



PLANNING AND ZONING & HISTORIC COMMISSION

Regular Meeting Agenda
Thursday, October 5, 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

PUBLIC COMMENT

NEW BUSINESS

Public Hearings:

- 1) A request for a special use to allow for live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 325 Meier Ave. East Dundee, IL, 60118 in the B-1 Downtown Business District.
- 2) A request for a special use to allow for live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 311 Barrington Ave. East Dundee, IL, 60118 in the B-1 Downtown Business District.
- 3) A request for a special use to allow for live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 314 N. River St. East Dundee, IL, 60118 in the B-1 Downtown Business District.
- 4) A request for a special use to allow for live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 501-503 Dundee Ave. East Dundee, IL, 60118 in the B-3 Service Business District.

OTHER BUSINESS

- 1) Riverfront Master Plan Discussion.

ADJOURNMENT

ORDINANCE NUMBER 23- 23

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE
COUNTIES, ILLINOIS, AMENDING VARIOUS SECTIONS OF THE VILLAGE OF
EAST DUNDEE VILLAGE CODE REGARDING LIVE ENTERTAINMENT**

WHEREAS, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village desires to amend the Village of East Dundee Village Code (“Village Code”) to provide rules and regulations relating to live entertainment; and

WHEREAS, the President and Board of Trustees have determined it to be in the best interest of the Village to amend the Village Code to allow for live entertainment under certain circumstances; and

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That the recitals above shall be and are hereby incorporated as Section 1 as if restated herein.

SECTION 2: Amendments. That the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

AMENDMENT ONE:

Section 157.003 of the Village Code, entitled “Rules and Definitions” is hereby amended to add the following definitions in their proper alphabetical order:

LIVE ENTERTAINMENT. Shall consist of live music, dancing and/or singing performances, floor shows, D.J. shows and other amplified entertainment performances, whether or not an admission fee is charged. Live entertainment shall not include subtle ambient or incidental background music provided for guests or patrons by musicians such as unamplified background music, piano player, harpist, strolling violinist, traditional juke box, karaoke, or guitarist. However, if there is an admission charge requirement to observe or attend such subtle ambient or incidental background music or entertainment, it shall be considered live entertainment.

TAVERN. A place of business that primarily serves alcoholic beverages with a legally approved village liquor license and may include a limited food service for human consumption. A Tavern with live entertainment requires a special use permit.

AMENDMENT TWO:

Section 157.050(F)(1) of the Village Code, entitled "General Requirements; Allowable Use of Land or Buildings; Allowable Uses Table" is hereby amended to add or amend the following uses in their proper alphabetical order:

| Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit | Downtown Business District (B-1) | Community Business District (B-2) | Service Business District (B-3) | Automotive Service Business District (B-4) | Office District (O-D) |
|---|---|--|--|---|------------------------------|
| (d) Clubs, restaurants, taverns and lodging uses. | | | | | |
| *** | | | | | |
| 2. Restaurants, specialty foods and taverns. | | | | | |
| Brew pub | P | P | P | | |
| <u>Brew pub; with live entertainment</u> | <u>S</u> | <u>S</u> | <u>S</u> | | |
| Delicatessen | P | P | P | P | S |
| Ice cream shop | P | P | P | P | S |
| Restaurant; no live entertainment or dancing | P | P | P | P | S |
| Restaurant; with live entertainment or dancing | S | S | S | P <u>S</u> | |
| Restaurant; drive-in or drive-through facilities | <u>S</u> | S | S | P | |
| Taverns | P | P | P | | S |
| <u>Taverns; with live entertainment</u> | <u>S</u> | <u>S</u> | <u>S</u> | | |

AMENDMENT THREE:

Section 157.065(A)(1) of the Village Code, entitled "General Requirements; Allowable Use of Land or Buildings; Allowable Uses Table" is hereby amended to add or amend the following uses in their proper alphabetical order:

| Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit | Limited Manufacturing District (M-1) | Limited Manufacturing District (M-2) |
|---|---|---|
| (d) Clubs, restaurants, taverns and lodging uses. | | |
| 1. Clubs, lodges and meeting halls | | |
| 2. Restaurants, specialty foods and taverns | | |
| Restaurant – no live entertainment or dancing | P | P |
| Restaurant - with live entertainment or dancing | P <u>S</u> | P <u>S</u> |
| Restaurant - drive-in or drive-through facilities | P | P |
| Taverns | P | P |
| <u>Taverns - with live entertainment</u> | <u>S</u> | <u>S</u> |

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid and unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

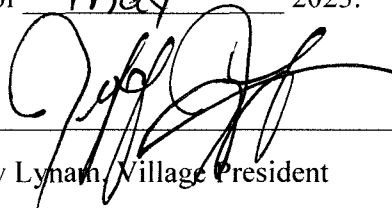
PASSED this 15th day of May 2023 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Saviano, Brittin, Treiber and Sauder

NAYES: Ø

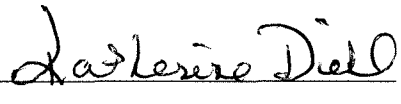
ABSENT: Ø

APPROVED by me this 15th of May 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk

Memorandum



To: Planning and Zoning & Historic Commission
From: Franco Bottalico, Assistant to the Village Administrator
Subject: 325 Meier Ave. (Diamond Jim's) – Special Use Request for Live Entertainment
Date: October 5, 2023

Action Requested:

Staff recommends the Planning and Zoning & Historic Commission ("PZHC") motion a recommendation to the Village Board to approve a request for a special use permit ordinance to allow for a restaurant with live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 325 Meier Ave. East Dundee, IL, 60118 (PIN 03-23-308-002) in the B-1 Downtown Business District.

Background and Summary:

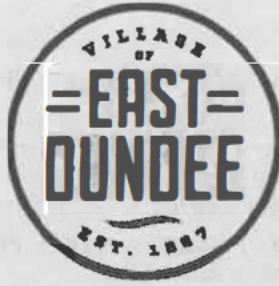
At the May 15, 2023 Village Board meeting, the Board passed Ordinance #23-23 at the recommendation of the PZHC. This ordinance created a definition for live entertainment and also further specifies where restaurants, taverns, or brew pubs with live entertainment can be permitted by special use by zoning district. At the direction of the Board, staff has been tasked with ensuring existing businesses that meet this criteria come into compliance with the Village Code.

Note: Some of the existing businesses required a special use prior to their inception years ago, however were never issued one. The Board asks the PZHC to remain business friendly due to this being no fault of the business. A copy of the executed ordinance is attached.

The applicant will be present to discuss their business' current business model with regards to live entertainment. Also, the Village Attorney and a representative from the police department will be present to help guide the PZHC, if needed.

Attachments:

Application
Findings of Fact
Certification of Publication in Daily Herald
Ordinance #23-23



P&Z File # _____

10/5/23
Public Hearing

**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: JEFF LAUBERT
2. Project Location: _____
3. Brief Project Description:

4. Project Property Legal Description:

5. Project Property Size in Acres and Square Feet: _____
6. Current Zoning Status: _____
7. Current Use Status: _____
8. Surrounding Land Use Zoning: _____
9. Zoning District Being Requested (if applicable): _____
10. Parcel Index Numbers of Property: _____

B. Owner Information

1. Signature: JEFF LAUBERT
2. _____

Email: _____

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

1. Name/Company: _____
2. Address: _____
3. Phone Number: _____ Fax: _____ Email: _____

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?

NP

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?

NP

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?

NP

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?

LIVE MUSIC ENTERTAINMENT, WILL ABIDE BY THE LPISE
ORDINANCE



Affidavit of Ownership & Control

I (We), _____ 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: SPZL

Owner: JEFF LANDRETT

Address: _____

Phone: _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, _____.

(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: _____

Project Address: _____

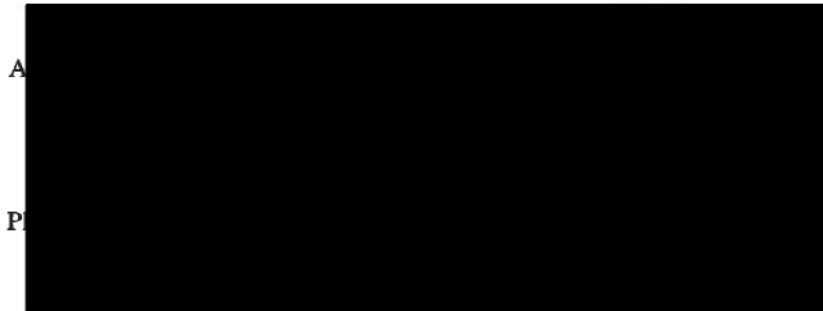


Affidavit of Ownership & Control

I (We), _____ 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: Jeff Lambert

Owner: Jeff Lambert



SUBSCRIBED AND SWORN TO before me this
7 day of Aug, 2023.

[Signature]
(NOTARY SIGNATURE)

(NOTARY STAMP)







**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.

JEFF LAUREN

Individually and for the Applicant

8/7/23

Date

Project Description:



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Special Use

Property Location: 325 Meier Ave. (Diamond Jim's) PIN 03-23-308-002

Hearing Date: October 5, 2023

Special Use

Requested: Live Entertainment

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

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 October 5, 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:

in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 325 Meier Ave. East Dundee, IL, 60118 in the B-1 Downtown Business District.

PIN: 03-23-308-002

Legal Description:

THE EASTERLY 74.7 FEET OF LOTS 9, 10 AND 11 IN BLOCK 2 OF EDWARD'S ADDITION TO DUNDEE, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS

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 September 18, 2023 (4605557)

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.

I further certify that the **Fox Valley DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09/18/2023 in said **Fox Valley DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY

Designee of the Publisher of the Daily Herald

Control # 4605557



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 October 3, 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:

in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 325 Meier Ave, East Dundee, IL, 60118 in the B-1 Downtown Business District.

PIN: 03-23-308-002

Legal Description:

THE EASTERLY 74.7 FEET OF LOTS 9, 10 AND 11 IN BLOCK 2 OF EDWARD'S ADDITION TO DUNDEE, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS

All interested persons will be given an opportunity to be heard. Any questions regarding this public hearing process may be directed to Franco Battalico, 129 Barrington Avenue, East Dundee, Illinois, 60118 via email at FBattalico@eastdundee.net, or by phone at 224-293-7102.

Published in Daily Herald September 18, 2023 (4605557)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

**Northwest Suburbs
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 **Northwest Suburbs DAILY HERALD**. That said **Northwest Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights, Cook County, State of Illinois, and has been in general circulation daily throughout Cook 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.

I further certify that the **Northwest Suburbs DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published on 9/18/23 in said **Northwest Suburbs DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY

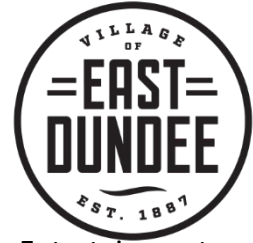


Designee of the Publisher of the Daily Herald

Control # 4605557



Memorandum



To: Planning and Zoning & Historic Commission
From: Franco Bottalico, Assistant to the Village Administrator
Subject: 311 Barrington Ave. (DC Cobb's) – Special Use Request for Live Entertainment
Date: October 5, 2023

Action Requested:

Staff recommends the Planning and Zoning & Historic Commission ("PZHC") motion a recommendation to the Village Board to approve a request for a special use permit ordinance to allow for a restaurant with live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 311 Barrington Avenue East Dundee, IL, 60118 (PIN 03-23-304-016) in the B-1 Downtown Business District.

Background and Summary:

At the May 15, 2023 Village Board meeting, the Board passed Ordinance #23-23 at the recommendation of the PZHC. This ordinance created a definition for live entertainment and also further specifies where restaurants, taverns, or brew pubs with live entertainment can be permitted by special use by zoning district. At the direction of the Board, staff has been tasked with ensuring existing businesses that meet this criteria come into compliance with the Village Code.

Note: Some of the existing businesses required a special use prior to their inception years ago, however were never issued one. The Board asks the PZHC to remain business friendly due to this being no fault of the business. A copy of the executed ordinance is attached.

The applicant will be present to discuss their business' current business model with regards to live entertainment. Also, the Village Attorney and a representative from the police department will be present to help guide the PZHC, if needed.

Attachments:

Application
Findings of Fact
Certification of Publication in Daily Herald
Ordinance #23-23



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

1. Project/Owner Name: DUNDEE COBB'S INC / DC COBB'S MCHENRY
2. Project Location: 311 BARRINGTON AVE, EAST DUNDEE, IL 60118
3. Brief Project Description:
SPECIAL USE PERMIT FOR LIVE MUSIC
4. Project Property Legal Description:
RESTAURANT/BAR
5. Project Property Size in Acres and Square Feet: _____
6. Current Zoning Status: _____
7. Current Use Status: _____
8. Surrounding Land Use Zoning: _____
9. Zoning District Being Requested (if applicable): _____
10. Parcel Index Numbers of Property: _____

B. Owner Information

1. Signature: 
2. Name: DANIEL HART
3. Address: [REDACTED]
4. Phone Number: [REDACTED]

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

1. Name/Company: DC COBBS EAST DUNDEE
2. Address: 222 MAIN ST, WOODSTOCK, IL 60098
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?

YES

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

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?

TO PROVIDE LOCAL ENTERTAINMENT & EVENTS TO AND FOR THE COMMUNITY.

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**

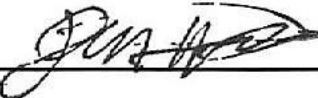
The Undersigned applicant acknowledges that the Village of East Dundee may seek advice and counsel from professional sources outside the employee staff of the Village of East Dundee in consideration of the application submitted to the Village of East Dundee by the applicant, including the services as 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.

Daniel Hart 

8/8/2023

Individually and for the Applicant

Date

Project Description:
SPECIAL USE PERMIT FOR LIVE MUSIC



Affidavit of Ownership & Control

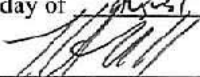
I (We), DUNDEE COBB'S INC / DANIEL HART do hereby certify or affirm that I am the owner(s), contract purchasers, or beneficiary(s) of the title holding trust for the aforesaid described property and hereby make application of such.

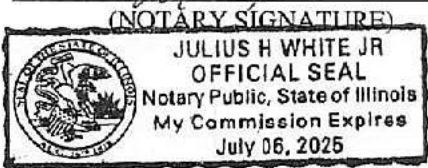
Signature: 

Owner: DANIEL HART



SUBSCRIBED AND SWORN TO before me this
8th day of August, 2017.





(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: _____

DANIEL HART

Project Address: _____

311 BARRINGTON AVE, EAST DUNDEE, IL 60118



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Special Use

Property Location: 311 Barrington Ave. (DC Cobbs) PIN 03-23-304-016

Hearing Date: October 5, 2023

Special Use

Requested: Live Entertainment

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

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 October 3, 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 restaurant with live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 311 Barrington Ave, East Dundee, IL, 60118 in the B-1 Downtown Business District.

PIN: 03-23-304-016
Legal Description:

LOT 1 OF PLAT OF SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIA, ACCORDING TO PLAT THEREOF RECORDED MARCH 27, 2017 AS DOCUMENT NUMBER 2017K015223, IN KANE COUNTY, EAST DUNDEE, ILLINOIS

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 September 18, 2023 (4605555)

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.

I further certify that the **Fox Valley DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09/18/2023 in said **Fox Valley DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY

Danula Baitz

Designee of the Publisher of the Daily Herald

Control # 4605555



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 October 5, 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 restaurant with live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 311 Barrington Ave, East Dundee, IL, 60118 in the B-1 Downtown Business District.

PIN: 03-23-304-016
Legal Description:

LOT 1 OF PLAT OF SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIA, ACCORDING TO PLAT THEREOF RECORDED MARCH 27, 2017 AS DOCUMENT NUMBER 2017K015223, IN KANE COUNTY, EAST DUNDEE, ILLINOIS

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 September 18, 2023 (4605555)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

**Northwest Suburbs
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 **Northwest Suburbs DAILY HERALD**. That said **Northwest Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights, Cook County, State of Illinois, and has been in general circulation daily throughout Cook 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.

I further certify that the **Northwest Suburbs DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09/18/2023 in said **Northwest Suburbs DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

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

Control # 4605555



Memorandum



To: Planning and Zoning & Historic Commission
From: Franco Bottalico, Assistant to the Village Administrator
Subject: 314 N. River St. (The Distance Social) – Special Use Request for Live Entertainment
Date: October 5, 2023

Action Requested:

Staff recommends the Planning and Zoning & Historic Commission (“PZHC”) motion a recommendation to the Village Board to approve a request for a special use permit ordinance to allow for live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 314 N. River St. East Dundee, IL, 60118 (PIN 03-23-310-015) in the B-1 Downtown Business District.

Background and Summary:

At the May 15, 2023 Village Board meeting, the Board passed Ordinance #23-23 at the recommendation of the PZHC. This ordinance created a definition for live entertainment and also further specifies where restaurants, taverns, or brew pubs with live entertainment can be permitted by special use by zoning district. At the direction of the Board, staff has been tasked with ensuring existing businesses that meet this criteria come into compliance with the Village Code.

Note: Some of the existing businesses required a special use prior to their inception years ago, however were never issued one. The Board asks the PZHC to remain business friendly due to this being no fault of the business. A copy of the executed ordinance is attached.

The applicant will be present to discuss their business’ current business model with regards to live entertainment. Also, the Village Attorney and a representative from the police department will be present to help guide the PZHC, if needed.

Attachments:

Application
Findings of Fact
Certification of Publication in Daily Herald
Ordinance #23-23

SUN - THURS 10:30
FRI - SAT 11:00



P&Z File # _____

Live Entertainment
157,050(F)(1)

**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: Joe Zeller
2. Project Location: The Distance Social - 314 N. River Street
3. Brief Project Description:

4. Project Property Legal Description:

5. Project Property Size in Acres and Square Feet: _____
6. Current Zoning Status: _____
7. Current Use Status: _____
8. Surrounding Land Use Zoning: _____

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

B. Owner Information

1. Signature: _____
2. Name: Joe Zeller
3. _____
4. _____ Email: _____

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

1. Name/Company: The Distance Social
2. Address: 314 N. River Street East Dundee IL 60118
3. Phone Number: _____ Fax: _____ Email: _____

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?

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?

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

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

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)?

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

3. What is proposed?

NA

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 |



**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.

08/31/2023

Individually and for the Applicant

Date

314 N. River Street

Address

Project Description:

Live music at our establishment



Affidavit of Ownership & Control

I (We), The Distance Social / Joe Zeller do hereby certify or affirm that I am the owner(s), contract purchaser, or beneficiary(s) of the title holding trust for the aforesaid described property and hereby make application of such.

Signature: [Signature]

Owner: JOE ZELLER

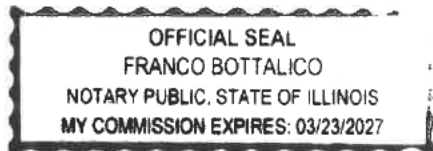
Address: 314 N. RIVER ST.
EAST DUNDEE, IL 60118

Phone

SUBSCRIBED AND SWORN TO before me this
31 day of August, 2023.

[Signature]

(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: _____

Project Address: _____



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Special Use

Property Location: 314 N. River St. (The Distance Social) PIN 03-23-310-015

Hearing Date: October 5, 2023

Special Use

Requested: Live Entertainment

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

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 October 5, 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 restaurant with live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 314 N. River St. East Dundee, IL, 60118 in the B-1 Downtown Business District.

PIN: 03-23-310-015

Legal Description:

LOT 6 (EXCEPT THE SOUTH 14 FEET THEREOF) TOGETHER WITH THE SOUTH 5 FEET OF LOT 7, ALL IN BLOCK 5 IN EDWARDS ADDITION TO DUNDEE, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

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.

Memorandum



To: Planning and Zoning & Historic Commission
From: Franco Bottalico, Assistant to the Village Administrator
Subject: 501-503 Dundee Ave. (La Mariskera) – Special Use Request for Live Entertainment
Date: October 5, 2023

Action Requested:

Staff recommends the Planning and Zoning & Historic Commission (“PZHC”) motion a recommendation to the Village Board to approve a request for a special use permit ordinance to allow for a restaurant with live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 501-503 Dundee Ave. East Dundee, IL, 60118 (partial of PIN 03-23-479-007) in the B-3 Service Business District.

Background and Summary:

At the May 15, 2023 Village Board meeting, the Board passed Ordinance #23-23 at the recommendation of the PZHC. This ordinance created a definition for live entertainment and also further specifies where restaurants, taverns, or brew pubs with live entertainment can be permitted by special use by zoning district. At the direction of the Board, staff has been tasked with ensuring existing businesses that meet this criteria come into compliance with the Village Code.

Note: Unlike the previous public hearings at the October 5, 2023 PZHC meeting, this application is a new application for live entertainment to be included in their existing restaurant only.

The applicant will be present to discuss their business’ current business model and future plans in regards to live entertainment, if approved. Also, the Village Attorney and a representative from the police department will be present to help guide the PZHC, if needed.

Attachments:

Application
Findings of Fact
Certification of Publication in Daily Herald
Ordinance #23-23



PZ 23-09-09

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

1. Project/Owner Name: Sonia Carranza La Mariskera Kitchen & Bar
2. Project Location: 501-503 Dundee Ave
3. Brief Project Description:

4. Project Property Legal Description:

5. Project Property Size in Acres and Square Feet: _____
6. Current Zoning Status: B-3
7. Current Use Status: RESTAURANT
8. Surrounding Land Use Zoning: _____
9. Zoning District Being Requested (if applicable): _____
10. Parcel Index Numbers of Property: _____

B. Owner Information

1. Signature: SONIA CARRANZA, ALMA CARRANZA Sonia Carranza
2. Name: SONIA CARRANZA, ALMA CARRANZA
3. Address: [REDACTED]
4. Phone: [REDACTED]

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

1. Name/Company: BRAVADO ENTERPRISES LLC, DUBIA LA MARISKERA
2. Address: 501-503 DUNDEE AVE, EAST DUNDEE IL 60118
3. Phone: [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, there will be noise cancellation within walls.

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, the area is fully developed.

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

Yes, the area is fully developed.

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

Yes, the area is fully improved.

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 comprehensive plan will not be impacted because we have an existing restaurant and are requesting a special use for live entertainment.

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.

La Mankera Kitchen & Bar 09/13/2023
Individually and for the Applicant Date
501-503 Dundee Ave East Dundee IL [REDACTED]
Address Phone Number

Project Description:

SPECIAL PERMIT for live Entertainment



Affidavit of Ownership & Control

I (We), East Dundee Properties, L.L.C 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: _____

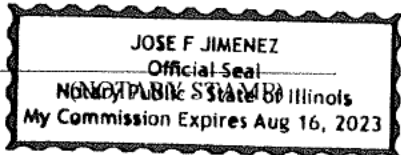
Owner: East Dundee Properties, L.L.C

Address: 501-505 Dundee Ave
East Dundee, IL 60118

Phone: _____

SUBSCRIBED AND SWORN TO before me this
12th day of July, _____.

(NOTARY SIGNATURE)





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: Sonia Carranza

Print Name: SONIA CARRANZA

Project Address: 501-503 Dundee Ave



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Special Use

Property Location: 501-503 Dundee Ave. (La Mariskera) Partial of PIN 03-23-479-007

Hearing Date: October 5, 2023

Special Use

Requested: Live Entertainment

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

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 October 5, 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 restaurant with live entertainment, as described in Section 157.050(F)(1)(d)(2) of the Zoning Ordinance, located at 501-503 Dundee Ave. East Dundee, IL, 60118 in the B-3 Service Business District.

PIN: 03-23-479-007

Legal Description:

Parcel 1:

LOT 6 OF LPC SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ OF SECTION 23, AND PART OF THE NORTHEAST ¼ OF SECTION 26, ALL IN TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 29, 1984 AS DOCUMENT NO 1674491, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS

PARCEL 2:

NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 FOR INGRESS, EGRESS AND PARKING CREATED AND GRANTED BY AGREEMENT FOR CROSS AND RECIPROCAL EASEMENTS AND RESTRICTIONS DATED DECEMBER 12, 1983 AND RECORDED IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS ON DECEMBER 29, 1983 AS DOCUMENT NUMBER 1664955 IN TO UPON AND OVER THE PARKING AREAS, ACCESSWAYS AND ROADWAYS AND COMMON AREAS OF THE ADJOINING PROPERTY DESCRIBED IN SAID AGREEMENT.

PARCEL 3:

NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 AND OTHER PROPERTY FOR VEHICULAR AND PEDESTRIAN PASSAGE, INGRESS AND EGRESS CREATED AND GRANTED BY AGREEMENT DATED FEBRUARY 26TH, 1985 AND RECORDED IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS ON JUNE 21, 1985 AS DOCUMENT NUMBER 1726508, IN, TO, UPON AND OVER THE ADJOINING PROPERTY DESCRIBED IN SAID AGREEMENT

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.

Memorandum



To: Planning and Zoning & Historic Commission
From: Franco Bottalico, Assistant to the Village Administrator
Subject: Riverfront Master Plan
Date: October 5, 2023

Summary:

Late 2022, staff has entered into an agreement with Hitch Design Group ("HDG"), of Naperville, to develop a Riverfront Master Plan ("Plan"). Some of the goals and objectives of this Plan that are relevant to the PZHC's future comprehensive land use plan update are as follows: build upon natural beauty of the Fox River; improve connectivity along the River and the Downtown; evaluate opportunities for vehicular/pedestrian calming and circulation; and consider future acquisition of key sites along the Fox River.

At the September 18, 2023 Village Board meeting HDG presented its Plan to the Board in which HDG discussed the status of the first three phases of the total five phases in the study. A copy of the presentation is attached. The phases are as follows:

- 1) *Analyze* - Inventory and Analysis Phase (Completed)
- 2) *Connect* – Public Engagement (Completed)
 - a) Online Survey
 - b) Stakeholder Meetings
- 3) *Envision* - Alternative Strategies (2/3 Complete)
- 4) *Prioritize* – Preferred Strategies
- 5) *Implement* – Action Plan, Develop Report

[Click here](#) for a link to HDG's website to a page dedicated to East Dundee for you to familiarize yourself with as we hope to embark on a comprehensive plan update in 2024, pending Board approval in the budget. HDG anticipates to complete their report by the end of 2023.

Attachments:

Hitchcock Design Group strategies memo
Presentation from 9/18/2023 Village Board Meeting



Memorandum

Date: September 11, 2023
To: Philip Cotter, Village of East Dundee
From: Hitchcock Design Group

RE: East Dundee Riverfront Master Plan

Goals and Objectives

- Build upon natural beauty of the Fox River
- Enhance environmental aspects of the river and watershed
- Expand recreation opportunities, active/passive, land/water-based
- Improve connectivity along the river and to Downtown
- Consider future acquisition of key sites along the river
- Evaluate opportunities for vehicular/pedestrian calming and circulation
- Establish a riverfront identity/brand that is unique to East Dundee
- Host more special events along the river (small and large scale)

Strategies

- Sustainable (environment, economy, culture)
- Multi-dimensional (appealing to residents and visitors, flexible, high return on investment)
- Healthy (active, comfortable, clean, safe)
- Attractive (engaging, stimulating, clean)
- Distinctive (differentiated from other riverfronts)
- Respectful (of resources and diverse stakeholders)
- Barrier-free (accessible by all)

Desired Program Elements

- Native landscaping/shoreline stabilization
- Removal of invasive and non-native vegetation Ornamental landscaping/beautification
- Seating available along the riverfront
- Gathering spaces/picnic shelters
- Site furnishings: benches, picnic tables, trash cans, bike racks
- Better riverbank access and river (water) access
- Improved walking path
- Pathway lighting
- Improved pedestrian safety
 - Wider paths
 - Additional buffer from Water Street
 - Safe pedestrian crossing of Water Street
- Pedestrian bridge crossing the Fox River south of Main Street
- Activation of Haeger Property
- Consider additional land acquisition

22 E. Chicago Avenue
Suite 200A
Naperville, Illinois 60540
630.961.1787

hitchcockdesigngroup.com



Optional Program Elements:

- Public restrooms
- Accessible/assisted canoe/kayak launch
- Kayak/canoe/paddleboard rentals
- Wildlife/nature viewing and protection
- ADA accessible site amenities
- Gathering spaces/picnic shelters
- Signage
 - Wayfinding
 - Environmental education
- Riverfront dining/restaurants/food trucks
- Special events along the riverfront
 - Music, festivals, farmers market, art/craft fairs
- Public art/sculpture
- More parks and open space
- Parking

cc: File – HDG



EAST DUNDEE

Riverfront Master Plan



ANALYZE



ENVISION



CONNECT

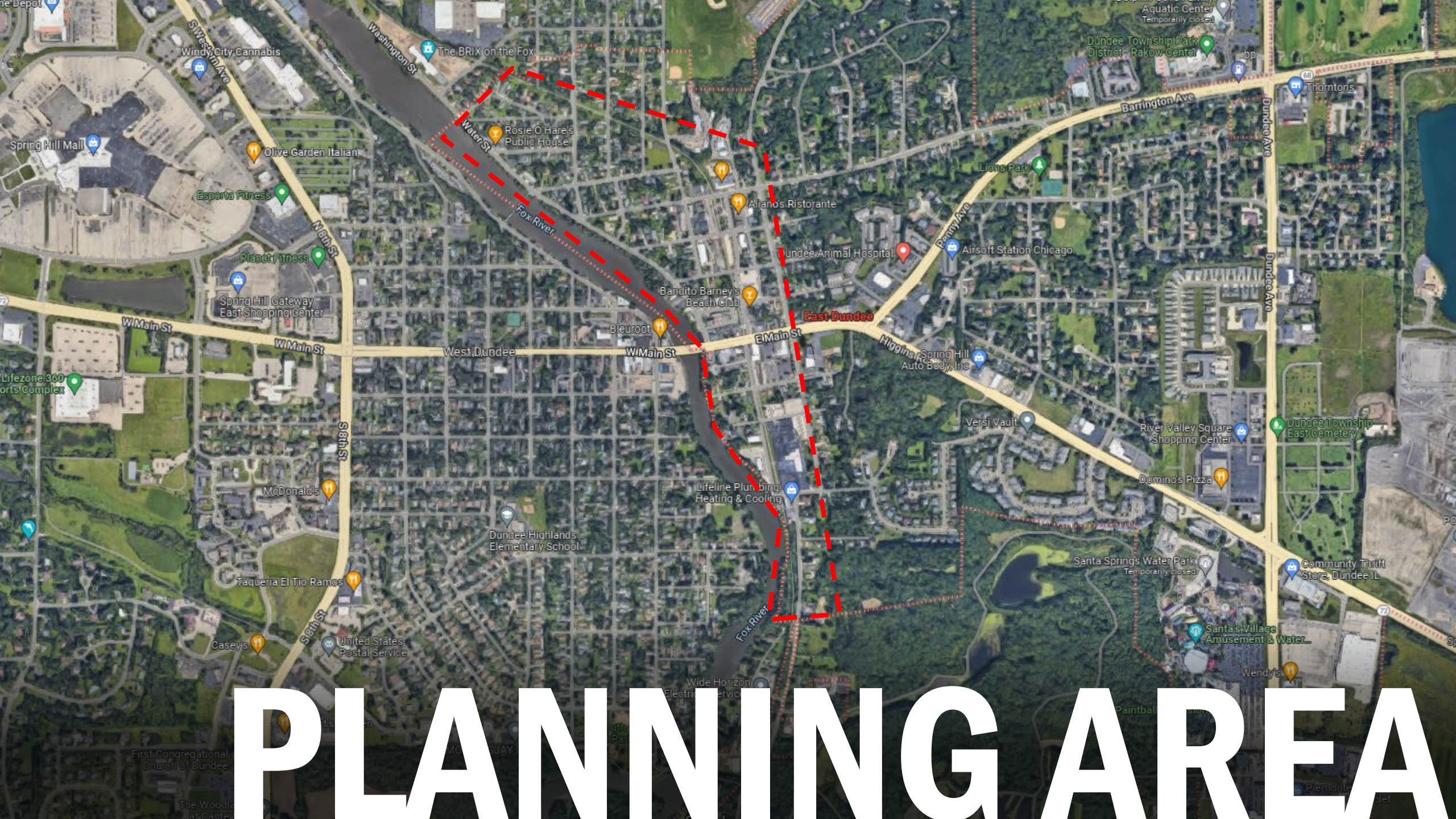


PRIORITIZE



IMPLEMENT

AGENDA



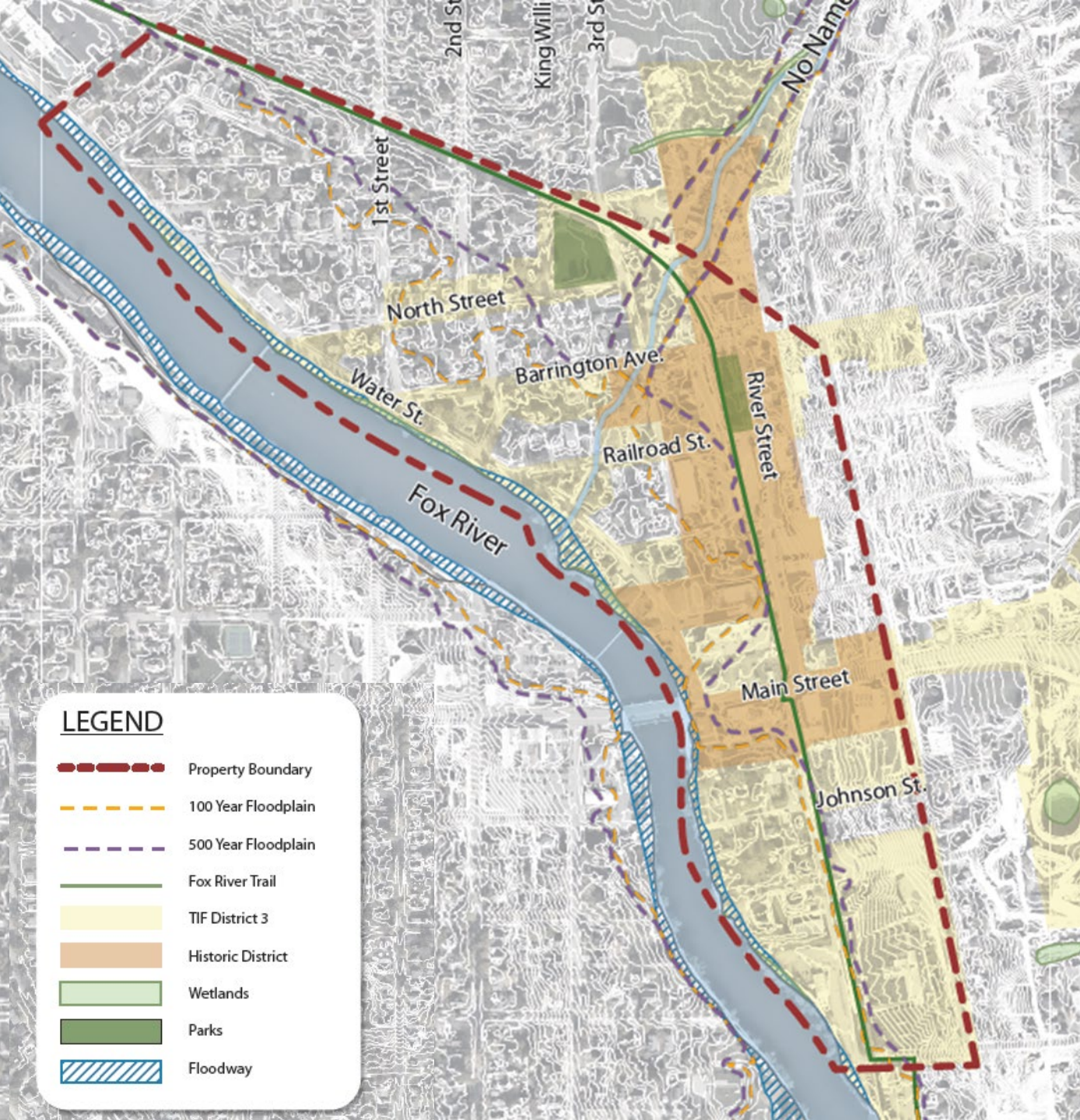
PLANNING AREA



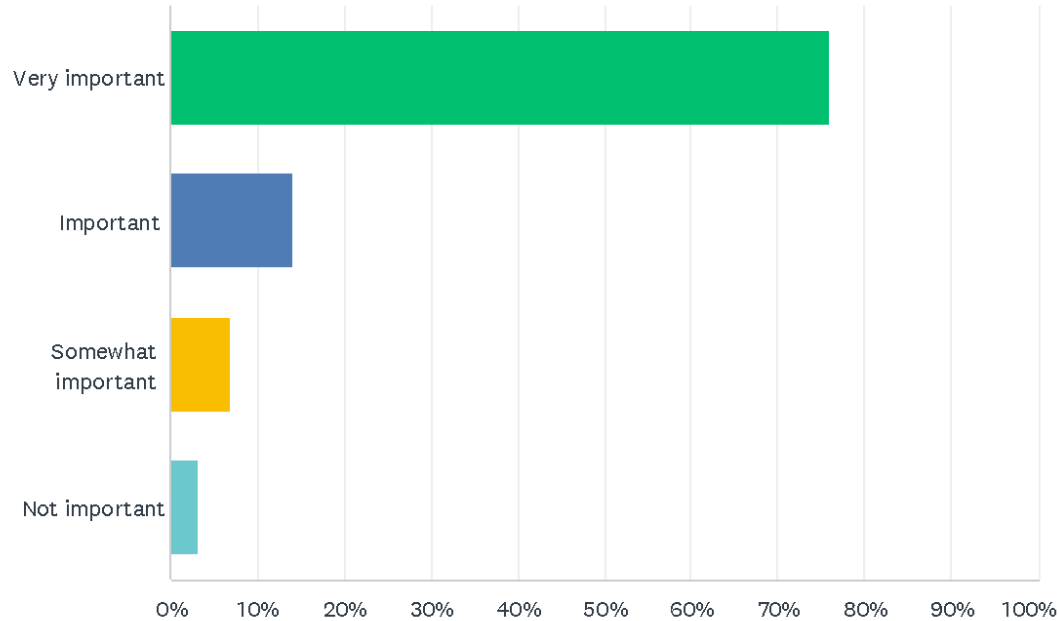
ANALYZE:

Inventory & Analysis

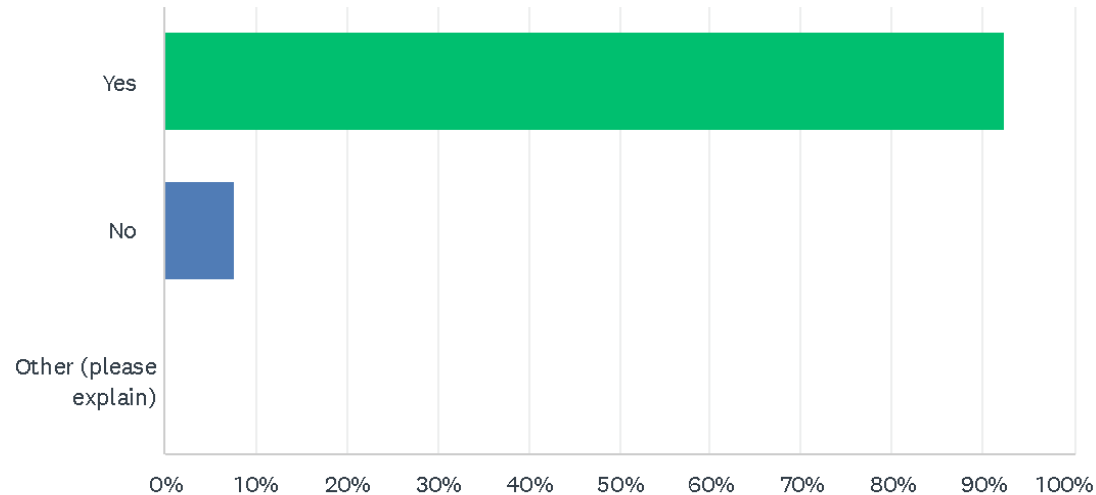
- Corridor Inventory
- Jurisdictional Constrains
- Site Analysis Mapping
- Establish Goals and Objectives



Q10 How important is the river to East Dundee's identity?



Q11 Should the Village of East Dundee improve and enhance the river and/or the riverfront experience through East Dundee?



CONNECT: Public Engagement

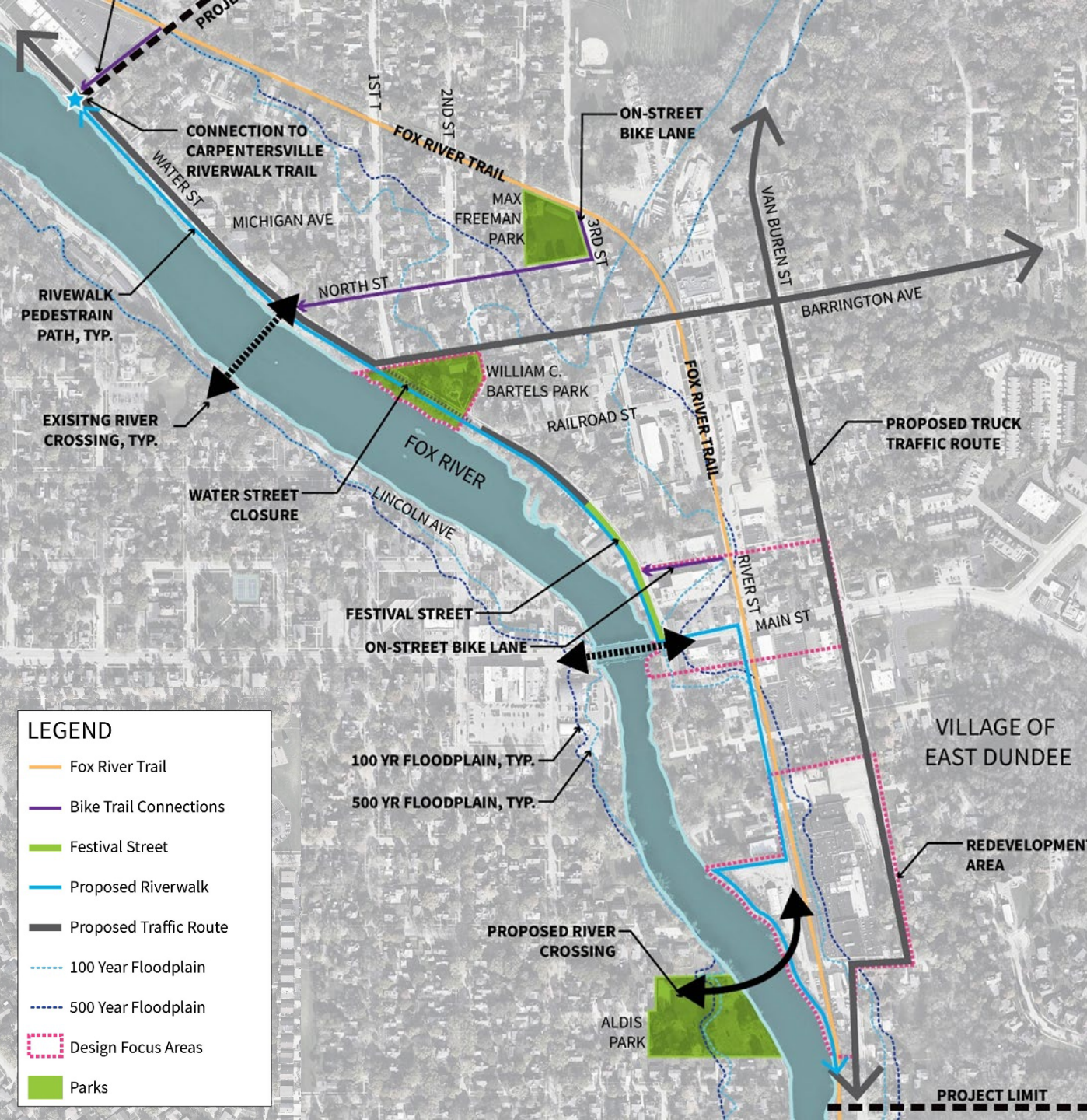
- Online Survey
- Stakeholder Focus Groups
- Community Open House (following Envision Phase)



ENVISION:

Alternative Framework Plans

- Strategy Development
- Collaborative Process
- Visioning Exploration





EAST DUNDEE

Riverfront Master Plan