

PLAT WITH THIS DOCUMENT

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ORDINANCE NO. 0-103-87

AN ORDINANCE
GRANTING A SPECIAL USE FOR A PLANNED DEVELOPMENT
BRANDON MANOR HOMES

WHEREAS, upon petition of owners of said property, hearings were held by the Plan Commission of the Village of Palatine on June 16, 1987 in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, and said Plan Commission having made its findings in a written report to the President and Board of Trustees of the Village of Palatine

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power:

SECTION 1: That final approval of a Planned Development is hereby granted pursuant to Section 11.08 of Appendix A, Zoning Ordinance of the Palatine Code of Ordinances for the real estate described as follows, to wit:

That part of BRANDON GROVE, being a subdivision of part of the Northeast 1/4 of the Northeast 1/4 of Section 15, Township 42 North Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 12, 1979 as Document No. 25180639, and Surveyor's Certificate of Correction recorded October 24, 1979 as Document No. 25207032, bounded by a line described as follows: Commencing at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 15, thence north 90°-00'-00" east, along the north line thereof, 50.00 feet to its intersection with the east line of Smith Street as dedicated on the plat of BRANDON GROVE, aforesaid; thence south 00°-08'-04" east along the east line of said Smith Street, 45.00 feet; thence North 90°-00'-00" East, 124.00 feet to the point of beginning of the parcel to be described, thence continuing North 90°-00'-00" East, 295.93 feet to a point of curvature; thence Southeasterly, along a curved line, being the arc of a circle convex Northeasterly, tangent to the last described course and having a radius of 70.00 feet, an

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MEMORANDUM

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arc distance of 39.00 feet; thence South 58°-04'-34" East, tangent to the last curved line, 41.84 feet; thence south 19°-21'-26" west, 298.61 feet; thence north 70°-38'-34" West, 272.62 feet; thence North 03°-08'-06" West, 224.42 feet to the point of beginning, in Cook County, Illinois.

Commonly known as the vacant portion of Brandon Grove previously planned for Building B-C.

SECTION 2: That final Planned Development approval shall be subject to the following conditions:

1. The project is to be developed according to the final site plan, engineering plans, architectural plans, and landscaping plans as submitted, all on file in the Department of Community Development, except that these plans shall be revised for compliance with Village Codes and in response to comments in the memoranda dated July 13 and July 14, 1987 by the Village Engineer before issuance of building permits.
2. The developer must provide a qualified appraisal of the land in order to calculate the amount of donations to the park and school districts in lieu of a land donation.
3. The entire project be completed by January 1, 1991.
4. A \$20,000. Letter of Credit, in a form acceptable to the Village of Palatine, be submitted to insure completion of the public improvements, along with a ten (10) per cent cash bond to cover the one (1) year maintenance period.
5. A \$78,388.50 Letter of Credit, in a form acceptable to the Village of Palatine, be submitted for new public improvements, along with a ten (10) percent cash bond to cover the one (1) year maintenance period.
6. A \$50,000.00 Letter of Credit, in a form acceptable to the Village of Palatine, be submitted to insure completion of the Planned Development.
7. Occupancy Permits shall not be granted for units within the development until:
 - a. All landscaping has been installed around the structure within which the unit is located.
 - b. Required street, watermain, sanitary sewer, storm sewer, and other drainage improvements have been installed and found acceptable to the village.
8. The Village has no responsibility, liability, or obligation of any kind whatsoever to maintain watermains, storm sewers, sanitary sewers, detention areas, lighting, streets, or other like

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improvements constructed and installed as part of this development.

9. All architecture, landscaping, screening, detention areas, and accessory embellishments are to be maintained by the Homeowner's Association, in a manner that is consistent with the approved plans, with penalties as provided for in the Zoning Ordinance.
10. All signage shall conform to Village regulations for subdivision identification signs.
11. The provisions of the signed agreement dated July 31, 1987 (and attached hereto as Exhibit "A") between Summit Building and Development Corporation, and the Brandon Grove Homeowner's Association shall be followed.
12. Brandon Court shall be dedicated as a public street.

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SECTION 3: That the petition for special use, a copy of the public notice, and the report of the Plan Commission reporting on this petition be attached hereto and form a part of this ordinance.

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This 24 day of August, 1987

AYES: 4 NAYS: 1 ABSENT: 1 PASS: 0

APPROVED by me this 24 day of August, 1987

Frank R. Branch
President of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this
24 day of August, 1987

John P. Mullins
Village Clerk

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PLAN COMMISSION
Tuesday, August 4, 1987

Present: Virginia Hayes, Ralph Kubek, Dennis Dwyer, Richard Werth, Jean Peterson, Carl Saccomando, Eric Schmalz, Conrad Hansen, Village Planner Steve Van Steenhuyse.
Absent: Dick Nagel, Rick Legue, Bob Greenlees.

The minutes of the July 21 meeting and reports of public hearings were approved as distributed.

PUBLIC HEARING - Docket P-87-66

The public hearing to review the comprehensive amendment to the Village of Palatine Zoning Ordinance was continued until September 1.

PUBLIC HEARING - P-87-45

The plan commission continued its review of the preliminary and final planned unit development plans for Brandon Manor homes. A memo dated August 4 from Steven Van Steenhuyse was introduced (Attachment 1). It concerns parking arrangements and points of agreement between the developer, Summit Building and Development, Inc., and the Brandon Grove Homeowners Association.

Van Steenhuyse also noted some changes to staff conditions:

1. The amount of the letter of credit shall be \$73,500.
2. The amount was changed from \$100,000 to \$30,000.
3. A new provision stating that the provisions of the agreement between Summit Builders and the Brandon Grove Homeowners Association dated July 31, 1987 must be followed. The agreement is currently signed and executed.

Petitioner's representative Sam LaSusa said Summit encourages the formation of a master homeowners association, should the present homeowners association so desire. He said he has also learned since the public hearing opened that Brandon Court is deemed as a permanent easement for access to all parts of the site, so no cross easement agreement is necessary. LaSusa said he concurs with staff conditions.

Floyd Edwards, representing the homeowners, said he concurs with the petition and would now like to see the plan executed.

The public hearing closed at 8:30 p.m.

RECOMMENDATION

Saccomando moved, Schmalz seconded that the plan commission recommend to the village board that it approve the creation of the plat of re-subdivision for Brandon Grove, approve a new plat of resubdivision, and grant preliminary and final PUD approval for property known as Brandon Manor Homes, 2.02 acres of the Brandon Grove PUD north of Eagle Food Store at Northwest Hwy. and Smith st. with staff recommendations dated 7-21-87, as amended 8-4-87.

The motion was unanimously carried.

PUBLIC HEARING - Docket P-87-51

This public hearing was not opened due to lack of time. It will be heard August 17.

COMMUNICATIONS

Dwyer announced that contrary to the report, he was present at the Brandon Manor Homes public hearing July 21.

The PBZ approved the library sign.

The meeting adjourned at 11:35 p.m.

Natalie Meyer McKenzie
secretary

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REPORT OF PUBLIC HEARING
Held by the Palatine
Plan Commission
Tuesday, July 21, 1987

Present: Virginia Hayes, Eric Schmalz, Rick Legue, Carl Saccomendo,
Jean Peterson, Conrad Hansen, Bob Greenleaf, Ralph Kubek,
Village Planner Steve Van Steenhuysse.
Absent: Dick Nagel, Richard Werth.

The petitioner in the hearing on Docket P-87-45, Summit Building and Development, Inc., contract purchaser of property known as Brandon Grove Planned Unit Development, proposes to develop 32 units in 4 buildings on 2.02 acres of the PUD, to be known as Brandon Manor Homes.

Steve Van Steenhuysse was sworn in.

He described the subject site as the vacant portion of the Brandon Grove PUD, originally planned for Buildings B and C. The proposal is for the vacation of the plat of re-subdivision for Brandon Grove, approval of a new plat of re-subdivision, and preliminary and final PUD approval. The building site is completely surrounded by the original Brandon Grove PUD. Adjacent uses and zones are:

north	Commonwealth Edison right-of-way	R1
east	St. Joseph's Home	R1
south	Vacant	R1
	Eagle Shopping Center	B2
west	Planned Development	P

Size of the total parcel is 6.76 acres, of which 2.02 acres is the proposed building area. Gross density is 4.7 units per acre; net density is 15.8 units per acre. Total open space is 1.3 acres. Parking spaces are proposed for 91 cars, a 2.8 parking ratio. Estimated population in the 24 two-bedroom units and eight three-bedroom units are 63 adults and 23 youth. The developer anticipates commencement of the project within 90 days after preliminary and final planned development approval. Completion is contemplated within 18 months after commencement. The developer proposes tying into the existing 8-inch sanitary sewer currently serving Brandon Grove that runs along the south edge of the property and is owned and maintained by the Brandon Grove Homeowner's Association. An 8-inch watermain serving Brandon Grove would be extended to this project. An existing water main installed to serve Buildings B and C will be removed and new lines to serve the new proposed buildings would be installed.

Storm sewer exists at the site. Traffic circulation would utilize Brandon Ct. which connects on the west to Smith Ct. Driveways would serve buildings facing to the east and west. Since the proposal is ten units less than the 42 originally proposed, traffic impact would be less than originally contemplated.

The developers propose to create a new Homeowners' Declaration for the Brandon Manor Homes, rather than join the existing Declaration in Brandon Grove. The original Declaration from Brandon Grove cannot be further amended because of a time limit of seven years written into that Declaration. The proposed Declaration for the Brandon Manor Homes includes easement agreements with the existing Brandon Grove Homeowners' Association for maintenance of and access to streets and common areas. Both Declarations leave open the possibility of a future merger of the two associations.

Staff recommendation is contained in Attachment 1.

The following persons were sworn in to address the petition:

Sam LaSusa, petitioner's representative
Steve Lenet, land planner
Greg Hayes, Summit Development Company
Glen Hayes, Summit Development Company
Lawrence Gold, attorney
Ray Shislaustis, architect

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public hearing
docket P-87-43
July 21, 1987

page 2

LaSusa said the new Condominium Declaration has been reviewed by the village attorney and staff. He said the developer has also entered a reciprocal cross easement maintenance agreement. He said the condominium association for Brandon Grove Manor Homes will be formed after all units are sold.

Lenet said parking for the adjoining three-story walk-ups (48 units) is included in this parcel so as to not make the existing parking non-conforming. He noted that the minimum space between buildings is 20 feet. He said each eight-unit building would contain two three-bedroom units and six two-bedroom units. Proposed selling price is between \$75,000 and \$100,000. He noted that density has been decreased by 10 units and all buildings are one story less high.

Note: Homeowners in Brandon Grove own only the land on which their buildings stand. They do not own adjacent land. When the sale is complete, land surrounding their building envelope will be deeded to them.

Lenet explained that net density is area not covered by impervious surface. Gross density includes the whole parcel. He said the developer feels the change in architecture provides a break in the monotony of three stories throughout. He also feels the development will provide relief from a sea of parking. He said the open space in the proposed center court is 260 feet by 120 feet.

The petitioner has no objection to staff conditions, La Susa said. Van Steenhuyse clarified the purposes of the three separate letters of credit (conditions #2-4.)

The plan commission recommended that temporary occupancy permits be issued in winter when landscaping is not possible, if necessary.

The following persons were sworn in to voice concerns about the proposal:

Jess Forest, attorney for Brandon Grove Condominium Association;
Floyd Edwards, 111 Brandon Court;
Dan Ciaino, 193 Brandon Court;
Pam Peacock, 193 Brandon Court.

Forest said homeowners are concerned about the pocket of manor homes being surrounded by a different kind of structure. He is also concerned about the loss of parking. "Where will the lost parking strip be located/relocated?" Condominium owners also foresee loss of guest parking. They are concerned about the actual construction process: disrepair of streets, signs, clean-up, and maintenance of the entire area. They foresee ingress and egress problems.

Forest said present owners feel a master association should be formed. He feels this is more important than a reciprocal cross easement maintenance agreement.

Saccomando inquired about the loss of parking. Edward stated that eight spaces will be lost. Saccomando noted that 186 parking spaces currently exist for 48 units. Village code requires 1.5 spaces per unit, or a total of 72 in this case. "Why is the loss of spaces so crucial," Saccomando asked. Residents said they are concerned because Building D would be the big loser, and persons would have to park away from the building.

LaSusa noted that a maintenance agreement is more binding than any Master Association.

Edwards said residents don't want to wind up with problems after approval. They welcome development, but want it done in order so problems are solved in advance.

Van Steenhuyse said this was the first time he had heard of homeowners' parking concerns.

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public hearing
docket P-87-43
July 21, 1987

page 3

Lenet said that the parking was put in originally for the entire 90-unit project. Since the proposed number of units has decreased by 10, parking has been decreased by eight units. Guest spaces will be common to the entire development, he said. He said that if anything, the parking ratio is being increased.

Giaino entered Objector's Exhibit #1 into the record, a statement of desires of the present homeowners.

Ms. Peacock said homeowners want to ensure that their site is left in the same condition it started. Van Steenhuyse said the bond posted by the developer would cover contingencies she is concerned about.

He added that staff feels issues have been covered. He doesn't view parking as a problem.

Saccomando moved, Mrs. Peterson seconded that the plan commission recommend the public hearing be continued until August 4, so the two parties can negotiate solutions to the list of items in Objectors' Exhibit #1.

Those voting aye: Kubek, Mrs. Peterson, Saccomando, Logue, Mrs. Hayes.
Those voting nay: Owyer, Greenless, Hansen, Schmalz.

The motion carried.

Natalie Meyer as Annis
secretary

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Brandon Grove
Manor Homes
Attachment 1

Plan Commission 7/21/87

STAFF RECOMMENDATION:

Staff recommends that the Plat of Re-Subdivision for Brandon Grove be vacated, subject to the receipt of \$2,000 cash bond to cover the one (1) year maintenance period for the uncompleted public improvements in the original subdivision. Additionally, Staff recommends that the new Plat of Re-Subdivision be approved subject to the following Easement Provision being added to the Plat:

Outlot A shall be maintained in a clean and orderly condition by the Homeowner's Association at all times. The Village of Palatine is hereby granted an easement to enter upon said Outlot A at any reasonable time to inspect the condition of said lot and in the event satisfactory maintenance has not been performed, the Village may perform the same. In the event of the performance by the Village or its agents of any maintenance, the reasonable cost thereof shall be paid by the Homeowner's Association, and shall constitute a lien upon said Outlot A together with any improvements thereof, such lien to be enforceable by the Village, which may also recover all reasonable costs and attorney's fees in so doing, in the manner provided by law for the enforcement of liens.

Staff further recommends that Preliminary and Final Planned Development for the Brandon Manor Homes be conditionally approved. The proposed plan is of a lesser density than that originally planned for the area. The development will have a positive impact on the area and will abate an ongoing weed problem. The proposed conditions for approval are as follows:

- 1) The project is to be developed according to the final site plan, engineering plans, architectural plans, and landscaping plans, as submitted, except that these plans shall be revised for compliance with Village codes and in response to comments in the memoranda dated July 13 and July 20, 1987, by the Village Engineer before issuance of building permits.
- 2) The developer must provide a qualified appraisal of the land in order to calculate the amount of donations to the park and school districts in lieu of a land donation.
- 3) The entire project be completed by January 1, 1991.
- 4) A \$20,000 Letter of Credit, in a form acceptable to the Village of Palatine, be submitted to insure completion of the public improvements, along with a ten (10) percent cash bond to cover the one (1) year maintenance period.
- 5) A \$10,000 Letter of Credit be submitted for new public improvements, along with a ten (10) percent cash bond to cover the one (1) year maintenance period.
- 6) A Letter of Credit in the amount of \$100,000 be submitted to insure completion of the Planned Development.

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Plan Commission 7/21/87

Brandon Grove
Manor Homes
Attachment 1
page 2

7) Occupancy permits shall not be granted for units within the development until:

a) All landscaping has been installed around the structure within which the unit is located;

b) Required street, watermain, sanitary sewer, storm sewer, and other drainage improvements have been installed and found acceptable to the Village.

8) The Village has no responsibility, liability, or obligation of any kind whatsoever to maintain watermains, storm sewers, sanitary sewers, detention areas, lighting, streets, or other like improvements constructed and installed as part of this development.

9) In a manner that is consistent with the approved plans, all architecture, landscaping, screening, detention areas, and accessory embellishments is to be maintained by the Homeowner's Association, with penalties as provided for in the Zoning Ordinance.

10) All signage shall conform to Village regulations for subdivision identification signs.

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DEPT. OF COMMUNITY DEVELOPMENT
VILLAGE OF PALATINE

PETITION FOR HEARING

LEAVE BLANK

Zoning Docket # _____
Property recorded in Torrens _____
Filing fee \$ _____

PLEASE CHECK APPLICABLE PROCEEDING:

 X Rezoning _____ Special Use _____ Variation

PLEASE PRINT OR TYPE IN INK X ^{Preliminary} ~~Final~~ Planned Development

- Name of Petitioner(s): SUMMIT BLDG. & DEVELOPMENT, INC.
Address: 414 Pleasant Drive, Roselle, IL 60172
City, State, Zip
Telephone No: _____ Business Telephone No: _____
- Authorized Agent of petitioner (if different):
Name: GREG HAYES
Address: 414 Pleasant Drive, Roselle, IL 60172
City, State, Zip
Telephone No: _____
- Property interest of Petitioner(s) contract purchaser
Owner, Lessee, Contract Purchaser, e
- Address of the property for which this application is being filed.
Brandon Grove, Palatine, Illinois
- All existing land uses on the property are: vacant
- The proposed use(s) on the property, if this petition is approved is (are): rental apartments Townhouse CONDOMINIUMS (345)
- Current zoning of property in question: p.
- State the specific action requested. Cite ordinance numbers and distances where applicable. (Examples: Variation from Section 5.02, Variation to permit a four (4) foot side yard, or zoning change to B-1 Shopping Center District, etc.).
Re-establish PUD and to vacate Plat of Resubdivision
- The applicant's signature below indicates that the information contained in this application and on any accompanying documents is true and correct to the best of his (her) knowledge.

11/10/86
Date

SUMMIT BLDG. & DEVELOPMENT, INC.

SUBSCRIBED and SWORN to
before me this 10th day
of November, 1986.

By: [Signature]
President

[Signature]
Notary Public

PETITIONER'S EXHIBIT

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11/11/12

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PUBLIC NOTICE

A public hearing will be held before the Palatine Plan Commission on Tuesday, June 16, 1987, at 8:00 PM, in the Palatine Community Center, 200 East Wood Street, relative to a review of a Preliminary and Final Planned Development for a portion of Brandon Grove. The petitioner is proposing to construct thirty-two (32) condominium units in four (4) buildings. The property is legally described as follows:

That part of BRANDON GROVE, being a subdivision of part of the Northeast 1/4 of the Northeast 1/4 of Section 15, Township 42 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 12, 1979 as Document No. 25189639, and Surveyor's Certificate of Correction recorded October 24, 1979 as Document No. 25207032, bounded by a line described as follows: Commencing at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 15; thence North 90°-00'-00" East, along the North line thereof, 50.00 Feet to its intersection with the East line of Smith Street as dedicated on the plat of BRANDON GROVE, as aforesaid; thence South 00°-08'-04" East, along the East line of said Smith Street, 45.00 Feet; thence North 90°-00'-00" East, 124.00 Feet to the point of beginning of the parcel to be described, thence continuing North 90°-00'-00" East, 275.93 Feet to a point of curvature; thence Southeasterly, along a curved line, being the arc of a circle convex North-easterly, tangent to the last described course and having a radius of 70.00 Feet, an arc distance of 39.00 Feet; thence South 38°-04'-34" East, tangent to the last described curved line, 41.84 Feet; thence South 19°-21'-26" West, 298.61 Feet; thence North 70°-38'-34" West, 272.02 Feet; thence North 03°-08'-06" West, 224.42 Feet to the point of beginning, in Cook County, Illinois.....

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The property is commonly known as the vacant portion of Brandon Grove previously planned for Building B-C.

The above petition has been filed by Greg Hayes, President of Summit Building and Development, Inc., and is available for examination in the office of the Village Clerk, 200 East Wood Street.

ZONING DOCKET: P-87-45

DATED: This 1st day of June, 1987.

DK:ev *Spw*

VILLAGE OF PALATINE

Virginia Hayes, Chairperson
Plan Commission

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STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, RITA L. MULLINS, do hereby certify that I am the duly elected, qualified and acting Clerk of the Village of Palatine, Cook County, Illinois, and that I am the keeper of the records, journals, entries, ordinances and resolutions of the said Village of Palatine.

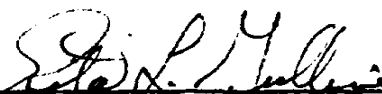
I do further certify that the foregoing Ordinance is a true and correct copy of an ordinance passed and adopted by the Board of Trustees of the Village of Palatine at a Regular meeting held on the 24 day of August, 1987, and that said ordinance as aforesaid was deposited and filed in the office of the Village Clerk on the 24th day of August, 1987.

I do further certify that the original, of which the foregoing is a true copy, is entrusted to my care for safe-keeping and that I am the keeper of the same.

I further certify that the vote of the Board of Trustees on the motion to adopt said ordinance was as follows:

AYES: 4 NAYS: 1 ABSENT: 1 PASS: 0

BY WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Palatine this 30th day of November, 1987.


Rita L. Mullins, Village Clerk
Village of Palatine, Illinois

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(S E A L)

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#755 5 2 * 87-847912
COOK COUNTY RECORDER

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