

ORDINANCE NO. 2014-6

**AN ORDINANCE AMENDING THE PLANNED DEVELOPMENT PREVIOUSLY
APPROVED FOR THE CHESTNUT ON THE GREEN PHASE II TOWNHOME
DEVELOPMENT IN THE VILLAGE OF INDIAN HEAD PARK, ILLINOIS**

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THIS 13TH DAY OF MARCH 2014**

Published in pamphlet form by authority
of the corporate authorities of the
Village of Indian Head Park, Illinois,
the 13th day of March 2014.

ORDINANCE NO. 2014-5

AN ORDINANCE AMENDING THE PLANNED DEVELOPMENT PREVIOUSLY APPROVED FOR THE CHESTNUT ON THE GREEN PHASE II TOWNHOME DEVELOPMENT IN THE VILLAGE OF INDIAN HEAD PARK, ILLINOIS

WHEREAS, on April 22, 1999, the corporate authorities of the Village of Indian Head Park, Illinois (hereinafter the "Village") passed and approved Ordinance No. 99-7, an ordinance that, as subsequently amended by Ordinance No. 00-9, among other things, approved an Annexation Agreement for a development now known as Chestnut on the Green Phase II in the Village which is legally described in Exhibit "A" attached hereto and made a part hereof (the "Property");

WHEREAS, on May 11, 2000, pursuant to the terms of the Annexation Agreement, the Village adopted Ordinance No. 00-10 granting a special use and authorizing development of the Property as a planned development within the Village's R-4 Zoning District in accordance with the Preliminary Plans previously submitted to the Village and expressly incorporated by reference therein;

WHEREAS, the Chestnut on the Green Phase II development was subsequently constructed pursuant to the above-referenced ordinances, and specifically pursuant to the Preliminary Plans and Final Plans identified in those ordinances and incorporated therein by reference;

WHEREAS, on October 9, 2003, the Village adopted Ordinance No. 03-12 entitled *An Ordinance Amending the Planned Unit Development Previously Approved for the Chestnut on the Green Phase II Townhome Development in the Village of Indian Head Park, Cook County, Illinois*, granting certain text amendments to the text of the Chestnut on the Green Phase II Final Planned Development ordinances to permit the installation of certain decks, walkout patios, awnings and decorative screenings;

WHEREAS, the Property is presently zoned R-4 Planned Development;

WHEREAS, pursuant to Division 13 of the Illinois Municipal Code (65 Illinois Compiled Statutes 5/11-13-1, *et seq.*), and pursuant to the applicable provisions of Title 17 entitled "Zoning" of the Indian Head Park Municipal Code, the Chestnut on the Green Phase II Townhome Association, the association of the owners of the Property, (the "Petitioner") petitioned the Village for amendments to the text of the Chestnut on the Green Phase II Final Planned Development ordinances, as amended, to permit the installation of walkout patios for buildings 1,7,8 and 9 on the Property to extend 14 feet from the outermost rear wall and to permit limited rear-yard encroachments for the walkout patios for buildings 1,7,8 and 9 on the Property to allow seating walls 18" in height and pillars (not to exceed 30" in height) associated with the patios;

WHEREAS, following the publication of all public notices in the manner provided by law, the Planning and Zoning Commission held a public hearing on March 4, 2014, at 7:30 p.m.; and all persons desiring to be heard on the question of granting the aforementioned amendment to the Planned Development for the Property were permitted to submit testimony and present evidence;

WHEREAS, the Planning and Zoning Commission having duly considered the question of approval of the requested amendments to the planned development, reported its recommendation regarding the requested amendment to the text of the Chestnut on the Green Phase II Final Planned Development ordinances and recommended that the corporate authorities of the Village approve the requested amendments to the planned development;

WHEREAS, following the publication of all required notices in the manner provided by law, the corporate authorities of the Village held an open meeting on March 13, 2014, and heard

all persons desiring to be heard on the question of granting the aforementioned amendment to the Final Planned Development for the Property;

WHEREAS, by considering, denying or granting the requested amendment, the Village does not intend to interfere with any private restrictions or covenants which may apply to the subject property and anticipates that the petitioner will comply with any such restrictions or covenants, if applicable, as well as with all other applicable Village ordinances;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Indian Head Park, Cook County, Illinois, that:

Section 1. Recitals.

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

Section 2. Findings of Fact.

The corporate authorities of the Village make the following findings of fact:

1. A notice containing the particular location of the Property as well as a brief statement of the proposed amendments to the Final Planned Development for the Property and of the time and place of the public hearing was published in the *Suburban Life Newspaper*, a newspaper with a general circulation within the Village of Indian Head Park which is published in Cook County, Illinois, there being no newspaper published in the Village of Indian Head Park, Illinois, on February 12, 2014, which date is not more than thirty (30) nor less than fifteen (15) days before the public hearing was held.
2. A notice in the form of a sign conforming to the requirements of Section 17.24.120 of the Indian Head Park Zoning Ordinance was posted on the Property not less than seven (7) days before the public hearing was held.

3. Written notice of the time and place of the public hearing was sent by regular mail, postage prepaid, to the owners of all parcels of real estate located within two hundred fifty feet (250') of the Property not less than fifteen (15) days before the public hearing was held.

4. The amendment to the Final Planned Development for the Property is deemed necessary for the public convenience at the Property.

5. The amendment to the Final Planned Development for the Property is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

6. The amendment to the Final Planned Development for the Property will not cause substantial injury to the value of other property in the neighborhood in which the Property is located.

7. The standards set forth in Section 17.24.080G of the Indian Head Park Zoning Ordinance have been met and proved by the petitioners.

Section 4. Approval of Amendment.

The planned development previously approved by the Village pursuant to the terms of Ordinance No. 99-7, as subsequently amended by Ordinance No. 00-9, and Ordinance No. 00-10, as subsequently amended by Ordinance No. 03-12 entitled *An Ordinance Amending the Planned Unit Development Previously Approved for the Chestnut on the Green Phase II Townhome Development in the Village of Indian Head Park, Cook County, Illinois*, is hereby amended, to permit the installation of walkout patios for buildings 1,7,8 and 9 on the Property to extend 14 feet from the outermost rear wall and to permit limited rear-yard encroachments for the walkout patios for buildings 1,7,8 and 9 on the Property to allow seating walls 18" in height

and pillars (not to exceed 30" in height) associated with the patios and further subject to the terms and conditions set forth in this ordinance.

Section 5. Conditions of Approval.

The amendment to the planned development authorized by this ordinance is conditioned upon and subject to the fulfillment of the following terms and conditions:

1. Patios shall not be enclosed.
2. Notwithstanding anything to the contrary found in this amendment to the planned development, this amendment shall not authorize the encroachment of any patio or other structure upon any easement that prohibits the construction of improvements upon the easement.
3. Except as modified by the relief granted, the walkout patios for buildings 1,7,8 and 9 on the Property shall be constructed in compliance with all other provisions of the Indian Head Park Zoning Ordinance, all setback and area requirements of the R-4 General Residence District, the plans and specifications set forth in the Chestnut on the Green Phase II Townhome Development Plat and the Chestnut on the Green Phase II Townhome Development Final Plat of Subdivision incorporated as part of the ordinance and all other provisions of the Indian Head Park Municipal Code.

Section 6. Map Amendment.

The official Zoning Map of the Village of Indian Head Park is hereby amended by noting said amendment.

Section 7. Severability.

If any provisions or portion of this ordinance or its application to any person, entity or property is held invalid, such invalidity shall not affect the application or validity of any other

provisions or portions of this ordinance; and, to that end, all provisions and portions of this Ordinance are declared to be severable.

Section 8. Incorporation of Exhibits.

All exhibits attached to this ordinance are Hereby incorporated herein and made a part of the substance hereof.

Section 9. Repealer.

All parts of all ordinances in conflict herewith shall be and the same are hereby repealed to the extent that they conflict with existing law.

Section 10. Effective Date.

This Ordinance shall take effect ten (10) days following its passage, approval and publication in pamphlet form as required by law.

ADOPTED this 13th day of March 2014, pursuant to a roll call vote as follows:

AYES: Baily, Winkler, O'Hanlon, Schrupa, Weibel

NAYS: None

ABSENT: Wittenberg

ABSTENTION: None

APPROVED by me this 13th day of March 2014.

Richard S. Andrews
Richard S. Andrews, President of the
Village of Indian Head Park, Cook County, Illinois

ATTESTED and filed in my office,
and published in pamphlet form
this 13th day of March 2014.

Joseph V. Consolo
Joseph V. Consolo, Clerk of the Village
of Indian Head Park, Cook County, Illinois

Exhibit "A"

LEGAL DESCRIPTION OF THE PROPERTY

THAT PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 00 DEGREES 00 MINUTES 43 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, 221.19 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 05 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 49 MINUTES 05 SECONDS EAST ALONG SAID LAST DESCRIBED LINE, 330.98 FEET; THENCE SOUTH 17 DEGREES 09 MINUTES 00 SECONDS EAST, 26.05 FEET; THENCE SOUTH 85 DEGREES 13 MINUTES 02 SECONDS EAST, 321.45 FEET TO A POINT 271.84 FEET SOUTH OF THE NORTH LINE AND 708.98 FEET EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 59 DEGREES 51 MINUTES 00 SECONDS EAST, 76.33 FEET TO THE NORTHWEST CORNER OF LOT 5 IN FIRST ADDITION TO PLEASANTVIEW SUBDIVISION RECORDED JUNE 25, 1956 AS DOCUMENT NO. 15373962; THENCE SOUTH 89 DEGREES 52 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE OF LOTS 5 AND 6 IN SAID SUBDIVISION, A PRORATED DISTANCE OF 234.02 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 6; THENCE SOUTH 72 DEGREES 08 MINUTES 29 SECONDS EAST, 49.27 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6 (SAID POINT BEING 15.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 6 AS MEASURED ALONG THE EAST LINE THEREOF); THENCE SOUTH 70 DEGREES 39 MINUTES 36 SECONDS EAST, 441.60 FEET TO THE NORTHEAST CORNER OF LOT 10 IN SAID SUBDIVISION; THENCE SOUTH 70 DEGREES 19 MINUTES 35 SECONDS EAST, 70.08 FEET TO A POINT ON THE WEST LINE OF LOT 6 IN PLEASANTVIEW SUBDIVISION RECORDED OCTOBER 11, 1949 AS DOCUMENT NO. 14650837, SAID POINT BEING 136.84 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 6 AS MEASURED ALONG THE WEST LINE THEREOF; THENCE SOUTH 70 DEGREES 16 MINUTES 38 SECONDS EAST, 214.21 FEET TO A POINT ON THE EAST LINE OF LOT 7 IN SAID LAST DESCRIBED SUBDIVISION, SAID POINT BEING 65.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 7 AS MEASURED ALONG THE EAST LINE THEREOF; THENCE SOUTH 00 DEGREES 00 MINUTES 34 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 7, 98.00 FEET TO THE CENTER LINE OF 72ND STREET AS SHOWN ON BOTH SUBDIVISIONS DESCRIBED HEREIN, SAID LINE BEING DESCRIBED AS THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES 52 MINUTES 19 SECONDS WEST ALONG SAID LAST DESCRIBED LINE, 1145.12 FEET TO A POINT ON SAID LINE WHICH IS 595.22 FEET EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29. (AS MEASURED ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 29); THENCE SOUTH 19 DEGREES 59 MINUTES 49 SECONDS EAST, 156.93 FEET; THENCE SOUTH 70 DEGREES 00 MINUTES 11 SECONDS WEST, 110.00 FEET; THENCE NORTH 19

DEGREES 59 MINUTES 49 SECONDS WEST, 177.40 FEET; THENCE NORTH 51 DEGREES 01 MINUTES 03 SECONDS WEST, 29.69 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 89 DEGREES 52 MINUTES 19 SECONDS EAST ALONG THE LAST DESCRIBED LINE, 2.20 FEET; THENCE NORTH 31 DEGREES 51 MINUTES 51 SECONDS WEST, 6.39 FEET TO THE SOUTH LINE OF THE NORTH 40 ACRES OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 89 DEGREES 49 MINUTES 12 SECONDS WEST ALONG THE LAST DESCRIBED LINE, 8.95 FEET; THENCE NORTH 51 DEGREES 03 MINUTES 32 SECONDS WEST, 123.19 FEET; THENCE NORTH 60 DEGREES 00 MINUTES 20 SECONDS WEST, 353.18 FEET TO THE EAST LINE OF THE WOLF ROAD RIGHT OF WAY; THENCE NORTH 00 DEGREES 00 MINUTES 43 SECONDS WEST, 127.03 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

P.I.N.: 18-29-100-032
18-29-100-067
18-29-100-069
18-29-100-071
18-29-100-073
18-29-100-058
18-29-100-063
18-29-100-066
18-29-100-074
18-29-100-077
18-29-100-076

Commonly known as Chestnut on the Green Phase II, Indian Head Park, Illinois

2-9
CO10247817

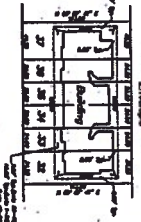
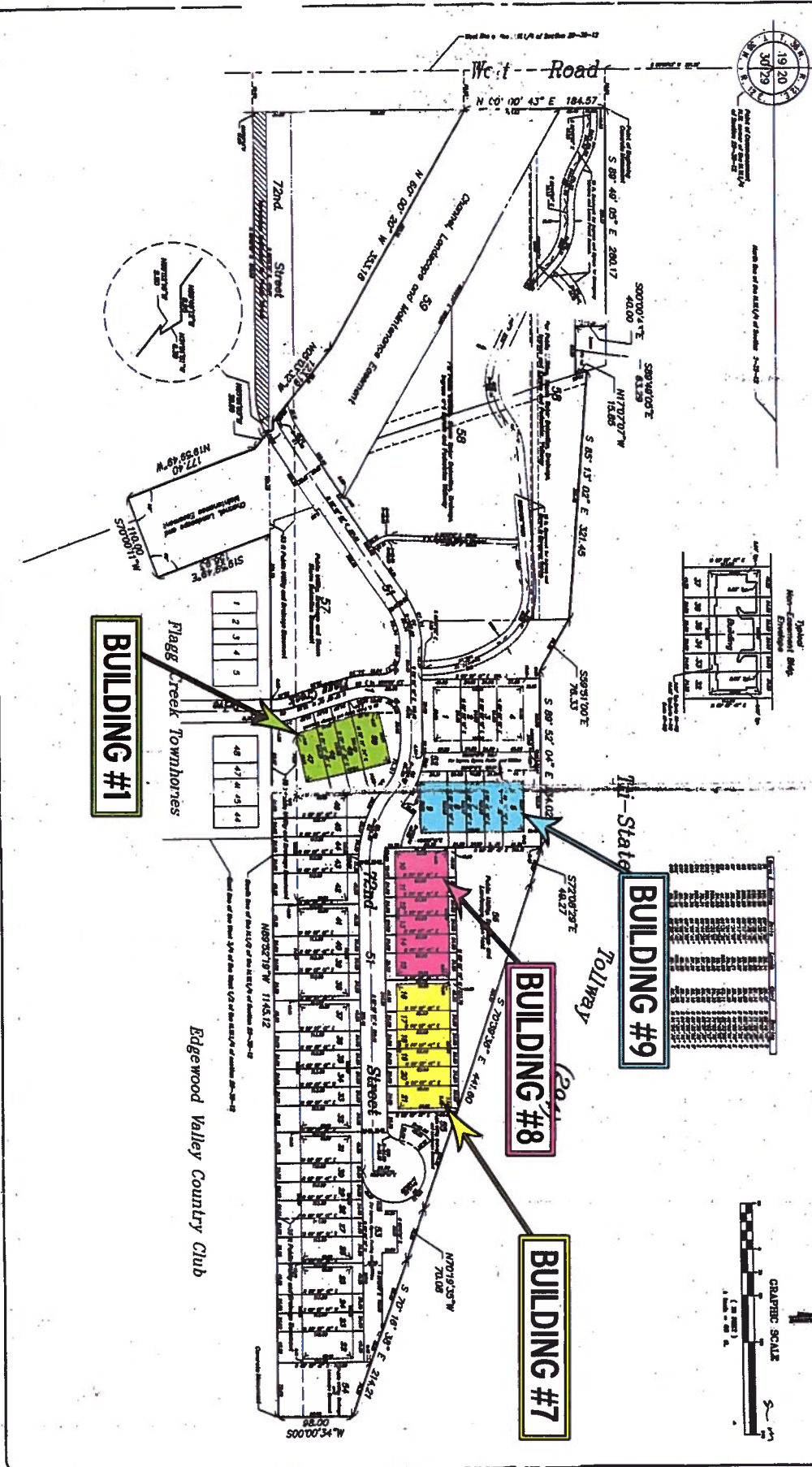
Chestnut on the Green

Phase 2

A P.U.D. - Planned Unit Development

Being a part of the Northwest Quarter of Section 29 Township 29 North Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

0010247817
 PREPARED BY
 ENGINEERS
 ARCHITECTS
 SURVEYORS



PREPARED BY
CR & A
 ENGINEERS
 ARCHITECTS
 SURVEYORS

PREPARED BY
CHRISTIAN ROGE & ASSOCIATES
 211 WEST WACKER DRIVE
 CHICAGO, ILLINOIS 60608
 (312) 372-2023
 FAX (312) 372-6274

PREPARED FOR SUBMITTED BY AND RETURN TO
Chestnut Homes, Inc.
 1000 W. ...
 (630) 960-1000
 230-0800

Drawn By: Designed By: Scale: 1"=40'
Final Subdivision Plat