.0 FEET, AS MEASURED ON THE NORTH LINE THEREOF, OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION AND RUNNING THENCE EAST ON THE SECTION LINE 676.5 FEET TO THE SOUTHWEST CORNER OF LAND DESCRIBED IN DOCUMENT 313359; THENCE NORTHERLY ON THE WEST LINE OF SAID LAND 1841.60 FEET TO THE CENTER LINE OF CONCRETE PAVEMENT IN BUTTERFIELD ROAD; THENCE NORTHEASTERLY ON SAID CENTER LINE 172.08 FEET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ON A LINE WHICH FORMS AN ANGLE OF 91 DEGREES 34 MINUTES WITH THE CENTER LINE OF SAID PAVEMENT, MEASURED FROM EAST TO SOUTH, 489.0 FEET; THENCE EASTERLY ON A LINE WHICH FORMS AN ANGLE OF 95 DEGREES 59 MINUTES WITH THE LAST DESCRIBED COURSE, MEASURED FROM NORTH TO EAST, 537.4 FEET; THENCE NORTHERLY ON A LINE WHICH FORMS A RIGHT ANGLE WITH THE LAST DESCRIBED COURSE, 93.0 FEET; THENCE EASTERLY ON A LINE WHICH FORMS A RIGHT ANGLE WITH THE LAST DESCRIBED COURSE, 50.0 FEET; THENCE NORTHERLY 472.82 FEET TO A POINT IN THE CENTER LINE OF THE CONCRETE PAVEMENT IN BUTTERFIELD ROAD, 620.27 FEET NORTHEASTERLY FROM THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF SAID CONCRETE PAVEMENT, 620.27 FEET TO THE POINT OF BEGINNING, (ALSO KNOWN AS LOT 1 IN WALTER SWANSON'S PLAT OF SURVEY) EXCEPTING THEREFROM THAT PART OF LOT 1 OF WALTER SWANSON'S PLAT OF SURVEY, SITUATED IN THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 1, SAID POINT BEING 75.0 FEET SOUTHEASTERLY FROM THE CENTER LINE OF BUTTERFIELD ROAD (AS NOW PLATTED AND RECORDED) AND MEASURED ON SAID EAST LINE OF LOT 1 EXTENDED; THENCE SOUTHWESTERLY AND PARALLEL TO SAID CENTERLINE OF BUTTERFIELD ROAD A DISTANCE OF 35.31 FEET TO A POINT OF TANGENT OF A CURVE TO THE LEFT OF THE LAST DESCRIBED COURSE HAVING A RADIUS OF 2325.0 FEET; THENCE CONTINUING ON SAID CURVE, A DISTANCE OF 74.70 FEET AS MEASURED ON THE CURVE, TO THE WEST LINE OF SAID LOT 1 OF WALTER SWANSON'S PLAT OF SURVEY; THENCE NORTHWESTERLY ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 76.20 FEET, TO THE CENTERLINE OF BUTTERFIELD ROAD (AS NOW PLATTED AND RECORDED); THENCE EASTERLY ALONG SAID CENTERLINE OF BUTTERFIELD ROAD TO A POINT ON SAID CENTERLINE, OPPOSITE THE EAST LINE OF LOT 1 AND THE EAST LINE OF LOT 1 EXTENDED A DISTANCE OF 75.0 FEET TO THE POINT OF BEGINNING; AND ALSO EXCEPT THAT PORTION PREVIOUSLY DEDICATED FOR HIGHWAY PURPOSES; ALL IN DU PAGE COUNTY, ILLINOIS.

LOT 1 IN FINAL PLAT OF SUBDIVISION OF ELM CREEK, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 03, 2010 AS DOCUMENT NUMBER R2010-150667, ALL IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-14-409-061, 06-14-409-006, 06-14-409-065 AND 06-14-409-066

Commonly known as 278 & 290 West Butterfield Road and 1-5 and 1000 to 1080 Elm Creek Drive, Elmhurst, Illinois 60126 (the “Subject Property”); and

WHEREAS, the Subject Property is located within the R1 Single Family Residence District and R4 Limited Residence General District, the regulations of which permit planned developments as a conditional use; and

WHEREAS, the Applicant has submitted its applications (individually, an “Application,” collectively, the “Applications”) for approval of:

1. A map amendment (rezoning) to change the zoning designation of certain parcels of the Subject Property, from R1 Single-Family Residence to R4 Limited Residence General District; and
2. A conditional use permit for a preliminary and final planned unit development with site development allowances, pursuant to Section 22.26 and Section 22.31 of the Zoning Ordinance; and
3. A final plat of subdivision (consolidation) for the Subject Property to consolidate (re-subdivide) two (2) lots and add 0.72 acres into one (1) lot, (the “Eldridge Townhomes Expansion”), consistent with the City's Comprehensive Plan and Subdivision Ordinance; and

WHEREAS, on May 3, 2022 the Zoning and Planning Commission conducted a public hearing at the Elmhurst City Hall, 209 North York Street, Elmhurst, Illinois 60126, in connection with the aforesaid Applications, after proper notice of said hearing was duly given; and

WHEREAS, on May 17, 2022, the Zoning and Planning Commission deliberated and rendered its decision, and on May 18, 2022 issued its report recommending that approval be granted for the Applicant’s Map Amendment, Planned Unit Development and Subdivision applications; and

WHEREAS, on May 23, 2022 the Development, Planning and Zoning Committee of the City Council (the “Committee”) convened to consider and review the aforementioned Applications and information regarding the subject requests; and

WHEREAS, on June 13, 2022, the Committee reconvened to consider and review additional information regarding access to the Subject Property, including certain traffic mitigations proposed by the Applicant to reduce or eliminate illegal traffic movement at Butterfield Road and Eldridge Lane, such as: the installation of Illinois Department of Transportation standard flexible delineators on top of and adjacent to both sides of the triangular island to limit movements to “right-in”/”right-out”, while retaining emergency vehicle access, the installation of gates at the southern edge of both phases of the Eldridge Townhomes to prevent residents of Elm Creek Apartments from traveling north to Butterfield Road, the installation of signage at the Butterfield Road entrance stating that Eldridge Lane is a “Private Drive – No Through Access”, the installation of a video camera to monitor the intersection, and the addition of a provision in the residential lease to provide for penalties for traffic violations at the intersection; and

WHEREAS, the Committee determined that the aforementioned proposed traffic mitigations should greatly reduce illegal traffic movements at the intersection of Butterfield Road and Eldridge Lane, and on June 14, 2022, the Committee issued its report to recommend approval of the aforesaid Applications; and

WHEREAS, all applicable requirements of Article III, 22.26, entitled “Conditional Uses,” and Article III, 22.31, entitled “Planned Unit Development,” of the Zoning Ordinance relating to the granting of a conditional use and the approval of a planned unit development have been met; and

WHEREAS, the proposed Final Plat of Subdivision substantially conforms to the City’s Subdivision Ordinance; and

WHEREAS, all applicable requirements of Section 22.25, entitled “Amendments,” of Article III, entitled “Administration and Enforcement,” of the Zoning Ordinance relating to map rezoning amendments to the Official Zoning Map of the City have been met; and

WHEREAS, all remaining applicable requirements of the City's Subdivision Ordinance and Zoning Ordinance have been met.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

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

Section 2. The City Council hereby adopts the following findings of fact of the Development, Zoning and Planning Committee, the Zoning and Planning Commission and the Applicant’s Map Amendment application responses, each referenced therein and adopted herein by reference and as follows:

A. Existing uses of property within the general area of the property in question.

The existing uses in the area are a mix of single-family, multifamily residential, institutional and commercial. Properties along the north side of Butterfield are primarily single-family residential with commercial uses at the intersection of Spring and Butterfield Roads, while the south side of Butterfield Road is a mix of townhomes, institutional and commercial uses. South of the project uses are multi-family with a mix of apartments and townhomes.

B. The Zoning classification of property within the general area of the property in question.

There are a variety of zoning classifications within the general area. Properties are zoned C2 Community Shopping and Service District to the northwest, R2 Single-family residence to the north and C3 General Commercial to the west. Properties immediately to the east and south are zoned R4 Limited General Residence.

C. The suitability of the property in question to the uses permitted under the existing zoning classification as well as the proposed zoning classification.

The properties subject to the map amendment are currently zoned R1 Single-Family Residence. One of the lots is improved with a single-family residence and the remaining lot is vacant. Though they meet the minimum requirements for the R1 Single-Family Residence District, they are located on Butterfield Road.

D. The current comprehensive plan for the City.

The York Street and Butterfield Road Subarea Plan identifies the properties as single-family attached.

Section 3. The City Council adopts the following findings of fact of the Development, Planning and Zoning Committee, Zoning and Planning Commission and the Applicant's responses to Conditional Use standards and Planned Unit Development standards, each referenced therein and adopted herein by reference to include, as follows:

A. Conditional Use Permit for a planned unit development for the construction of townhomes located on the Subject Property:

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

The Commission agreed that the proposal will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare. A single-family residence with overgrown vegetation is currently located on the property and the proposed project is a well-planned modern development that is a continuation of the adjacent townhomes.

- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

The Commission agreed that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. It was also noted that no evidence was submitted indicating that the development will substantially diminish or impair property values within the neighborhood.

- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The Commission agreed that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The use is an expansion of the adjacent townhome development.

- (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

The Commission agreed that the Applicant has provided evidence that adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. It was noted that the proposal will be required to meet all applicable stormwater management requirements.

- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

The Commission agreed that the proposal presented by the applicant to add access gates for the townhomes will significantly improve the traffic concerns brought up during the hearing. Essentially, this will prevent cut through traffic and require residents of Elm Creek apartments and townhomes to utilize access points on Prospect and Brush Hill. Only residents of the Eldridge townhomes and Eldridge expansion will have the ability to utilize the Butterfield Road point of egress. Meanwhile, access into the development from Butterfield Road will be unrestricted.

- (6) That the proposed conditional use is not contrary to the objectives of the current comprehensive plan for the City;

The Commission agreed that the proposal is compatible with the Comprehensive Plan. The York Street and Butterfield Road Subarea Plan identifies the properties as single-family attached. Furthermore, the western parcel is identified as a redevelopment site.

- (7) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Commission.

The Commission agreed that the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

B. Approval of a Planned Unit Development for the construction of townhomes on the Subject Property:

- (1) Conditional Use Standards pursuant to Section 22.2(h) of the Zoning Ordinance.

See above answers.

- (2) City Plans. The planned development shall conform with the general planning policies of the City's official plans, including, but not limited to, the Comprehensive Plan and other relevant plans and planning policies of the City.

The Commission agreed that the proposal is compatible with the Comprehensive Plan. The York Street and Butterfield Road Subarea Plan identifies the properties as single-family attached. Furthermore, the western parcel is identified as a redevelopment site.

- (3) Public Welfare. The planned development shall be so designed, located, and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire.

The Commission agreed that the planned development shall be so designed, located, and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire. It was noted that the improvements will not cause the above to occur.

- (4) Impact on Public Facilities and Resources. The planned development shall include such impact contributions to the School District, Park District, and/or the City as may be reasonably determined by the City Council. These required impact contributions shall be calculated in reasonable proportion to impact of the planned development on public facilities and infrastructure.

The Commission agreed that the applicant will be required to pay applicable school and park fees for the development.

- (5) Archaeological, Historical or Cultural Impact. The planned development shall adequately consider any substantially adverse impact of a known archaeological, historical, or cultural resource located on or off the parcel(s) proposed for development.

The Commission agreed that this is not applicable to the request.

- (6) Parking and Traffic. The planned development shall have or make adequate provision to provide access to and circulation through the proposed use by motorized and non-motorized modes of transportation in a manner that considers walking, biking, and public transportation and provides adequate access for emergency vehicles.

The Commission agreed that the planned development shall have or make adequate provision to provide access to and circulation through the proposed use by motorized and non-motorized modes of transportation in a manner that considers walking, biking, and public transportation and provides adequate access for emergency vehicles. It was noted that a sidewalk is proposed along the Butterfield Road frontage and that this will allow residents to access the nearby Salt Creek Trail.

- (7) Adequate Buffering. The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.

The Commission agreed that the planned development will have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties. It was noted that the proposal includes curated landscaping and open space for residents to utilize for recreation purposes.

- (8) Performance. The applicant shall demonstrate to the City reasonable assurance that, if authorized, the planned development can be completed according to schedule as designed.

The Commission agreed that Aimco has a proven track record of accomplishing projects. The most obvious evidence is their successful completion of the adjacent Eldridge Townhomes.

- (9) Appearance. The design of all buildings, structures, and facilities on the site of the planned development shall meet the design related recommendations of the relevant city plans, including, but not limited to, the Comprehensive Plan and other relevant plans and planning policies of the City.

The Commission agreed that the design of the site is in keeping with the Comprehensive Plan and other relevant plans and planning policies of the City. Furthermore, it is compatible with adjacent Eldridge Townhome development.

- (10) Signs. Any proposed sign package shall be consistent with the character of the development and incorporate signage into the development in a way that avoids visual clutter or sign proliferation.

The Commission agreed that the proposed signage is appropriate for the project.

C. Request for a Site Development Allowance to reduce the minimum lot area per dwelling unit per acre from 2,900 square feet to 2,639.5 square feet for the Eldridge Townhomes Expansions (16.5 du/acre), reduce the minimum lot area per dwelling unit from 2,900 square feet to 1,923.7 square feet for Elm Creek Apartments (22.6 du/acre) and to permit parking within the front yard setback and to reduce to the front yard setback from 25 feet to 14.1 feet for the Subject Property:

- (1) Integrated Design. A planned development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features, utilizing quality building materials and a design consistent with guidelines, policies, and recommendations of relevant City Plans.

The Commission agreed that the Applicant has met the intent of providing a development of integrated design. It was also noted that it is an extension of the Eldridge Townhome development. The density site development allowances are consistent with the existing developments.

- (2) Beneficial Common Open Space. Any common open space in the planned development is encouraged and shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:

- (A) Areas reserved for the exclusive use or benefit of an individual tenant or owner. (B) Dedicated streets, alleys, and other public rights-of-way.
(C) Vehicular drives, parking, loading and storage area.
(D) Irregular or unusable narrow strips of land less than fifteen (15) feet wide.

The Commission agreed that this standard has been met. It was noted that the proposal includes curated landscaping and open space for residents to utilize for recreation purposes.

- (3) Location of Higher Buildings. Higher buildings shall be located within the planned development in such a way as to dissipate any material adverse impact on adjoining lower buildings within the development or on surrounding properties and shall not unreasonably invade the privacy of occupants of such lower buildings.

The Commission agreed that this standard has been met. It was noted that the Elm Creek apartments to the south are taller and the 3-story townhomes are a step down towards the single-family residential on the north side of Butterfield.

- (4) Functional and Mechanical Features. Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

The Commission agreed that this standard has been met.

- (5) Visual and Acoustical Privacy. The planned development shall provide reasonable visual, and acoustical privacy for each dwelling unit and tenant space. Fences, insulations, walks, barriers, and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.

The Commission agreed that this standard has been met.

- (6) Sustainable Best Practices. A planned development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, landscaping design, and infrastructure reflective of sustainable best practices.

The Commission agreed that the applicant has met the intent of this standard. The sidewalk connection to Butterfield Road was noted along with the smart technology being used for the dwellings and proposed gates accessing parking near Elm Creek apartments.

- (7) Landscape Conservation and Visual Enhancement. The existing landscape and trees in a planned development shall be conserved and enhanced, as feasible, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves, and land forms. The addition or use of larger trees, shrubs, flowers, fountains, ponds, special paving amenities will be encouraged to the extent of their appropriateness and usefulness to the planned development and the likelihood of their continued maintenance.

The Commission agreed that the proposed landscaping plan is appropriate for the development.

- (8) Drives, Parking and Circulation. Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to minimizing the number of vehicular access points to public streets, the location of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.

The Commission agreed that this standard has been met. A new curb cut on Butterfield Rd. is not being proposed for the development. Furthermore, the proposed access gates for the townhomes will mitigate the traffic concerns brought up during the hearing. Essentially, this will prevent cut through traffic and require residents of Elm Creek apartments and townhomes to utilize access points on Prospect and Brush Hill. Only residents of the Eldridge townhomes and Eldridge expansion will have the ability to utilize the Butterfield Road point of egress. Meanwhile, access into the development from Butterfield Road will be unrestricted. It was noted that the parking site development allowance is necessary due to the angle of the lot, and the setback is met on the east side of the property.

- (9) Storm Water. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely impact neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

The Commission agreed that the stormwater being proposed for the property meets the intent of the requirement and will need to meet all City and County stormwater requirements.

Section 4. The zoning designation of the parcels located at 278 & 290 W. Butterfield Road of the Subject Property are hereby amended from R1, Single Family Residence District to R4, Limited Residence District, resulting in the Subject Property, as a whole, being zoned R4.

Section 5. The Official Zoning Map of the City of Elmhurst shall hereby be amended to reflect such redesignation.

Section 6. The Conditional Use permit, pursuant to Section 22.92(b), entitled Conditional Uses,” of Section 22.92, entitled “R4 Limited Residence District,” of Division 2, entitled “District Requirements,” of Article VII, entitled “Conservation and Residence Districts,” of the Zoning Ordinance, is hereby granted in accordance with Section 22.26 of the Zoning Ordinance for a planned unit development on Subject Property, subject to the condition that the Applicant shall work with City Staff on easement locations for utilities, which shall include the properties that are the subject of the Applications and the reconfiguration of the adjacent Eldridge Townhome Development utility easements.

Section 7. Pursuant to the provisions in Section 22.31 entitled “Planned Unit Development,” of the Zoning Ordinance, the Preliminary and Final Planned Unit Development is hereby approved for the purpose of developing the Subject Property with the Project subject to the condition that the Applicant shall work with City Staff on easement locations for utilities, which shall include the properties that are the subject of the Applications and the reconfiguration of the adjacent Eldridge Townhome Development utility easements.

Section 8. Pursuant to the provisions in Section 22.31 entitled “Planned Unit Development,” of the Zoning Ordinance, the Site Development Allowances to the Planned Unit Development for the Subject Property for the Project is hereby granted, as follows:

- A. Reduction of the minimum lot area per dwelling unit per acre from 2,900 square feet to 2,639.5 square feet for the Eldridge Townhomes Expansions (16.5 du/acre);
- B. Reduction of the minimum lot area per dwelling unit from 2,900 square feet to 1,923.7 square feet for Elm Creek Apartments (22.6 du/acre);
- C. Permit parking within the front yard setback and reduction of the front yard setback from 25 feet to 14.1 feet.

Section 9. The Conditional Use permit for a Planned Unit Development with the Site Development Allowances that are hereby granted and the use of the Subject Property for the Project shall be consistent with and subject to the findings herein and in substantial accordance with the evidence and testimony submitted to the Zoning and Planning Commission.

Section 10. The City Council hereby adopts the findings of the Development, Planning and Zoning Committee and Zoning and Planning Commission that the Final Plat of Subdivision, consolidating the two (2) lots along Butterfield Road and adding 0.72 acres from the Elm Creek Apartment parcel, is appropriate and meets the intent and requirements of the Subdivision Ordinance.

Section 11. The Final Plat of Subdivision for the Subject Property, a copy of which is attached hereto as Exhibit “A” and made a part hereof, is hereby approved.

Section 12. Upon receipt of the Owner’s signature, the Mayor is hereby authorized and directed to execute and the City Clerk is hereby authorized and directed to attest the Final Plat of Subdivision.

Section 13. Pursuant to Section (h)(2) of the Section 22.31 of the Zoning Ordinance, the City Planner is hereby directed to revise the City’s Official Zoning Map to reflect the existence and boundaries of the Planned Unit Development granted by this Ordinance.

Section 14. That he City Clerk is directed to transmit a copy of this Ordinance to Susan J. Rose, Chair, Zoning and Planning Commission, Eileen Franz, City Planner, and the Applicant.

Section 15. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of the conflict.

Section 16. This Ordinance shall be in full force and effect after passage and publication according to law.

ADOPTED this 5th day of July, 2022, pursuant to a roll call vote as follows:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTENTION: _____

APPROVED this 5th day of July, 2022.

Scott M. Levin, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this ____ day of July, 2022.

Jackie Haddad-Tamer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois

EXHIBIT "A"

FINAL PLAT OF SUBDIVISION

COUNCIL ACTION SUMMARY

SUBJECT: An Ordinance Rezoning (Map Amendment), Approving a Final Plat of Subdivision and Granting Conditional Use Permit for a Planned Unit Development with Site Development Allowances for the Construction of Townhomes to the Property Commonly Known as 278 & 290 West Butterfield Road, Elmhurst, Illinois.

ORIGINATOR: City Attorney

DESCRIPTION OF SUBJECT MATTER:

Pursuant to the recommendation of the Development, Planning and Zoning Committee, the City Attorney prepared an ordinance rezoning (map amendment) a portion of the Subject Property from R1 Single-Family Residence District to R4 Limited General Residence District, granting conditional use permit for a planned unit development with site development allowances for the purposes of facilitating the development and construction of townhomes at 278 & 290 West Butterfield Road, Elmhurst, Illinois. A Final Plat of Subdivision, consolidating two (2) lots into one (1), on the Subject Property is also approved.