



**PLANNING AND ZONING & HISTORIC COMMISSION
REGULAR MEETING AGENDA**

Thursday, September 7, 2023

6:00 PM

**East Dundee Police Station, 2nd Floor Meeting Room
115 E. 3rd Street, East Dundee, IL 60118**

CALL TO ORDER

ROLL CALL / DECLARATION OF QUORUM

APPROVAL OF MINUTES

- 1) Draft Minutes from July 6, 2023 Meeting

PUBLIC COMMENT

NEW BUSINESS

Public Hearings:

- 1) A request for a special use to allow for a used only motor vehicle dealer, as described in Section 157.050(F)(1)(g)(4) of the Zoning Ordinance, located at 455 E. Main Street, East Dundee, IL, 60118 in the B-2 Community Business District.
- 2) A request for a special use to allow for a package liquor store, as described in Section 157.050(F)(1)(c)(2) of the Zoning Ordinance, located at 210 Penny Ave., Units G & H East Dundee, IL, 60118 in the B-2 Community Business District.

OTHER BUSINESS

ADJOURNMENT

CALL TO ORDER:

Chair Brunner called to order the Planning and Zoning & Historic Commission ("PZHC") meeting on Thursday, July 6, 2023, at 6:20 pm.

ROLL CALL:

Commissioners Steneck, Brunner, Myers, Feck, and Krueger were present.

Commissioners Reyes-Brahar and Scarpelli were absent.

Also present: Assistant to the Village Administrator ("ATVA") Franco Bottalico, Building Inspector Chris Ranieri, Village Engineer Joe Heinz, and Village Attorney Kelley Gandurski.

APPROVAL OF MINUTES:

1. Planning and Zoning & Historic Commission Meeting Minutes dated June 1, 2023.

Motion to approve the June 1, 2023 meeting minutes by Myers/Feck.

5 Ayes (Steneck, Brunner, Myers, Feck, and Krueger). 0 Nays. Motion Carries.

PUBLIC COMMENT: None

NEW BUSINESS:

A request to rezone and establish a new Planned Use Development for Pal Land, LLC and Pal Land II, LLC located in the M1 and/or M2 and/or R1 and/or B3 Zoning Districts.

Motion to open public hearing by Myers/Feck.

5 Ayes (Steneck, Brunner, Myers, Feck, and Krueger). 0 Nays. Motion Carries.

Applicant and his witnesses wishing to be heard were sworn in.

Peter Bazos, applicant's attorney, introduced himself and the Applicant and his staff and stated they are there to seek a PUD for 33 acres of their land, including a rezoning to M1, and preliminary plat and PUD approval for the entire 33 acres.

Mr. Bazos provided a historical background of Terra Business Park PUD 1 in 2007. This new proposed PUD will be Terra Business Park Phase II. He stated they are asking for M1 uses and B uses to be the same as PUD Terra Business Park 1.

Mr. Bazos stated that they are in agreement with rows 1-4, 6, 22, 24, 26, 28, and 35 in staff's memo report table.

A discussion continued on the staff recommendations on departures vs. the Applicant's request of departures from the code's requirements.

Jeff Newing addressed the PZHC and has described the success of Pal Land PUD 1 and its benefit to the Village of East Dundee and thanked the PZHC for considering this.

Chair noted that no else was in the audience. ATVA Bottalico advised only one phone inquiry was received by a neighboring property owner.

Mr. Bazos stated that it is mainly M1 and B3 with only a small portion being R1.

Building Inspector Chris Ranieri and Village Engineer were sworn in.

Chair Brunner inquired as to why staff made its recommendations and their reasonings.

Building Inspector Ranieri advised the PZHC of staff's decisions in attempting to be near the code requirements.

Village Engineer Joe Heinz discussed row 26 about islands and parking stalls for truck parking and stated not having islands seems reasonable due to the large vehicles.

A discussion ensued on the PUD's intentions of use and operations.

Motion to close public hearing by Myers/Steneck.

5 Ayes (Steneck, Brunner, Myers, Feck, and Krueger). 0 Nays. Motion Carries.

Steneck advised it is difficult to determine a setback if we don't know what business will be there along Rt. 68 on Lots 3 and 4. Chair Brunner agreed that retail to the north and future road would impact certain requirements.

Village Attorney Gandurski reminded the PZHC that they can refer to the standards and findings of fact as guidance and conditions of approval.

Chair read the findings of Facts with the PZHC. A discussion ensued.

Motion to recommend village board approval of staff's recommendations, pursuant to clarification of ordinance 06-46, and approval of the Findings of Fact by Steneck/Feck.

5 Ayes (Steneck, Brunner, Myers, Feck, and Krueger). 0 Nays. Motion Carries.

OLD BUSINESS:

Consider a 90-day review and assessment regarding the compliance with the conditions as required by special use permit Ordinance #23-16 for the Willow & Birch Wellness Boutique located at 324 North River Street.

It was the consensus of the PZHC to not pursue any further review for this special use permit ordinance. ATVA Bottalico advise he will poll the attendance for a special pzhc meeting on Thursday, August 10th.

ADJOURNMENT:

Motion to adjourn the PZHC meeting at 7:50 pm by Krueger/Steneck.

Motion carries by voice vote.

Respectfully submitted,
Franco Bottalico, ATVA

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Assistant to the Village Administrator
Chris Ranieri, Building Inspector

Subject: 455 E. Main – Special Use Request for a Used Only Motor Vehicle Dealer

Date: September 7, 2023

Action Requested:

Planning and Zoning & Historic Commission (“PZHC”) motion a recommendation to the Village Board to approve/deny a special use permit for a used only motor vehicle dealer, as described in Section 157.050(F)(1)(g)(4) of the Zoning Ordinance, located at 455 E. Main Street, East Dundee, IL 60118 (PINs 03-23-377-005 and 03-23-377-006) in the B-2 Community Business District.

Background and Summary:

Staff has received a special use application from Naim Kattoum (“Applicant”) to open a used only motor vehicle dealer at 455 E. Main Street. This building was previously used as a medical building. There are currently 52 existing parking spaces at this location. The building has 5,040 sq. ft. of space. Section 157.150(P) states “Business and professional offices or public administration buildings: at least one parking space for each 250 square feet of floor area,” which will require 21 spaces for employees and customers to park, and 31 spaces left available for vehicles for sale.

Additionally, the Village Engineer and the Fire Protection District have reviewed this request and their memos have been included in this packet. Their recommendations have been incorporated into the following conditions staff proposes the PZHC to consider:

1. The special use permit granted herein shall not take effective until a six foot (6') tall privacy fence is installed by the Applicant on the Property along the north and east boundary of the property adjacent to the residential properties (approximately 360 linear feet). Fence layout is attached to ordinance.
2. No more than thirty-one (31) vehicles shall be offered for sale at the Property at a given time.
3. Every vehicle on the Property must be in a parking space.

4. Security cameras shall be installed on the Property.
5. Damaged or wrecked vehicles shall not be allowed on the Property.
6. Body work or mechanical repairs shall not be performed on the Property.
7. Vehicle loading and unloading shall occur entirely on the Property and shall not occur on Linden Avenue, Main St. (IL Rt. 72), or any local roads.
8. Sealcoat and stripe the parking lot.
9. Main office cannot but subleased outside of this special use permit/business.
10. The site should be assessed to determine if site improvements are required under the American Disability Act
11. The site parking lot lighting be improved to meet the Village code standards for the proposed use
12. The site landscaping be improved to meet Village code standards.
13. Buying / selling second-hand passenger cars and/or trucks only are permitted.
14. The Fire Protection District conditions shall be met and attached to ordinance.

Attachments:

Findings of Fact

Copy of Certificate of Publication from the Daily Herald

Redacted Application

Memos from the FPD and Village Engineer

Fence Layout re. Condition #1.



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Special Use

Property Location: 455 E. Main Street, East Dundee, IL 60118 (PINs 03-23-377-005 and 03-23-377-006) in the B-2 Community Business District.

Hearing Date: September 7, 2023

Special Use
Requested: Used Only Motor Vehicle Dealer

Staff has determined the below findings of fact for the PZHHC's consideration and review:

1. **The use is not 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; Circle one; Yes/No/Not Applicable (N.A.), Explain:**
Yes.
2. **The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; Yes/No/N.A.**
Yes
3. **Adequate utilities, access roads, drainage or necessary facilities have been or will be provided; Yes/No/N.A.**
Yes
4. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; Yes/No/N.A.**
Yes
5. **How is the proposed special use in harmony with the purposes, goals, objectives, policies and standards of the Village of East Dundee Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice, by the Village?** The 2002 Commercial Development comp. plan goal states: "To provide for an adequate and attractive commercial base to serve the needs of Village residents". This aligns with the proposed special use.

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the Planning and Zoning & Historic Commission voted on the approval of these findings of fact and the requested special use(s) resulting in the following vote:

____ ayes ____ naves ____ absent ____ abstain

Date: _____

Signature: _____
Chair, Planning and Zoning & Historic Commission



Gerald L. Heinz & Associates, Inc.

Consulting Engineers and Professional Land Surveyors

MEMORANDUM

Date: August 7, 2023

To: Chris Ranieri, Building Official

From: Joseph Heinz, P.E., P.L.S.

Subject: 455 E. Main Street – Special Use

Job No. ED-2304

We have received the following documents for a Special Use (SU) review:

1. SU Application
2. Plat of Survey
3. Legal Description

We have reviewed the submittal for compliance with SU requirements per village ordinance and good engineering principles. The property is located at the northeast corner of the Main Street and Linden Avenue intersection. The property is comprised of two (2) parcels with a total area of 1.97 acres. The parcel is to remain in the B-2 zoning district. The petitioner seeks to obtain a SU for a Used Car Motor Vehicle Dealer, which is allowable as a SU in the B-2 zoning district. The following are our comments:

General Comments

1. The site currently has one (1) full access point on Linden Avenue and (2) full access locations on Main Street which will adequately serve the site under the proposed SU. We would recommend banning semi-truck parking on Linden Avenue for vehicle loading/unloading due to the restricted pavement width and roadway geometry.
2. The site should be assessed to determine if site improvements are required under the American Disability Act.
3. We recommend that the site parking lot lighting be improved to meet the Village code standards for the proposed use.
4. We recommend that the site landscaping be improved to meet Village code standards.

Please let us know if you have any questions on our review comments.

Cc Franco Bottalico, Assistant to the Village Administrator

East Dundee and Countryside Fire Protection District

401 Dundee Ave,
East Dundee IL 60118



www.edfire.com
fireprevention@edfire.com

455 E Main St proposed Car Dealer

To: Planning and Zoning & Historic Commission (PZHC)
From: Marc Quattrocchi / Fire Prevention Bureau
CC: Chris Ranieri, Village of East Dundee Building Inspector
Franco Bottalico, Assistant to the Village Administrator / Deputy Village Clerk
Date: July 24th, 2023
Re: 455 E Main St. East Dundee, IL 60118

PZHC:

The East Dundee Fire District was notified of the proposed Occupancy Use Change of 455 E Main St. The East Dundee Fire Districts local ordinance 2021-0010 Amended the definition of Change of Occupancy in Sec.9

[A] Change of Occupancy. Either of the following shall be considered as a change of occupancy where this code requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than is existing in the current building or structure:

1. Any change in the occupancy classification of a building or structure.
2. Any change in the purpose of, or a change in the level of activity within, a building or structure
 - a. Exception: A change in the level of activity within a building or structure shall not require the addition of a sprinkler system to a building not already protected by a sprinkler system.
3. Any change in ownership of a building, structure, or occupancy

If the PZHC grants approval to the proposed, the East Dundee Fire District will require the following criteria to be met.

1. The access road into the parking lot from Main St must maintain an unobstructed width of not less than 20 feet with a vertical clearance of not less than 13 feet 6 inches. These dimensions shall be maintained until exit onto Linden Ave.
2. The access road from Linden Ave east bound to the North Side of the building must maintain the same required width of 20ft and vertical height of 13 feet 6 inches leading all the way to the building. This Lane will be marked and enforced as a Fire Lane and no Parking signs must be posted.
 - a. This access road must follow Sec503.2.3 of the 2021 International fire Code.

East Dundee and Countryside Fire Protection District

401 Dundee Ave,
East Dundee IL 60118



www.edfire.com
fireprevention@edfire.com

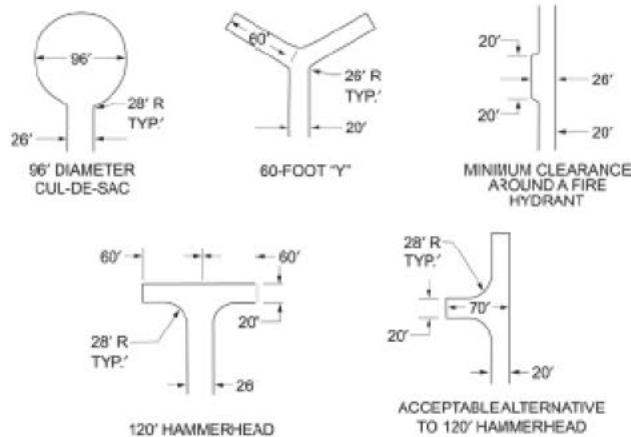
503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all weather driving capabilities.

- b. The access road from Linden Ave shall have the minimum specifications as outlines in Appendix D Sec D103.2 and D103.2 of the 2021 International fire code as it pertains to Grade and Turning Radius.

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the *fire code official*.

D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*. (Please see examples below)



A variance by the Fire District can be granted for D103.3 Turning Radius if the overhang of the structure itself is removed or raised to 13 feet 6 inches to provide ambulance and fire engine access and egress.

3. If the building or structure is planned to be redesigned or remodeled, all proper permits must be applied for with the Fire District. Including but not limited to.
- Fire Alarm redesign
 - Building Plan review with properly scaled architectural drawings.
 - Proposed Sprinkler designs.

Sincerely,

Marc Quattrocchi, Fire Marshal



**APPLICATION FOR DEVELOPMENT APPROVAL:
SPECIAL USE, REZONING AND VARIANCE REVIEW AND APPROVAL**

This form is to be used for all special use applications (except Planned Developments) to be heard by the Village of East Dundee. To complete the form properly, please review the accompanying *Village of East Dundee Instruction Manual for Application for Development Review*. Failure to complete this form properly will delay its consideration.

PART I. GENERAL INFORMATION

A. Project Information

1. Project/Owner Name: Naim Kattoum
2. Project Location: 455 E. Main Street, East Dundee, IL 60118
3. Brief Project Description:
Buying property to use as a used car dealership
4. Project Property Legal Description:
See attached
5. Project Property Size in Acres and Square Feet: 1.97 acres, Building Sq ft. 5,040
6. Current Zoning Status: B-2
7. Current Use Status: being used as a medical building
8. Surrounding Land Use Zoning: B-2, R-2, R-4
9. Zoning District Being Requested (if applicable): _____
10. Parcel Index Numbers of Property: 03-23-377-005 & 03-23-377-006

B. Owner Information

1. Signature: [Signature]
2. Name: SAAV Realty LLC
3. Address: 455 E. Main Street, Ste C, East Dundee, IL 60118
4. Phone Number: [REDACTED]

C. Billing Information (Name and address all bills should be sent to)

1. Name/Company: Naim Kattoum
2. Address: 2502 E. Westwood Court, Carpentersville, IL 60110
3. Phone Number: [REDACTED]

PART III. JUSTIFICATION OF THE PROPOSED SPECIAL USE

Please answer all questions but be concise and brief in your answers. If additional pages are needed to complete your answers, please be sure to include the appropriate and complete question number for each response. Applicants are encouraged to refer to drawings or other application materials as necessary to add clarity to their answers. **Applicants are also encouraged to refer to Special Use Criteria Section 157.224(C)(2) or Variances, Section 157.207(C) or Rezoning.**

IF YOU ARE APPLYING FOR A REZONING PLEASE WRITE A PARAGRAPH ON WHAT THE CURRENT ZONING IS AND WHY YOU ARE REQUESTING A REZONING

FOR A SPECIAL USE COMPLETE THE FOLLOWING, FOR VARIANCES ONLY SKIP TO PAGE #4:

1. Will the Special Use be injurious to the enjoyment of other property in the immediate vicinity for the purposes already permitted, nor will the special use substantially diminish and impair property values within the neighborhood?

No the Special Use will not be injurious to the enjoyment of other property in the immediate vicinity for the purposes already permitted, nor will the special use substantially diminish and impair property values within the neighborhood.

2. Will the establishment of the Special Use impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

No.

3. Have or will adequate utilities, access roads, drainage or necessary facilities be provided for?

Yes.

4. Have or will adequate measures be taken to provide ingress and egress to minimize traffic congestion in the public streets?

I do not expect there to be any increase in traffic congestion.

5. How is the proposed special use in harmony with the purposes, goals, objectives, policies and standards of the Village of East Dundee Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice, by the Village?

Increase to retail sales tax for Village.

IF YOU ARE APPLYING FOR A VARIANCE COMPLETE THE FOLLOWING:

1. From which specific standard of the Village Code is a Variance requested (include Code section number)?

2. For this site, what does the Code require?

3. What is proposed?

4. What unique circumstances have caused the need for a variance?

5. What specific mitigation measures will be used to ensure that the essential character of the area will not be altered? (Suitability of Present Area)

6. Specifically, how do the particular physical surroundings, shape, or topographical condition of the property result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations are carried out?

7. Specifically, what conditions are present on the property that would not be applicable generally to other property within the same zoning classification? (Suitability of Zoning)

8. Other than financial return, what other purposes is the variance request based on?

9. Has the alleged difficulty been created by any person presently having an interest in the property?

10. Please give an explanation for any questions answered YES .

- a. Will the granting of the variation be detrimental to the public welfare? (Circle)
- b. Injurious to surround properties? (Circle)
- c. Impair an adequate supply of light and air to adjacent property? (Circle)
- d. Endanger public health and safety? (Circle)
- e. Substantially diminish property values within the neighborhood? (Circle)
- f. Conformance to the Land Use Plan? (Circle)

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO



**PLANNING AND ZONING & HISTORIC COMMISSION MEETING SCHEDULE
MEETING TIME 7:00PM**

***THURSDAY EVENING UNLESS DENOTED**

Planning & Zoning petitions must be received 35 days prior to meeting date for petitions requiring Public hearings. 15 days prior when no Public hearing is required.

Historic Commission Meetings (as needed)

Applications submittals must be received & approved by the Building official for presentation to the Commission minimum of 15 days prior to meeting date.

Per ordinance, the Historic Commission must meet within 15 days of application submittal acceptance date and be dully considered by the Commission or a Certificate of Appropriateness would be deemed issued for failure to meet in the designated time.



**APPLICATION AGREEMENT
TO PAY COSTS INCURRED AND HOLD THE VILLAGE HARMLESS**


The Undersigned applicant acknowledges that the Village of East Dundee may seek advice and counsel from professional sources outside the employee staff of the Village of East Dundee in consideration of the application submitted to the Village of East Dundee by the applicant, including the services as those provided by the Village Staff, Village Attorney, Village Engineer, Planner and Fire Protection District.

The applicant further acknowledges that testimony of all witness at Public Hearings may be recorded before a court reporter and that full transcripts of the proceedings may be prepared and retained by the Village of East Dundee as part of the official record concerning the said applicant and the applicant's costs.

As an express condition in making the said application and the consideration thereof by the Village of East Dundee, the undersigned, both personally and on behalf of the applicant, agrees to hold the Village harmless and agrees to pay forthwith the costs and expenses that may be incurred by the Village of East Dundee for such professional services, including the costs and expenses of recording and transcribing any testimony at Public Hearings in connection with the said application.

The owner hereby authorizes, support and consents to this request for variation, and further authorizes, agrees and consents to allow the temporary installation and display by the Village of East Dundee of Public Notice (signage) upon the subject property.

The applicant, having read this application and fully understanding the purpose thereof, declares that the proceeding statement made are true and that the information provided herein is complete to the best of the applicant's knowledge and belief.


Individually and for the Applicant

6/30/23
Date


Address

Project Description:

Special Use Permit-Used Car Dealership

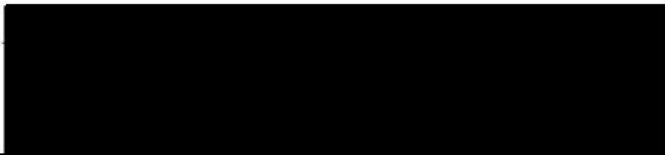


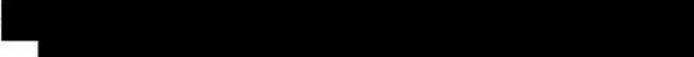
Affidavit of Ownership & Control

I (We), Naim Kattoum do hereby certify or affirm that I am the owner(s), contract purchasers, or beneficiary(s) of the title holding trust for the aforesaid described property and hereby make application of such.

Signature: 

Owner: Contract Purchaser: Naim Kattoum

Address: 

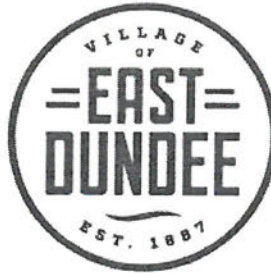
Phone: 

SUBSCRIBED AND SWORN TO before me this
30th day of June, 2023.


(NOTARY SIGNATURE)



(NOTARY STAMP)



Affidavit & Disclosure Agreement

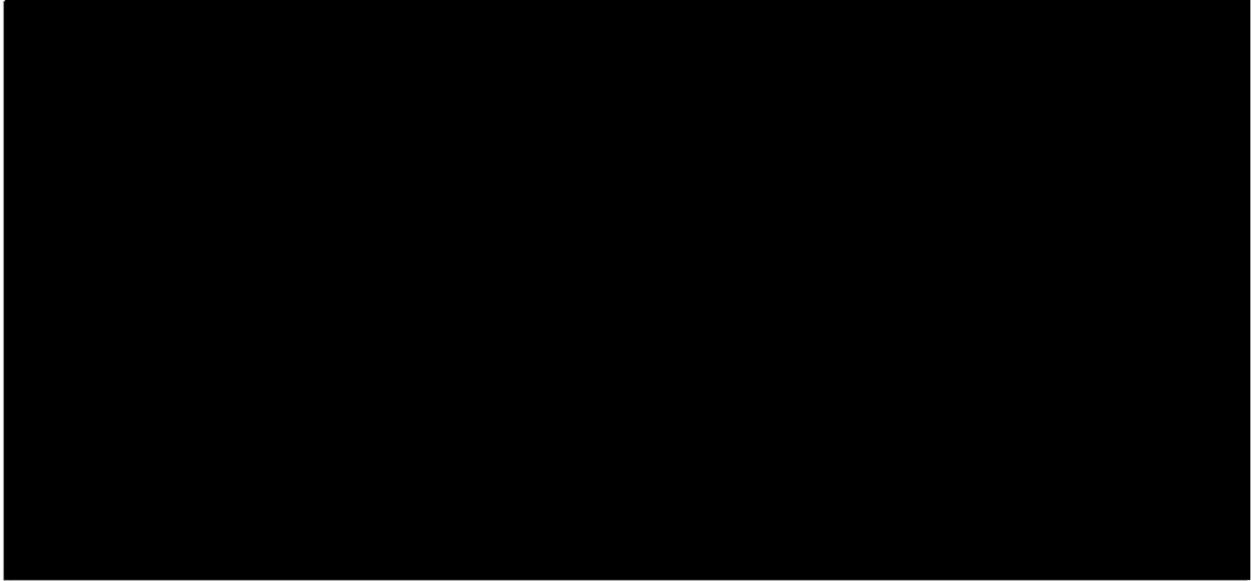
To cover the Village expenses relating to applications for site plans, Subdivisions, Annexations, Zoning Amendments, Special Uses, Variations and the like:

Applications shall deposit the sum required based on the type and extent of the applicants project. Any bills received by the village and any costs incurred by the Village related to the project will be billed to the applicant. Upon payment of all bills to the Village the applicant will receive their deposit back.

Signature: 

Print Name: Naim Kattoum

Project Address: 455 E. Main St., East Dundee, IL 60118



State of Illinois }
Counties of Cook and Kane } SS
Village of East Dundee }

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning and Zoning & Historic Commission of the Village of East Dundee will hold a public hearing on September 7, 2023, at 6:00 P.M. at the East Dundee Police Station 2nd Floor Meeting Room, 115 E. 3rd Street, East Dundee, Illinois, to consider the following request:

A request for a special use to allow for a used only motor vehicle dealer, as described in Section 157.050(F)(1)(g)(4) of the Zoning Ordinance, located at 455 E. Main Street, East Dundee, IL, 60118 in the B-2 Community Business District.

PINs: 03-23-377-005 and 03-23-377-006

Legal Description: PARCEL 1: THE EASTERLY 1.17 ACRES OF THE FOLLOWING DESCRIBED PARCEL: OUTLOT NO. 2 OF SCHOCK'S SUBDIVISION, BEING A PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID OUTLOT NO. 2 DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID OUTLOT 2; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID OUTLOT 2, A DISTANCE OF 272.0 FEET; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF OUTLOT 2, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS 222.0 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, A DISTANCE OF 28.16 FEET; THENCE EASTERLY A DISTANCE OF 113.36 FEET TO A POINT ON THE EAST LINE OF SAID OUTLOT 2; THAT IS 277.76 FEET SOUTHERLY OF, AS MEASURED ALONG SAID EAST LINE, THE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE EAST LINE OF SAID OUTLOT 2, A DISTANCE OF 277.76 FEET TO THE POINT OF BEGINNING) AND (EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID OUTLOT 2 IN SCHOCK'S SUBDIVISION; THENCE ON AN ASSUMED BEARING OF NORTH 60 DEGREES 51 MINUTES 53 SECONDS EAST, ALONG THE NORTHWESTERLY LINE OF SAID OUTLOT 2, A DISTANCE OF 12.004 METERS (39.38 FEET); THENCE SOUTH 21 DEGREES 06 MINUTES 07 SECONDS EAST 2.661 METERS (8.73 FEET); THENCE SOUTH 61 DEGREES 41 MINUTES 18 SECONDS EAST 132.337 METERS (434.18 FEET) TO THE EAST LINE OF SAID OUTLOT 2; THENCE SOUTH DEGREE 12 MINUTES 07 SECONDS EAST, ALONG SAID EAST LINE OF OUTLOT 2, A DISTANCE OF 9.132 METERS (29.96 FEET) TO THE SOUTHEAST CORNER OF SAID OUTLOT 2; THENCE NORTH 61 DEGREES 51 MINUTES 43 SECONDS WEST, ALONG THE SOUTHWESTERLY LINE OF SAID OUTLOT 2, A DISTANCE OF 145.316 METERS (476.76 FEET) (475.6 FEET RECORD) TO THE POINT OF BEGINNING), MORE SPECIFICALLY DESCRIBED AS FOLLOWS: THAT PORTION OF THE ABOVE DESCRIBED PARCEL LYING EAST OF A LINE BEGINNING AT THE NORTHWESTERLY CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 90 DEGREES 36 MINUTES 06 SECONDS WEST, 314.38 FEET TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL. ALL IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

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All interested persons will be given an opportunity to be heard. Any questions regarding this public hearing process may be directed to Franco Bottalico, 120 Barrington Avenue, East Dundee, Illinois, 60118 via email at FBottalico@eastdundee.net, or by phone at 224-293-7102. Published in Daily Herald August 11, 2023 (4604012)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Fox Valley
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Fox Valley DAILY HERALD**. That said **Fox Valley DAILY HERALD** is a secular newspaper, published in Elgin, Kane County, State of Illinois, and has been in general circulation daily throughout Kane County, continuously for more than 50 weeks prior to the first Publication of the attached notice, and a newspaper as defined by 715 ILCS 5/5.

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BY

Danila Baitz

Designee of the Publisher of the Daily Herald

Control # 4604012



State of Illinois }
Counties of Cook and Kane } SS
Village of East Dundee }

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning and Zoning & Historic Commission of the Village of East Dundee will hold a public hearing on September 7, 2023, at 6:00 P.M. at the East Dundee Police Station 2nd Floor Meeting Room, 115 E. 3rd Street, East Dundee, Illinois, to consider the following request:

A request for a special use to allow for a used only motor vehicle dealer, as described in Section 157.050(F)(1)(g)(4) of the Zoning Ordinance, located at 455 E. Main Street, East Dundee, IL, 60118 in the B-2 Community Business District.

PINs: 03-23-377-005 and 03-23-377-006

Legal Description: PARCEL 1: THE EASTERLY 1.17 ACRES OF THE FOLLOWING DESCRIBED PARCEL: OUTLOT NO. 2 OF SCHOCK'S SUBDIVISION, BEING A PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID OUTLOT NO. 2 DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID OUTLOT 2; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID OUTLOT 2, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS 222.0 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, A DISTANCE OF 28.16 FEET; THENCE EASTERLY A DISTANCE OF 113.36 FEET TO A POINT ON THE EAST LINE OF SAID OUTLOT 2; THAT IS 277.76 FEET SOUTHERLY OF, AS MEASURED ALONG SAID EAST LINE, THE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE EAST LINE OF SAID OUTLOT 2, A DISTANCE OF 277.76 FEET TO THE POINT OF BEGINNING) AND (EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID OUTLOT 2 IN SCHOCK'S SUBDIVISION; THENCE ON AN ASSUMED BEARING OF NORTH 60 DEGREES 51 MINUTES 53 SECONDS EAST, ALONG THE NORTHWESTERLY LINE OF SAID OUTLOT 2, A DISTANCE OF 12.004 METERS (39.38 FEET); THENCE SOUTH 21 DEGREES 06 MINUTES 07 SECONDS EAST 2.661 METERS (8.73 FEET); THENCE SOUTH 61 DEGREES 41 MINUTES 18 SECONDS EAST 132.337 METERS (434.18 FEET) TO THE EAST LINE OF SAID OUTLOT 2; THENCE SOUTH DEGREE 12 MINUTES 07 SECONDS EAST, ALONG SAID EAST LINE OF OUTLOT 2, A DISTANCE OF 9.132 METERS (29.96 FEET) TO THE SOUTHEAST CORNER OF SAID OUTLOT 2; THENCE NORTH 61 DEGREES 51 MINUTES 43 SECONDS WEST, ALONG THE SOUTHWESTERLY LINE OF SAID OUTLOT 2, A DISTANCE OF 145.316 METERS (476.76 FEET) (475.6 FEET RECORD) TO THE POINT OF BEGINNING), MORE SPECIFICALLY DESCRIBED AS FOLLOWS: THAT PORTION OF THE ABOVE DESCRIBED PARCEL LYING EAST OF A LINE BEGINNING AT THE NORTHWESTERLY CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 90 DEGREES 36 MINUTES 06 SECONDS WEST, 314.38 FEET TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL. ALL IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

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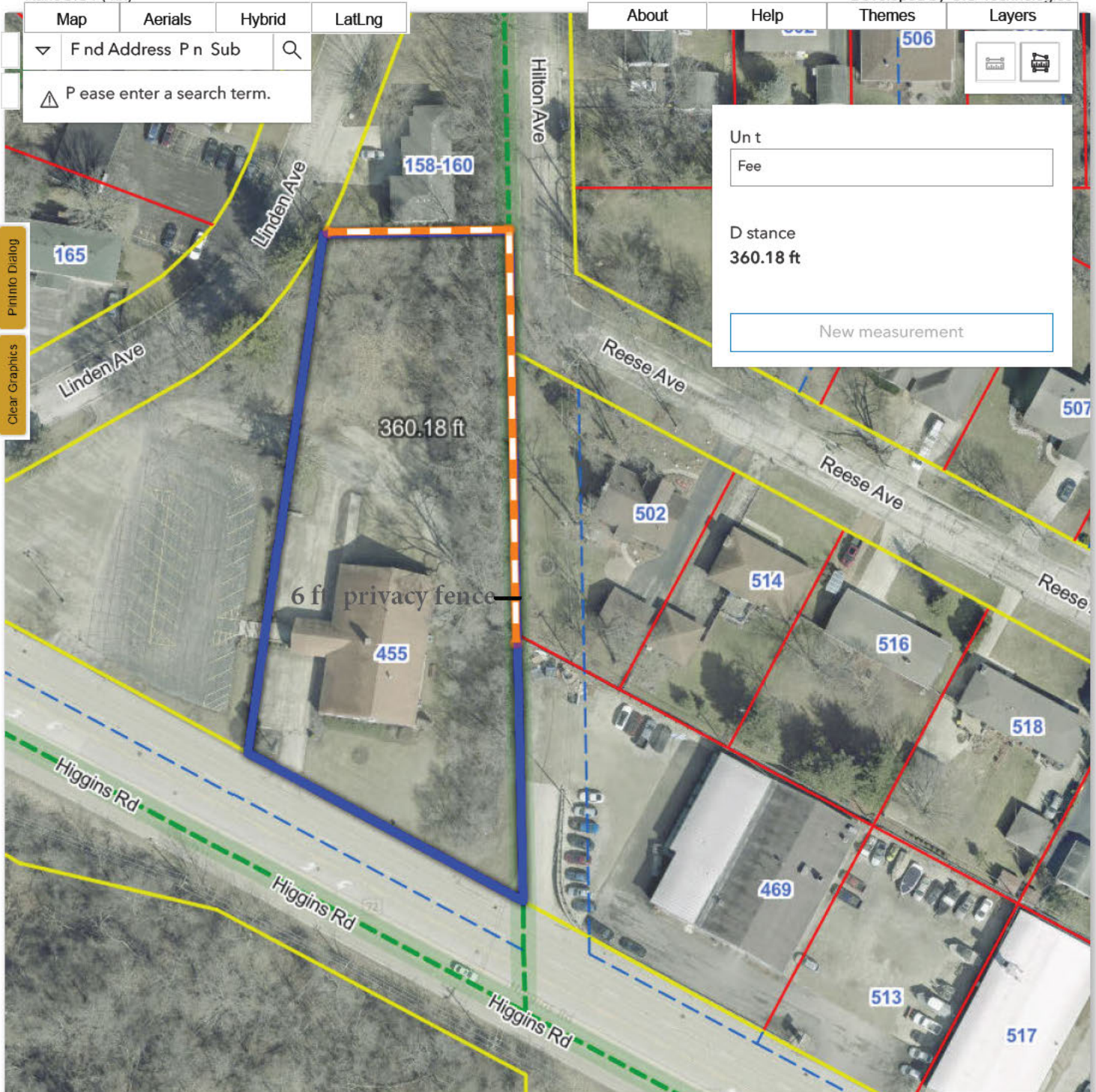
BY

Danula Baitz

Designee of the Publisher of the Daily Herald

Control # 4604012



**County Layers Disclaimer**

These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Assistant to the Village Administrator

Subject: 210 Penny Ave. – Special Use Request for Package Liquor Store

Date: September 7, 2023

Action Requested:

Planning and Zoning & Historic Commission ("PZHC") motion a recommendation to the Village Board to approve/deny to the Village Board a special use permit for a package liquor store as a food and beverage retail use as described in Section 157.050(F)(1)(c)(2) for the property located at 210 Penny Ave., Units G & H, East Dundee, IL 60118 (PIN 03-23-376-018) in the B-2 Community Business District.

Background and Summary:

Staff has received a special use application from Nitesh Patel (55% owner) and Manishkumar (45% owner) of Sarathi, LLC located at 210 Penny Ave. Units G & H ("Applicant"). The Applicant is proposing to open "East Dundee Liquors" in units G & H which are +/- 2,300. The applicant will also be applying for a liquor license with this use and a video gaming license. The square footage would allow for 3 video gaming machines at this location. According to Section 157.150(T), at least one parking space for each 200 sq. ft. of floor area is required. 11 spaces are required for this use; Building Inspector Ranieri has confirmed that sufficient parking is available at this location for this use.

Units G & H to the right are highlighted with red lines in the Google Street image below.



If approved, the Applicant would like to open as soon as possible after all permits and requirements have been met.

Attachments:

Findings of Fact

Copy of Certificate of Publication from Daily Herald

Redacted Application with layout sketch



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Special Use

Property Location: 210 Penny Ave., Units G & H, East Dundee, IL 60118 (PIN 03-23-376-018) in the B-2 Community Business District

Hearing Date: September 7, 2023

Special Use
Requested: Package Liquor Store

Staff has determined the below findings of fact for the PZHC's consideration and review:

1. **The use is not 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; Circle one; Yes/No/Not Applicable (N.A.), Explain:**
Yes.
2. **The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; Yes/No/N.A.**
Yes
3. **Adequate utilities, access roads, drainage or necessary facilities have been or will be provided; Yes/No/N.A.**
Yes
4. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; Yes/No/N.A.**
Yes
5. **How is the proposed special use in harmony with the purposes, goals, objectives, policies and standards of the Village of East Dundee Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice, by the Village?** The 2002 Commercial Development comp. plan goal states: "To provide for an adequate and attractive commercial base to serve the needs of Village residents". This aligns with the proposed special use.

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the Planning and Zoning & Historic Commission voted on the approval of these findings of fact and the requested special use(s) resulting in the following vote:

____ ayes ____ naves ____ absent ____ abstain

Date: _____

Signature: _____
Chair, Planning and Zoning & Historic Commission



P&Z File # _____

**APPLICATION FOR DEVELOPMENT APPROVAL:
SPECIAL USE, REZONING AND VARIANCE REVIEW AND APPROVAL**

This form is to be used for all special use applications (except Planned Developments) to be heard by the Village of East Dundee. To complete the form properly, please review the accompanying *Village of East Dundee Instruction Manual for Application for Development Review*. Failure to complete this form properly will delay its consideration.

PART I. GENERAL INFORMATION

A. Project Information

Nitesh m patel / manishkumar j patel

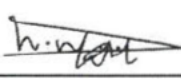

1. Project/Owner Name: _____
2. Project Location: Unit G & H 210 penny Ave east dundee IL 60118 USA
3. Brief Project Description: New Liquor & wine store

4. Project Property Legal Description:

5. Project Property Size in Acres and Square Feet: 2500 Square feer
6. Current Zoning Status: B-2
7. Current Use Status: Vacant
8. Surrounding Land Use Zoning: B-2 ,R-4,R-2

9. Zoning District Being Requested (if applicable): _____
10. Parcel Index Numbers of Property: _____

B. Owner Information

1. Signature:  
2. Name: Nitesh m patel. / Manishkumar j patel
3. Address: [REDACTED]
4. Phone Number: [REDACTED]

C. Billing Information (Name and address all bills should be sent to)

1. Name/Company: East Dundee Liquor & Wine
2. Address: Unit G & H 210 penny ave East dundee IL 60118 USA
3. Phone Number: [REDACTED]

PART III. JUSTIFICATION OF THE PROPOSED SPECIAL USE

Please answer all questions but be concise and brief in your answers. If additional pages are needed to complete your answers, please be sure to include the appropriate and complete question number for each response. Applicants are encouraged to refer to drawings or other application materials as necessary to add clarity to their answers. **Applicants are also encouraged to refer to Special Use Criteria Section 157.224(C)(2) or Variances, Section 157.207(C) or Rezoning.**

IF YOU ARE APPLYING FOR A REZONING PLEASE WRITE A PARAGRAPH ON WHAT THE CURRENT ZONING IS AND WHY YOU ARE REQUESTING A REZONING

FOR A SPECIAL USE COMPLETE THE FOLLOWING, FOR VARIANCES ONLY SKIP TO PAGE #4:

1. Will the Special Use be injurious to the enjoyment of other property in the immediate vicinity for the purposes already permitted, nor will the special use substantially diminish and impair property values within the neighborhood?

No

2. Will the establishment of the Special Use impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

No

3. Have or will adequate utilities, access roads, drainage or necessary facilities be provided for?

No

4. Have or will adequate measures be taken to provide ingress and egress to minimize traffic congestion in the public streets?

Existing Building Everything done

5. How is the proposed special use in harmony with the purposes, goals, objectives, policies and standards of the Village of East Dundee Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice, by the Village?

IF YOU ARE APPLYING FOR A VARIANCE COMPLETE THE FOLLOWING:

1. From which specific standard of the Village Code is a Variance requested (include Code section number)?

SPECIAL USE Permit

2. For this site, what does the Code require?

3. What is proposed?

4. What unique circumstances have caused the need for a variance?

5. What specific mitigation measures will be used to ensure that the essential character of the area will not be altered? (Suitability of Present Area)

6. Specifically, how do the particular physical surroundings, shape, or topographical condition of the property result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations are carried out?

7. Specifically, what conditions are present on the property that would not be applicable generally to other property within the same zoning classification? (Suitability of Zoning)

8. Other than financial return, what other purposes is the variance request based on?

9. Has the alleged difficulty been created by any person presently having an interest in the property?

10. Please give an explanation for any questions answered YES .

- a. Will the granting of the variation be detrimental to the public welfare? (Circle)
- b. Injurious to surround properties? (Circle)
- c. Impair an adequate supply of light and air to adjacent property? (Circle)
- d. Endanger public health and safety? (Circle)
- e. Substantially diminish property values within the neighborhood? (Circle)
- f. Conformance to the Land Use Plan? (Circle)

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO



PLANNING AND ZONING & HISTORIC COMMISSION MEETING SCHEDULE
MEETING TIME 7:00PM
***THURSDAY EVENING UNLESS DENOTED**

Planning & Zoning petitions must be received 35 days prior to meeting date for petitions requiring Public hearings. 15 days prior when no Public hearing is required.

Historic Commission Meetings (as needed)

Applications submittals must be received & approved by the Building official for presentation to the Commission minimum of 15 days prior to meeting date.

Per ordinance, the Historic Commission must meet within 15 days of application submittal acceptance date and be dully considered by the Commission or a Certificate of Appropriateness would be deemed issued for failure to meet in the designated time.



**APPLICATION AGREEMENT
TO PAY COSTS INCURRED AND HOLD THE VILLAGE HARMLESS**

The Undersigned applicant acknowledges that the Village of East Dundee may seek advice and counsel from professional sources outside the employee staff of the Village of East Dundee in consideration of the application submitted to the Village of East Dundee by the applicant, including the services as those provided by the Village Staff, Village Attorney, Village Engineer, Planner and Fire Protection District.

The applicant further acknowledges that testimony of all witness at Public Hearings may be recorded before a court reporter and that full transcripts of the proceedings may be prepared and retained by the Village of East Dundee as part of the official record concerning the said applicant and the applicant's costs.

As an express condition in making the said application and the consideration thereof by the Village of East Dundee, the undersigned, both personally and on behalf of the applicant, agrees to hold the Village harmless and agrees to pay forthwith the costs and expenses that may be incurred by the Village of East Dundee for such professional services, including the costs and expenses of recording and transcribing any testimony at Public Hearings in connection with the said application.

The owner hereby authorizes, support and consents to this request for variation, and further authorizes, agrees and consents to allow the temporary installation and display by the Village of East Dundee of Public Notice (signage) upon the subject property.

The applicant, having read this application and fully understanding the purpose thereof, declares that the proceeding statement made are true and that the information provided herein is complete to the best of the applicant's knowledge and belief.

~~G. L. East~~ Nitesh Patel 6-8-2022

Project Description:

SPECIAL USE Permit
210 PENNY AVE UNIT G & H



Affidavit of Ownership & Control

I (We), Copa Holdings, LLC - 210 Penny, LLC do hereby certify or affirm that I am the owner(s), contract purchasers, or beneficiary(s) of the title holding trust for the aforesaid described property and hereby make application of such.

Signature: [Signature]

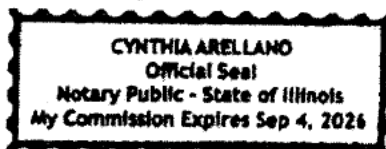
Owner: Copa Holdings, LLC - 210 Penny, LLC

Address: [Redacted]

Phone: 612/2023

SUBSCRIBED AND SWORN TO before me this
14th day of JUNE, 2023.

Cynthia Arellano
(NOTARY SIGNATURE)



(NOTARY STAMP)

State of Illinois }
Counties of Cook and Kane } SS
Village of East Dundee }

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PIN: 03-23-376-018

Legal Description: LOT 1 IN SPRINGWATER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS. COMMON ADDRESS: 210 PENNY AVE.

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BY *Daulea Baltz*
Designee of the Publisher of the Daily Herald

Control # 4604011



EAST DUNDEE LIQUOR & WINE STORE LAYOUT

