

CITY OF ELMHURST

ORDINANCE NO. ZO - _____ - 2022

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT WITH SITE DEVELOPMENT ALLOWANCES FOR THE CONSTRUCTION OF AN ADDITION TO THE ELEMENTARY SCHOOL LOCATED AT THE PROPERTY COMMONLY KNOWN AS 360 E. CRESCENT AVENUE, ELMHURST, ILLINOIS (JEFFERSON ELEMENTARY SCHOOL)

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, David Evans, of Wight & Company (the “Applicant), on behalf of Elmhurst Community School District 205 (the “Owner”), proposes to develop certain property for the purpose of constructing an addition to the elementary school located at 360 E. Crescent Avenue (“Project”), legally described as follows:

A TRACT OF LAND DESCRIBED AS FOLLOWS: THE WEST FOUR HUNDRED NINETY-EIGHT AND SEVENTY-FIVE HUNDREDTHS (498.75) FEET (MEASURED ON THE NORTH LINE AND BEING PARALLEL WITH THE WEST LINE) OF THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION TWELVE (12), LYING NORTH OF THE RIGHT-OF-WAY OF THE ILLINOIS CENTRAL RAILROAD, IN TOWNSHIP THIRTY-NINE (39) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN. SITUATED IN THE COUNTY OF DUPAGE AND STATE OF ILLINOIS.

PIN: 06-12-414-001

Commonly known as 360 East Crescent Avenue, Elmhurst, Illinois 60126 (the “Subject Property”); and

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

WHEREAS, the Applicant submitted a Preliminary and Final Planned Unit Development Application, pursuant to Section 22.31, entitled "Planned Unit Development," of Article III, entitled "Administration and Enforcement," of the Zoning Ordinance and pursuant to Section 22.88(b)(7), entitled "Conditional Uses," of Section 22.88, entitled "R1 Single-Family Residence District," of Division 2, entitled "District Requirements," of Article VII, entitled "Conservation and Residence Districts," for the Project on the Subject Property ("Conditional Use"); and

WHEREAS, the Applicant also submitted a Site Development Allowance Application for deviations or relief from certain standards of the Zoning Ordinance for the purpose of facilitating the Planned Unit Development upon the Subject Property for the Project, as follows:

- (i) Site Development Allowance to the R1 District front yard setback requirement to allow a reduction in the front yard setback from the required 50 feet to 0 feet and to allow parking in the front yard setback – Article VII, 22.88(e)(2) and Article X, 22.242(a)(3)(D).
- (ii) Site Development Allowance to the R1 District corner side yard setback requirement to allow a reduction in the corner side yard setback from the required 30 feet to 0 feet adjacent to Crescent Avenue and to allow parking in the corner side yard setback – Article VII, 22.88(e)(2) and Article X, 22.242(a)(3)(D).
- (iii) Site Development Allowance to the R1 District to allow the construction of a parking lot without screening each side adjoining or fronting on property situated in a residence district – Article X, 22.242(a)(12)(D).

WHEREAS, on December 7, 2021, 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 December 7, 2021, the Zoning and Planning Commission deliberated and rendered its decision, and on December 9, 2021 issued its report recommending approval that the Applicant's Preliminary and Final Planned Unit Development and Site Development Allowance Application be granted; and

WHEREAS, on December 13, 2021, the Development, Planning and Zoning Committee of the City Council convened to consider and review the aforementioned applications and information regarding the subject requests, and on December 14, 2021, the Development, Planning and Zoning Committee of the City Council issued its report to recommend approval of the aforesaid applications and hereby recommends approval of the aforesaid applications by the City Council; and

WHEREAS, all applicable requirements of the City's 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 adopts the following findings of fact of the Development, Planning and Zoning Committee (the "Committee"), Zoning and Planning Commission (the "Commission") and the Applicant's responses to Conditional Use standards, Planned Unit Development standards and Site Development Allowance Modification standards, each referenced therein and adopted herein by reference to include, as follows:

A. Findings for a Conditional Use Permit for a planned unit development for the construction of an additional to an elementary school located within the R1 Single Family Residence District:

- 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, as it is currently an elementary school.*
- 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, nor substantially diminish and impair property values within the neighborhood. The use of Subject Property is not changing and remains as an elementary school. The Commission noted that the Applicant's presentation demonstrated that the proposed development will positively impact the area.*
- 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. It was noted that the proposed improvements are within the existing envelope of the site and include replacement asphalt in-kind.*
- 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. The plan includes landscaping improvements, replacement of asphalt parking in-kind, as well as improvements to drainage on site.*
- 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 Applicant has shown 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. It was noted that there are no changes proposed to the existing access roads or site circulation.*
- That the proposed Conditional Use is not contrary to the objectives of the current Comprehensive Plan for the City of Elmhurst. *The Commission agreed that the proposal is compatible with the Comprehensive Plan.*
- 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, with the exception of the site development allowances. Applicant's proposed use meets all other applicable City, State and Federal codes and ordinances.

B. Findings for a Planned Unit Development for the construction of an addition to an elementary school located within the R1 Single Family Residence District:

- Conditional Use Standards pursuant to Section 22.26(h) of the Zoning Ordinance. *The findings hereinabove are hereby incorporated into the Commission's findings regarding the proposed Planned Unit Development.*
- 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 in conformance with the Comprehensive Plan. The Commission noted that the proposed improvements to Jefferson Elementary School are the result of a referendum and reflect the community need to update existing school facilities and reconstruct other schools.*
- 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.*
- 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 this is not applicable to the request.*
- 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.*
- 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 nonmotorized 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 there are no proposed changes to either the access or the circulation of the site. The Commission agreed that the requested Site Development Allowances for parking setbacks address existing conditions; furthermore, parking along Poplar Avenue is not being moved and the relief sought is a result of the right-of-way shifting upon dedication of land to the City.*

- 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. As noted above, the existing location of the parking spaces impacts the ability to provide screening or buffering adjacent to those parking spaces.*
- 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 the Applicant has a proven track record to complete the project within the designated timeline.*
- 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. The Commission agreed that the renderings of the new addition are satisfactory and compatible with the neighborhood.*
- 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. *A sign package was not provided. The Commission agreed that all proposed signage shall comply with the City's regulations.*

C. Findings for Site Development Allowances to reduce the front yard setback requirement from the required 50 feet to 0 feet, to reduce the corner side yard setback requirement adjacent to Crescent Avenue from the required 30 feet to 0 feet, and to allow the construction of a parking lot without screening each side adjoining or fronting on property situated in a residence district.

- 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.*
- 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 as the Subject Property will have open spaces for use of the students. It was also recognized that the open space is being improved through the installation of additional drainage.*
- 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.*
- 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.*
- 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.*
- 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 providing sustainable best practices for the Subject Property with the proposal for Best Management Practices (BMP's).*

- 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 school campus. The existing parking lots have been in the current configuration for several years.*
- 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. No changes are being proposed regarding these items.*
- 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 storm water being proposed for the Subject Property meets the intent of the requirement and will meet all City and County stormwater requirements.*

Section 3: Pursuant to the provisions in Section 22.26 of the Zoning Ordinance, a Conditional Use permit is hereby granted for a preliminary and final planned unit development on Subject Property.

Section 4: Pursuant to the provisions in Section 22.31 of the Zoning Ordinance, a Preliminary and Final Planned Unit Development is hereby approved for the purpose of the Project on the Subject Property.

Section 5: Pursuant to the provisions in Section 22.31 of the Zoning Ordinance, the Site Development Allowances to the Preliminary and Final Planned Unit Development on the Subject Property for the Project are hereby granted, as follows:

- (i) Site Development Allowance to the R1 District front yard setback requirement to allow a reduction in the front yard setback from the required 50 feet to 0 feet and to allow parking in the front yard setback – Article VII, 22.88(e)(2) and Article X, 22.242(a)(3)(D).
- (ii) Site Development Allowance to the R1 District corner side yard setback requirement to allow a reduction in the corner side yard setback from the required 30 feet to 0 feet adjacent to Crescent Avenue and to allow parking in the corner side yard setback – Article VII, 22.88(e)(2) and Article X, 22.242(a)(3)(D).
- (iii) Site Development Allowance to the R1 District to allow the construction of a parking lot without screening each side adjoining or fronting on property situated in a residence district – Article X, 22.242(a)(12)(D).

Section 6: The Conditional Use permit for a Preliminary and Final Planned Unit Development with Site Development Allowances 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, including all Project plans and technical specifications submitted as part of the aforesaid applications, which are hereby incorporated by reference and made a part hereof. The Owner shall assist the City in completing a plat of dedication for Poplar Avenue and Crescent Avenue.

Section 7: The Applicant shall record the approved Preliminary and Final Planned Unit Development Plan with the DuPage County Recorder of Deeds and provide proof of such recording to the City prior to the issuance of any building permits for the Project.

Section 8: 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 9: That the 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 10: All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of the conflict.

Section 11: This Ordinance shall be in full force and effect after passage and publication according to law.

ADOPTED this ____ day of January, 2022, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED this ____ day of January, 2022.

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

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

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

COUNCIL ACTION SUMMARY

SUBJECT: An Ordinance Granting Conditional Use Permit for a Preliminary and Final Planned Unit Development with Site Development Allowances for the Construction of an Addition to

an Elementary School located on the Property Commonly Known 360 E. Crescent Avenue, 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 granting conditional use permit for a preliminary and final planned unit development with site development allowances for the purpose of facilitating the construction of an addition to Jefferson Elementary School on the Subject Property located at 360 E. Crescent Avenue, Elmhurst, Illinois.