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AN ORDINANCE AMENDING A
PLANNED UNIT DEVELOPMENT

WHEREAS, the President and Board of Trustees of the Village of Arlington Heights have heretofore passed and approving Ordinance Numbers 88-116, 88-144 and 89-084, approved a Planned Unit Development for property on Palatine Road, west of Arlington Heights Road; and

WHEREAS, on April 11, 1990, the Plan Commission of the Village of Arlington Heights, conducted a public hearing on a request to amend the development plan to allow for an adjustment to the mix of model types, deletion of one dwelling unit, privacy fences and easement adjustments; and

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

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

SECTION ONE: The development plan heretofore approved for the property legally described as:

Parcel 1:

All that part of the West 1/2 of the Southwest 1/4 of Section 17 and of the East 1/2 of the Southeast 1/4 of Section 18, both in Township 42 North, Range 11, East of the Third Principal Meridian, lying North of the Center of Palatine Road, Southwesterly of the center of Rand Road and West of the center of Arlington Heights Road, taken as one tract and bounded by a line described as follows:

Beginning at the intersection of the South line of the Southeast 1/4 of said Section 18, with the West line of the East 156.60 feet thereof; thence North 00 degrees, 05 minutes, 52 seconds East, along the West line of the East 156.60 feet of the Southeast 1/4 of Section 18, aforesaid, 600.00 feet; thence South 89 degrees, 51 minutes, 27 seconds West, parallel with the South line of said quarter section, 200 feet; thence North 00 degrees, 05 minutes, 52 seconds East, parallel with the East line of said quarter section, 300.00 feet; thence North 89 degrees, 51 minutes, 27 seconds East along the North line of the South 900.00 feet of said quarter section, 356.60 feet to a point in the line between said Sections 17 and 18 which is 900.00 feet North of

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and commonly known as property on the north side of Palatine Road, west of Arlington Heights Road, Illinois, is hereby amended to allow an adjustment to the mix of model types, deletion of one

(as measured along said line), the south section corner common to both sections; thence South 89 degrees, 45 minutes, 14 seconds East, along the North line of the south 900.00 feet of the Southwest 1/4 of Section 17, aforesaid, 443.40 feet; thence South 00 degrees, 05 minutes, 52 seconds West, parallel with the West line of said quarter section, 125.00 feet; thence South 89 degrees, 45 minutes, 14 seconds East, along the North line of the South 775.00 feet of the Southwest 1/4 of said Section 17, a distance of 498.94 feet; thence South 00 degrees, 00 minutes, 10 seconds West, along the West line of the East 375.00 feet of the Southwest 1/4 of said Section 17, a distance of 439.47 feet; thence North 89 degrees, 45 minutes, 15 seconds West, parallel with the South line of said quarter section, 120.10 feet; thence South 06 degrees, 29 minutes, 17 seconds West 86.04 feet to a point in the East line of the West 743.00 feet of the Southwest 1/4 of said Section 17; thence South 00 degrees, 05 minutes, 52 seconds West, along said East line and parallel with the West line of said quarter section, 250.00 feet to its intersection with the South line of the Southwest 1/4 of said Section 17; thence North 89 degrees, 45 minutes, 14 seconds West, along said South line, 300.00 feet; thence North 00 degrees 05 minutes, 52 seconds East, parallel with the West line of said quarter section, 50.00 feet to the North line of Palatine Road; thence North 89 degrees, 45 minutes, 14 seconds West, along said North line, 100.00 feet; thence South 00 degrees, 05 minutes, 52 seconds West, parallel with the West line of said quarter section, 50.00 feet to a point in the South line thereof; thence North 89 degrees, 45 minutes, 14 seconds West, along said South line, 100.00 feet; thence North 00 degrees, 05 minutes, 52 seconds East, parallel with the West line of said quarter section, 77.00 feet to a point in the North line of Palatine Road, as widened; thence North 89 degrees, 45 minutes, 14 seconds West, along said North line, 243.40 feet to its intersection with the line between said Sections 17 and 18; thence South 89 degrees, 51 minutes, 27 seconds West, along said North line of Palatine Road and parallel with the South line of said Section 18, a distance of 56.60 feet; thence South 00 degrees, 05 minutes, 52 seconds West, parallel with the East line of said quarter section, 77.00 feet to a point on the South line thereof; thence South 89 degrees, 51 minutes, 27 seconds West, along said South line, 100.00 feet to the point of beginning, except that portion falling in Palatine Road, in Cook County, Illinois.

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dwelling unit and easement adjustment in accordance with the plans previously approved and the Final Site Plan, prepared by Midwest Technical Consultants, Inc., dated October 6, 1988 and revised through February 16, 1990, except that this approval specifically does not apply to the fences designated on the final site plan, copies of which are on file with the village clerk and available for public inspection.

SECTION TWO: That the approval of the amendments to the Planned Unit Development granted by SECTION ONE of this ordinance is subject to the following conditions:

1. Deeper foundation walls may be required due to the grading changes and modified easement area.

2. The development shall comply with all applicable ordinances of the Village of Arlington Heights.

SECTION THREE: The development plan heretofore approved for the property legally described above is hereby further amended to allow for privacy fences for the interior units, said fences to be located around the patio/deck areas only.

SECTION FOUR: That the approval of the amendments to the Planned Unit Development granted by SECTION THREE of this ordinance is subject to the following conditions:

1. All fences permitted by this ordinance are only for interior units except those units with a patio or deck facing Wheeler Street. Said fences may project a maximum of two (2) feet out to the "side" and fifteen (15) feet out to the "rear" and used only to screen a patio or deck. However, said fences shall not extend beyond the building line nor the furthest limits of the building, whichever is less.

2. No fence shall be permitted for those units with a patio or deck along Wheeler Street. Heavy evergreen landscape screening may be installed to screen the deck in these areas, such landscaping to be approved by the Village.

3. The developer shall provide clearer language in the Declaration of Covenants and Restrictions regarding the fences.

4. The developer shall submit a revised engineering plan depicting any swales, etc. and the exact location of the fences.

5. In no instance shall any fence extend beyond the building line.

6. The developer shall submit a revised final site plan, depicting all possible fence locations throughout the property as well as those items approved in SECTION ONE of this ordinance.

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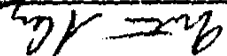
ORD#15:ENCLAVE2

Village Clerk



ATTEST:

Village President



PASSED AND APPROVED this 18th day of June, 1990.

AYES: 1

NAYS: 1

SECTION THREE: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law and shall be recorded by the Village Clerk in the office of the Recorder of Cook County.

SECTION FIVE: Except as amended by this ordinance, the provisions of Ordinances 88-116, 88-144 and 89-084 remain in full force and effect.

8. The development shall comply with all applicable Village ordinances.

7. All fences must be of a uniform style and a maximum of six (6) feet in height.

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During the site inspection it was a consensus that some screening for privacy was necessary, although, alternative methods such as landscaping was discussed. Staff believes that a compromise is justifiable along the interior of the development. However, allowing fencing along Wheeler Street is still of concern, particularly in areas where this would protrude beyond the

The Plan Commission recommended approval of the fences subject to the two (2) foot, fifteen (15) foot compromise, and the eleven (11) staff conditions with the exception of eight (8) specific units where the measurements could be eight (8) foot by fifteen (15) foot.

Staff Development Committee Recommendation: Staff was overwhelmingly opposed to fences based upon the original concept of common open space with a decreased "lot size" and the fact that such fencing would segment the open space with a maze of fences. However, it was felt that some privacy screening was justifiable, therefore, the following was recommended. Fences must be attached to the building, project a maximum of two (2) feet out to the "side" and a maximum of fifteen (15) feet to the "rear" only to screen a patio or deck. This was to be contingent upon a number of conditions.

Petitioner's Original Request: The original request (6/3/90) was to permit fences around all units up to fifty percent (50%) of the exclusive use easement area. All fences were to be located within the easement area but would extend into the front, side and rear yards. Fences parallel to another were to be prohibited.

After the last Village Board meeting on this issue a site meeting was arranged. On June 5, 1990 Trustees Siles and Daday attended the site visit along with representatives from Town and Country, Kenneth W. Bondar and myself. On June 11, 1990 a second site visit was held with Trustee Schroeder and myself. The purpose of the site meetings was to evaluate the existing conditions and impacts any fences may have upon the integrity of the open space within the Enclave development. To re-cap the following briefly summarizes the petitioner's request, Staff Development Committee recommendation and Plan Commission recommendation.

TO: William T. Maki, Village President
Village Board of Trustees
FROM: Charles Witherington-Perkins, A.I.C.P.
Director of Planning
RE: The Enclave/Town and Country Homes/Amendment to PUD to permit fences/P. C. #90-004

Memorandum

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building line and into the front yard.

Besides the options listed above, other alternatives include no fences at all, additional landscape screening for privacy, modification of the original staff recommendation to preclude fence extensions beyond the building line and limiting fences along Wheeler Street. Additionally, the developer should consider placement of the decks at grade rather than two (2) to three (3) feet above grade to take better advantage of the existing landscaping.

In light of the bedroom window orientation, a perceived need for privacy and a desire to control fences and restrict future piece-meal requests in a non uniform fashion, staff believes a compromise is in order. Therefore, it is recommended that the maximum two (2) foot, fifteen (15) foot fence segments be permitted for privacy screening of all interior units. In no instance shall any fence extend beyond the furthest limits of the building (see attached exhibit).

Allowing fences along Wheeler Street is the main concern. After a substantial amount of re-evaluation it is believed that any fences at this location may establish a dangerous precedent. For example, Lake Arlington Towne and a number of other planned unit developments have units with decks facing public streets. If fence requests are permitted to parallel the street in this instance, it would be very difficult to prohibit future requests in other locations. Due to this concern it is recommended that no fences be permitted along Wheeler Street and heavy landscaping be installed to provide screening.

Recommendation:

Staff recommends approval of the staff amendment to permit fence screening around the patio/deck areas only, subject to the following:

1. All fences for interior units not adjacent to Wheeler Street may project a maximum of two (2) feet out to the "side" and fifteen (15) feet out to the "rear" only to screen a patio or deck. However, said fences shall not extend beyond the building line nor the furthest limits of the building whichever is less.

2. No fence shall be permitted for those units along Wheeler Street. Heavy evergreen landscape screening may be installed to screen the decks in these areas.

3. Provide clearer language in the Declaration of Covenants and Restrictions regarding parallel fences.

4. Submit a revised engineering plan depicting any swales etc. and the exact location of the fences.

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cc: Kurt Wandrey, Town & Country Homes

90-004/CWP/MV

Village Manager

Kenneth M. Bondar

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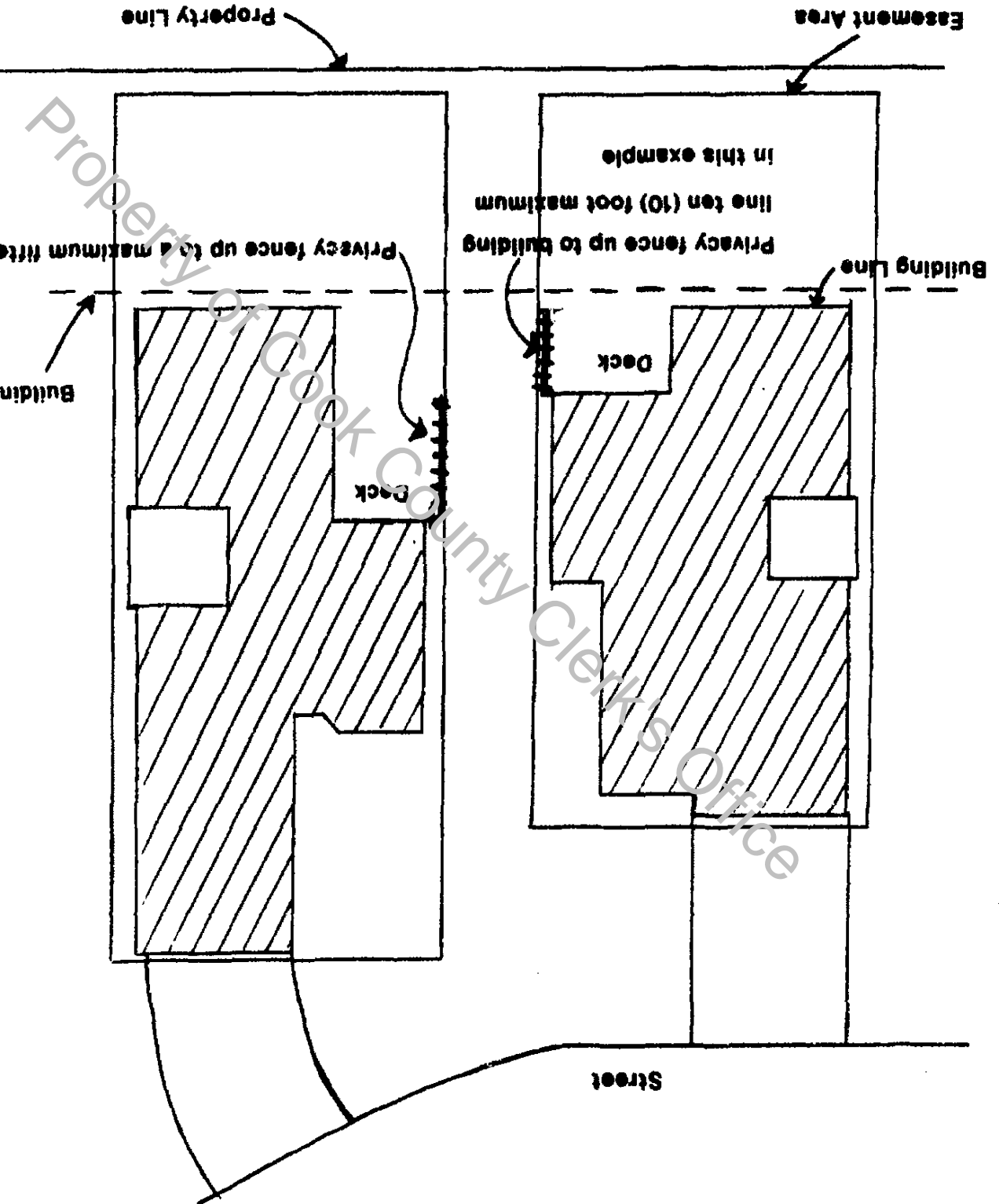
Concurrence by:

Director of Planning

Charles W. Harrington-Perkins, A.I.C.P.

[Handwritten signature]

5. In no instance shall any fence extend beyond the building line.
6. All possible fence locations shall be depicted on the site plan.
7. All fences must be of a uniform style and a maximum of six (6) feet in height.
8. Full compliance with all Village codes, Regulations and policies will be required.



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EXAMPLE OF PRIVACY FENCES FOR INTERIOR UNITS

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