

CITY OF ELMHURST

ORDINANCE NO. ZO - 01 - 2023

**AN ORDINANCE GRANTING AN AMENDED CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT FOR THE CONSTRUCTION OF A BUILDING ADDITION, PICKLEBALL COURTS AND ADDITIONAL SIGNAGE UPON THE PROPERTY COMMONLY KNOWN AS 188 W. BUTTERFIELD ROAD AND 0 S 610 EUCLID AVENUE, ELMHURST, ILLINOIS (TIMOTHY CHRISTAIN SCHOOLS)**

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**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**, Paul R. Buikema, of the Buikema Law Group (the “Applicant”), on behalf of Timothy Christian Schools (the “Owner”) proposes to develop certain property for the purpose of constructing a building addition, pickleball courts and additional signage upon the Timothy Christian Schools campus (“Project”), located on the property legally described as follows:

LOT 1 IN THE FINAL PLAT OF SUBDIVISION OF TIMOTHY CHRISTIAN RESUBDIVISION ELMHURST ILLINOIS, BEING PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 11 EAST, OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 2022 AS DOCUMENT NUMBER R2022-084338

PIN: 06-14-411-001, 06-14-411-012, 06-14-411-013, 06-14-412-039, 06-14-412-043, 06-14-412-055

Commonly known as 188 West Butterfield Road and 0 S 610 Euclid 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 constructing the building addition, the pickleball courts and the additional signage as part the Planned Unit Development upon the Subject Property, as follows:

(i) Site Development Allowance to the R1 District corner side yard setback requirement to permit a decrease in the corner side yard setback from the required 30 feet to 19.38 feet – Article VII, 22.88(e)(2).

(ii) Site Development Allowance to the R1 District sign regulations to permit an increase in the number of wall signs permitted on a lot from eight (8) to nine (9) with a total signage area of 790.1 square feet – Article XI, 22.262(c)(5).

**WHEREAS**, on December 6, 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 application for the amended Conditional Use permit for a Planned Unit Development and Site Development Allowances, after proper notice of said hearing was duly given; and

**WHEREAS**, on December 6, 2022, the Zoning and Planning Commission deliberated and rendered its decision, and on December 7, 2022 issued its report recommending that approval be granted for the

Applicant's Amended Conditional Use permit for a Planned Unit Development Application and Site Development Allowances Application; and

**WHEREAS**, on December 12, 2022, 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 13, 2022, the Development, Planning and Zoning Committee of the City Council 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 with site development allowances have been met; 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, 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. An amended Conditional Use Permit for a planned unit development for the construction of an addition to the building, pickleball courts and additional signage upon the Subject Property 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. The Project includes two new classrooms and pickleball courts. The pickleball courts will not be open to the public and are only to be used by Timothy Christian students and families. There will not be any lighting associated with the courts.*
- 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 Project is not changing the existing use of the Subject Property.*
- 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 existing and being enhanced as part of the Project.*
- 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. The Applicant will be replacing paved area with permeable pavers.*
- 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 Project will be an improvement to ingress/egress to the Subject Property.*
- 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.*

B. Approval of a Planned Unit Development for the construction of an addition to the building, pickleball courts and additional signage upon the Subject Property 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.*
- 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. The setback site development allowance is to address an existing nonconformity and the addition will actually meet the corner side yard setback requirement.*
- 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 general 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 amendment to the planned development will not impact parking or traffic on the Subject Property.*

- 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 there will be landscaping in front of the new addition.*
- 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 Timothy Christian Schools has a proven track record of accomplishing projects.*
- 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.*
- 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 Subject Property. It was noted that the proposed quotation was used in the cornerstone at the original location of the school in Cicero and that multiple wall signs are warranted because the parcel is a several acre campus.*

C. Request for a Site Development Allowances to reduce the corner side yard setback from the required 30 feet to 19.38 feet and to increase the number of wall signs from eight (8) to nine (9) for a total signage area of 790.1 square feet.

- 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. The design of the proposed addition as well as the design and appearance of the new wall sign are integrated into the overall design of the campus.*
- 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 does not apply as this is a private school, however, the Subject Property does have significant open spaces for use of the students.*

- 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 is not applicable to the request.*
- 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 is not applicable to the request.*
- 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 is generally not applicable to the request, but that the proposed landscaping is appropriate for the Project.*
- 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 at the Subject Property with the proposal for permeable pavers.*
- 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 and it was noted that landscaping will be provided in front of*

*the addition. In addition, the landscaping proposed adjacent to the addition will soften the impact of the sign. Furthermore, the indirect lighting onto the sign prevents light spillover onto the adjacent property.*

- 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 is not applicable to the request.*
- 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 Subject Property meets the intent of the requirement. It was noted that paving is being replaced with permeable pavers.*

**Section 3:** An Amended Conditional Use permit, pursuant to Section 22.88(b), 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,” 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.

**Section 4:** Pursuant to the provisions in Section 22.31 entitled “Planned Unit Development,” of the Zoning Ordinance, the Amended Preliminary and Final Planned Unit Development is hereby approved for the purpose of developing the Subject Property with the Project.



**Section 5:** Pursuant to the provisions in Section 22.31 entitled “Planned Unit Development,” of the Zoning Ordinance, the Site Development Allowances to the Amended Planned Unit Development for the construction of the building addition, the pickleball courts and the additional signage upon the Subject Property are hereby granted, as follows:

(i) Site Development Allowance to the R1 District corner side yard setback requirement to permit a decrease in the corner side yard setback from the required 30 feet to 19.38 feet – Article VII, 22.88(e)(2).

(ii) Site Development Allowance to the R1 District sign regulations to permit an increase in the number of wall signs permitted on a lot from eight (8) to nine (9) with a total signage area of 790.1 square feet – Article XI, 22.262(c)(5).

**Section 6:** The Amended Conditional Use permit for a Planned Unit Development that is 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 7:** 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 Amended Planned Unit Development granted by this Ordinance.

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

**Section 10:** This Ordinance shall be in full force and effect after passage and publication according to law.

ADOPTED this 3<sup>rd</sup> day of January, 2023, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTENTION: \_\_\_\_\_

APPROVED this 3<sup>rd</sup> day of January, 2023.

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

ATTESTED and filed in my office,  
this 3<sup>rd</sup> day of January, 2023.

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

### **COUNCIL ACTION SUMMARY**

**SUBJECT:** An Ordinance Granting an Amended Conditional Use Permit for a Planned Unit Development for the Construction of a Building Addition, Pickleball Courts and Additional Signage to the Property Commonly Known as 188 West Butterfield Road and 0 S 610 Euclid Avenue, Elmhurst, Illinois – Timothy Christian Schools

**ORIGINATOR:** City Attorney

1105775

**DESCRIPTION OF SUBJECT MATTER:**

Pursuant to the recommendation of the Development, Planning and Zoning Committee, the City Attorney prepared an ordinance granting an amended conditional use permit for a planned unit development for the purposes of facilitating the development and construction of an addition to the building, pickleball courts and additional signage to the school property located at 188 West Butterfield Road and 0 S 610 Euclid Avenue, Elmhurst, Illinois.