

EAST DUNDEE

PLANNING AND ZONING & HISTORIC COMMISSION AGENDA

Thursday, October 6, 2022
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. Planning and Zoning & Historic Commission Meeting Minutes Dated August 4, 2022

PUBLIC COMMENT

NEW BUSINESS

1. Public Hearing Regarding Petition from PAL Land, LLC for:

- i. A variance request from Section 157.127, *Required loading berths*, requiring two loading berths;
- ii. A variance request from Section 158.04(D)(2)(d)(2)(b), *Landscape requirements*, requiring landscape islands for every ten parking spaces;
- iii. A variance request from Section 158.04(D)(2)(C), *Landscape requirements*, requiring a five-foot landscaping area along the foundation; and
- iv. A minor amendment to Section 4(7) of the Planned Unit Development granted by the Village Board in Ordinance No. 08-74, regarding the requirements of interior landscaped parking lot islands, which currently requires 400 sq. ft. islands.

OTHER BUSINESS

ADJOURNMENT

CALL TO ORDER

Chairperson Brunner called to order the Planning and Zoning & Historic Commission ("PZHC") meeting on Thursday, August 4, 2022, at 6:00 pm.

ROLL CALL:

Commissioners Krueger, Myers, and Steneck were present.

Commissioners Reyes-Brahar, Scarpelli, and Myers was absent.

Also in attendance: Building Inspector Chris Ranieri and Village Attorney Scott Uhler.

APPROVAL OF MINUTES:

1. Planning & Zoning and Historic Commission Meeting Minutes dated June 2, 2022

Motion to approve the June 2, 2022 meeting minutes by Myers/Krueger
4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion Carries.

PUBLIC COMMENT: None

NEW BUSINESS:

1) Public Hearing Regarding Petition from Immanuel Ev. Lutheran Church and R.L.O.M. for Text

Amendments

- a. Discussion and motion to recommend approval/denial of a text amendment to Section 157.030(A)(1)(b)(3), *Group living facilities*
- b. Discussion and motion to recommend approval/denial of a text amendment to Section 157.003, *Rules and definitions*.
- c. Discussion and motion to recommend approval/denial of a text amendment to Section 157.030(A)(2), *Use-specific standards*

Motion to open the public hearing by Krueger/Myers.

Voted by unanimous consent. Motion carries.

Persons wishing to be heard were sworn in by Building Inspector Ranieri.

The attorney for Immanuel Ev. Lutheran Church and R.L.O.M. ("Petitioner"), Janet Johnson, addressed the PZHC. She states Cheryl DeWitte is also present today; she is the Executive Director of R.L.O.M. along with her husband Ed DeWitte of R.L.O.M. who is the president of R.L.O.M.

Resident Bill Schmidt of 252 Fallbrook Ct. inquired a question about the public hearing item and was advised the Petitioner will answer his questions for clarification shortly.

Cheryle DeWitte introduced herself and gave a background about their organization and the purpose / goal of their organization. She also explained how well their maternity home in Sanford, FL is doing.

She states she can house up to six people at a time who would be accepted into their program along with the live-in manager.

Ed DeWitte introduced himself and discussed the plans for the existing home located at 516 E. Main St. as well as the renovations to be done. He states there will be no signage located at this site. He states they will be abandoning the well and septic system located there and anticipate to connect to the Village's water and sewer utilities.

He states the proposed second home will have a site plan in the future. He states there would be no more than six resident bedrooms at that home as well.

He states a maternity home is where participants can be accepted at any time of the pregnancy stage. Whereas the transitional home is where the participants have their child and can now transition to learn independency.

Ed DeWitte states there is video footage inside the homes as well.

Attorney Johnson explained where the Petitioner anticipates to purchase on the parcels. A discussion ensued.

Resident, Carol, from 417 Williams Place, inquired if this was the only area would be affected by the zoning change. Chairperson Brunner confirmed and clarified her inquiry.

Resident, Toby from 504 Regan Drive, inquired about the remaining acreage around the existing and proposed homes. Member Myers states we are only discussing the proposed section of land to be impacted, and not the other area on the property commonly known as the D'Angelo property. Resident inquired on the turning off Rt. 72. Building Inspector Ranieri states a traffic study has not been done.

Cheryl DeWitte addressed the traffic concerns based on their experience in Florida and how there are no visitors allowed.

A discussion ensued.

Resident, Rachel of 526 Springwood Avenue, inquired about the Petitioner's experiences in Florida.

Cheryl DeWitte addressed the resident's questions regarding safety and stated their experience in Florida has been peaceful and it was not often that police needed to be called to their home.

Motion to close the public hearing by Myers/Krueger. The Public Hearing closes by unanimous consent.

Motion to recommend approval of a request for a text amendments to i) Section 157.030(A)(1)(b)(3), Group living facilities with the condition of not less than a lot of 25,000 sq. ft. incorporated into the language; ii) Section 157.003, Rules and definitions; and iii) Section 157.030(A)(2), Use-specific standards by Krueger/Myers.

4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion carries.

2) Public Hearing Regarding Petition from Immanuel Ev. Lutheran Church and R.L.O.M. for Rezoning and

a Special Use

- a. Discussion and motion to recommend approval/denial regarding a request to rezone certain parcels to R-4.
- b. Discussion and motion to recommend approval/denial of a Special Use designation to accommodate the existing residence and construction of a second residence for use as a maternity group home

Motion to open the public hearing by Steneck/Myers.

4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion carries.

Chairperson invited Petitioner to speak.

Janet Johnson would like to incorporate her statements from the previous public hearing to this current public hearing as well. She discussed the existing and planned utilities for the property.

Motion to close the public hearing by Myers/Krueger. The Public Hearing closes by unanimous consent.

Motion to recommend approval of rezoning and special use by Myers/Krueger.

4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion carries.

Motion to approve the findings of fact for special use by Krueger/Myers.

4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion carries.

3) Public Hearing Regarding Text Amendments to Sections 157.003 and 157.050

- a. Discussion and motion to recommend approval/denial of text amendments to Sections 157.003, *Rules and Definitions*, and 157.050(F)(1)(f)(1), *General Requirements*

Motion to open the public hearing by Myers/Steneck.

4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion carries.

Chairperson Brunner provided the background and purpose for this public hearing.

Motion to close the public hearing by Steneck/Myers. The Public Hearing closes by unanimous consent.

Motion to recommend approval of text amendments to Sections 157.003 and 157.050 by Krueger/Steneck.

4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion carries.

4) Public Hearing Regarding Text Amendments to Section 157.086, *Special Uses*

- a. Discussion and motion to recommend approval/denial of text amendments to Section 157.086, *Special Uses*

Motion to open the public hearing by Myers/Steneck.

4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion carries.

Chairperson Brunner and Building Inspector Ranieri provided the background and purpose for this public hearing.

Chairperson Brunner expressed his thoughts that sometimes a special use is the main purpose of certain properties/businesses to operate because of the allowance of that special use.

Village Attorney Uhler summarized that at time, upon sale of a property with a special use, there are certain conditions that special uses can be acquired and secured prior to the finalization of the purchase of the business as a method to help the property to continue to operate under that use.

Motion to close the public hearing by Myers/Steneck. The Public Hearing closes by unanimous consent.

Motion to recommend approval of text amendments to Section 157.086 by Myers/Krueger.
4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion carries.

5) Public Hearing Regarding Text Amendments to Sections 157.223(A)

- a. Discussion and motion to recommend approval/denial of text amendments to Section 157.223(A), *Amendments*

Motion to open the public hearing by Krueger/Myers.
Motion carries by unanimous consent.

Building Inspector Ranieri provided the background and purpose for this public hearing.

A discussion ensued. Trustee Brittin, as a member of the public, commented on the existing process under this existing ordinance.

Chairperson Brunner commented on the responsibilities of the Village Clerk in this process.

Motion to close the public hearing by Myers/Krueger. The Public Hearing closes by unanimous consent.

Motion to recommend approval of text amendments to Section 157.223(A) by Krueger/Myers.
4 Ayes (Krueger, Myers, Steneck, Brunner). 0 Nays. Motion carries.

OTHER BUSINESS: None

ADJOURNMENT:

Motion to adjourn the PZHC meeting at 7:30 pm Steneck, seconded by Myers.
Motion carries by unanimous consent. Meeting adjourns.

Respectfully submitted,
Franco Bottalico, Management Analyst

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Management Analyst
Chris Ranieri, Building Inspector

Subject: 1011 E. Main St. – PAL Land, LLC

Date: October 6, 2022

Background and Summary:

Staff has received an application from Joseph Palumbo of PAL Land, LLC (“Petitioner”) regarding the property located at 1011 E. Main St., PIN 03-25-176-004 (“Property”). Petitioner proposed to build a retail building which would be visible from Rt. 72 (Main Street). Petitioner submitted three variance / waiver requests and one amendment to the Planned Use Development (“PUD”) for the Terra Business Park

Staff Analysis and Recommendation:

Public hearing regarding petition from PAL Land, LLC for variance requests:

1. A variance request from Section 157.127, *Required loading berths*, requiring two loading berths.

According to the Zoning Ordinance for this section, the minimum number of loading berths required is two (2) associated with 10,000 to 25,000 square feet of floor area. Petitioner states the space is limited allowing only room for one loading berth in the proposed building to be built. (Exhibit A of redacted application).

Staff has attached its findings of fact for the Planning and Zoning & Historic Commission (“PZHC”) to review.

Staff recommends the PZHC make a motion to approve the findings of fact for the variance request from Section 157.127, *Requiring loading berths*.

Staff recommends the PZHC make a motion for the village board to approve the variance request to Section 157.127, *Requiring loading berths*.

2. A variance request from Section 158.04(D)(2)(d)(2)(b), *Landscape requirements*, requiring landscape islands for every ten parking spaces.

The Zoning Ordinance for this section states: A maximum of ten parking spaces will be permitted in any length of parking bay between planting islands. A curbed island at least seven feet wide and as deep as the parking stalls shall be provided to divide the bay length. There shall be a

minimum of two large deciduous trees per island. Tree branching shall start no less than six feet above the pavement measured from pavement level.

Petitioner is asking for twenty-two (22) parking stalls between planting islands at parking area at the rear of the building.

Staff has attached its findings of fact for the PZHC to review.

Staff recommends the PZHC make a motion to approve the findings of fact for the variance / waiver request from Section 158.04(D)(2)(d)(2)(b), *Landscape requirements*.

Staff recommends the PZHC make a motion for the village board to approve the variance / waiver request to Section 158.04(D)(2)(d)(2)(b), *Landscape requirements*.

3. A variance request from Section 158.04(D)(2)(C), *Landscape requirements*, requiring a five-foot landscaping area along the foundation.

The Zoning Ordinance for this section states: A minimum five-foot wide landscape area is required adjacent to all building walls (exclusive of driveways, access walks, and service and delivery areas). Planting should emphasize ground plane transitions and softening large expanses of building walls, when possible, accenting building entrances and architectural features, and screening mechanical equipment. Where extended roofs or canopies are used to provide a covered walkway adjacent to a building, foundation plantings are not required. However, landscaping is recommended to separate vehicular areas from buildings.

Petitioner is asked to meet the requirements of the code for the front of the building only and varying from the remaining walls.

Staff has attached its findings of fact for the PZHC to review.

Staff recommends the PZHC make a motion to approve the findings of fact for the variance / waiver request from Section 158.04(D)(2)(C), *Landscape requirements*.

Staff recommends the PZHC make a motion for the village board to approve the variance / waiver request to Section 158.04(D)(2)(C), *Landscape requirements*.

4. An amendment to Section (4)(7), *Utilities, Landscape and Open Space*, of the PUD.

Section four (4)(7), *Utilities, Landscape and Open Space*, of the PUD requires parking lot landscaped islands have a minimum of four hundred (400) square feet areas at all parking aisle ends, and shall provide a minimum of one landscaped island of a minimum of four hundred (400) square feet in each parking aisle for every forty (40) cars in that aisle.

Petitioner is asking the minimum square footage to be 275 square feet for islands at the end of parking aisles.

Village Engineer Joe Heinz has reviewed this request and has calculated that this amendment would be considered a minor amendment. According to Section 157.248(A)(1)(a) of the Zoning Ordinance, minor amendments allow the village administrator to approve such requests without the need to go before the Village Board.

Staff recommends the PZHC make a motion for the village administrator to approve the amendment request to Section (4)(7), *Utilities, Landscape and Open Space*, of the PUD.

Action Requested:

Please review and approve the findings of fact, and make the above motions to approve the requests as outlined above.

Attachments:

- Redacted Application and Exhibit A
- Findings of Fact - Variances
- Notices of Public Hearing
- Elevation Rendering
- PUD copy



**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: PAL Land LLC
2. Project Location: 1011 East Main Street
3. Brief Project Description: Exhibit A
12,890 SF Retail Building
4. Project Property Legal Description:
Lot 2 in Lot 5 in Terra Business Park Resubdivision, being a resubdivision of part of section 24 and 25,
Township 42 North, Range 8 East of the Third Principal Meridian, according to the plat thereof
recorded October 5, 2018 as document number 2018K048826, in Kane County, Illinois.
5. Project Property Size in Acres and Square Feet: 3.768 Ac & 164,124 Sq.Ft. (Limits of Development 88,110 Sq.Ft., 2.02 Ac.)
6. Current Zoning Status: M1
7. Current Use Status: Limited Manufacturing
8. Surrounding Land Use Zoning: M1
9. Zoning District Being Requested (if applicable): _____
10. Parcel Index Numbers of Property: 03-25-176-004

B. Owner Information

1. Signature: [Signature]
2. Name: PAL Land LLC - Joseph Palumbo
3. Address: 201 Christina Drive, East Dundee, Illinois 60118
4. Phone Number: [Redacted] Fax: [Redacted] Email: [Redacted]

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

1. Name: [Redacted]
2. Address: [Redacted]
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

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?

The development is in harmony with the Land Use Category within the Village Comprehensive Plan.

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)?

157.127 - Loading Berths

158.04(D)(2)(d)2 - Parking Islands

PUD Ordinance - 400 Sq.Ft. islands

158.04(D)(2) - 5' Foundation Landscaping

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

157.127 - Two (2) loading berths are required for retail stores totaling 10,000 to 25,000 square feet.

158.04(D)(2)(d)2 - The maximum allowable parking stalls in a row is 10 stalls between parking islands.

PUD Ordinance - The PUD Ordinance requires 400 Sq.Ft. islands at the end of parking aisles and per 40 parking stalls.

158.04(D)(2) - 5' wide foundation landscaped area is required.

3. What is proposed?

157.127 - One (1) loading berth

158.04(D)(2)(d)2 - A row of 22 parking stalls between parking islands.

PUD Ordinance - 275 Sq.Ft.+/- islands at the end of parking aisles.

158.04(D)(2) - 5' wide landscaped area between the sidewalk and the parking stalls in the front of the building.

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

157.127 - One (1) loading berth as there is limited space allowing room for only one.

158.04(D)(2)(d)2 - The island would create a hardship for the loading berth and the traffic pattern of the drive through lane.

PUD Ordinance - 275 Sq.Ft.+/- islands at the end of parking aisles are too large for this parking lot.

158.04(D)(2) - A 5' wide foundation landscaped area at the building would be completely under a canopy on the building.

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)

The development meets the Redevelopment Agreement and the Village Comprehensive Plan.

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?

The variances is required to provide more efficient vehicular movement throughout the site.

The size of the site is too constrained for two Loading berths. A second berth would disrupt the aesthetic appearance of the proposed facility.

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)

None

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

Efficient delivery that is out of the way of the proposed building operations, and maintaining a quality cosmetic appearance.

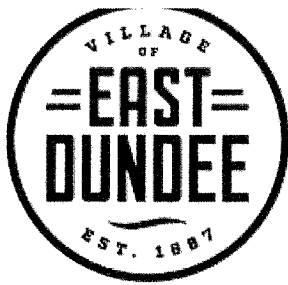
9. Has the alleged difficulty been created by any person presently having an interest in the property?

No

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 checked="" 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**

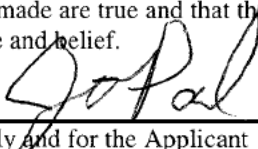
The Undersigned applicant acknowledges that the Village of East Dundee may seek advice and counsel from professional sources outside the employee staff of the Village of East Dundee in consideration of the application submitted to the Village of East Dundee by the applicant, including the services as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

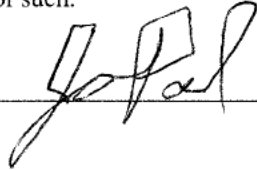
The applicant, having read this application and fully understanding the purpose thereof, declares that the proceeding statement made are true and that the information provided herein is complete to the best of the applicant's knowledge and belief.

| | |
|---|--|
|  Individually and for the Applicant 1011 East Main Street Address | 8-11-2022 Date <div style="background-color: black; width: 200px; height: 30px; margin: 5px auto;"></div> Phone Number |
| Project Description: 12,890 Sq.Ft. Retail Building | |



Affidavit of Ownership & Control


I (We), PAL LAND, 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: 

Owner: Joseph Palumbo

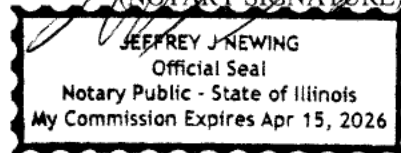
Address: 201 Christina Drive

East Dundee, IL 60118

Phone: 

SUBSCRIBED AND SWORN TO before me this
4th day of AUGUST, 2022.


(NOTARY SIGNATURE)

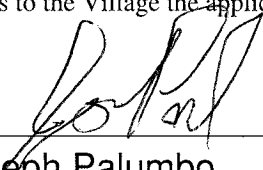


(NOTARY STAMP)

Affidavit & Disclosure Agreement

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

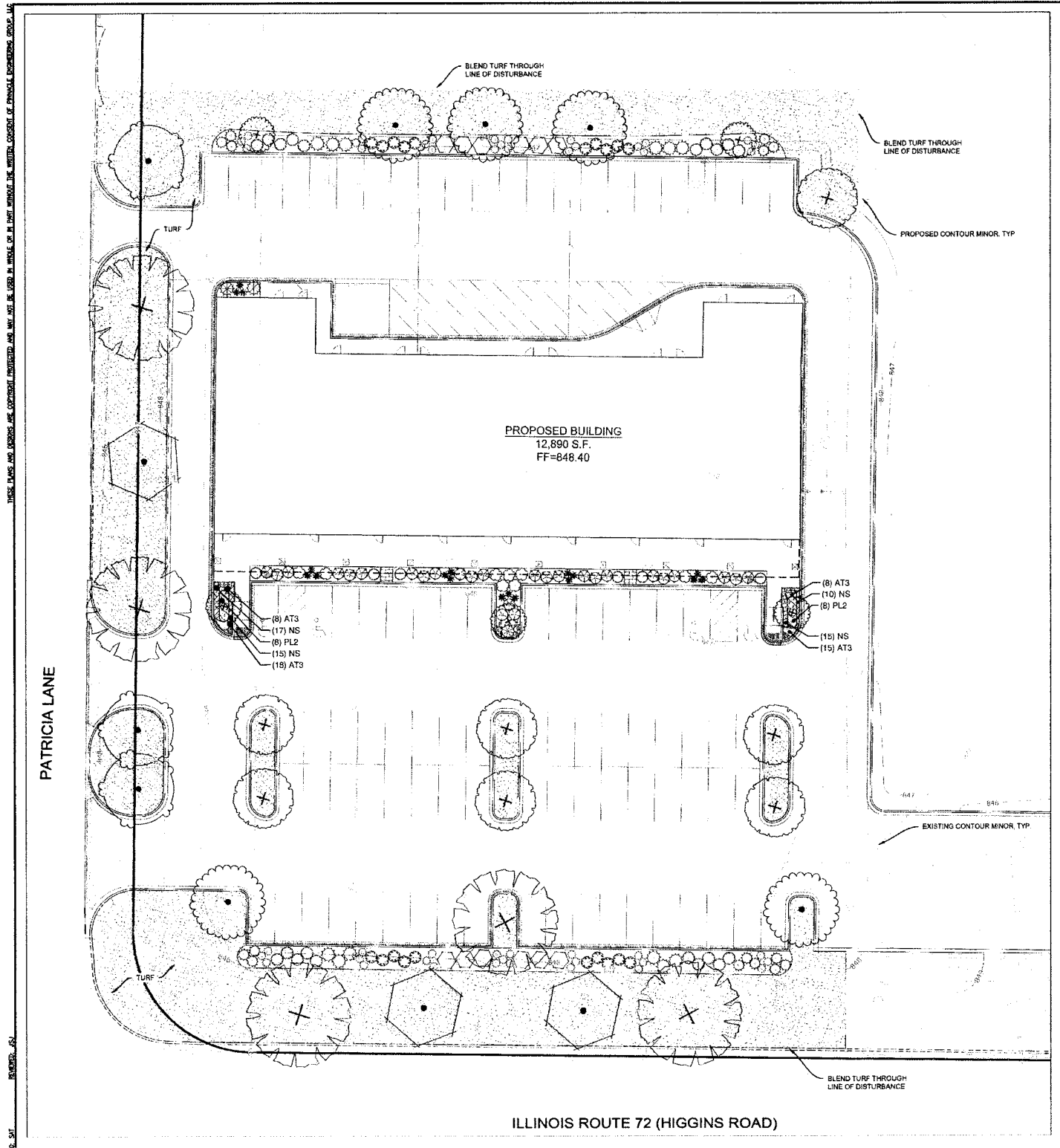
Applications shall deposit the sum required based on the type and extent of the applicants project. Any bills received by the village and any costs incurred by the Village related to the project will be billed to the applicant. Upon payment of all bills to the Village the applicant will receive their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

Signature:  _____

Print Name: Joseph Palumbo

Project Address: 1011 East Main Street

Exhibit A





Planning and Zoning & Historic Commission Meeting

Findings of Fact – Variance

Property Location: 1011 E. Main Street – PAL Land, LLC: PIN 03-25-176-004

Hearing Date: September 1, 2022

Variance

Requested: Requestion from Section 157.127, Required loading berths, requiring two loading berths

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

1. **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district; Circle one; Yes/No/Not Applicable (N.A.), Explain:**
No
2. **The plight of the owner is due to unique circumstances; Yes/No/N.A.**
NA
3. **The variation, if granted, will not alter the essential character of the locality; Yes/No/N.A.**
Yes
4. **The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the regulations were strictly enforced; Yes/No/N.A.**
Yes
5. **The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.**
No
6. **The purpose of the variation is not based exclusively upon a desire to make more money out of the property; Yes/No/N.A.**
NA
7. **The alleged difficulty or hardship has not been created by any person presently having an interest in the property; Yes/No/N.A.**
NA

8. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
Yes/No/N.A.

Yes

9. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood;
Yes/No/N.A.

Yes

Due to the usual nature of the operation of special uses that may give rise to unique problems with respect to their impact upon neighboring property or public facilities, the Village may stipulate conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use as deemed necessary for the protection of the public interest. In addition, the Commission may require such conditions and restrictions by a variation(s) as may be necessary to comply with the standards set forth in the Village Code or reduce or minimize the injurious effect of the variation(s) upon the other property in the neighborhood. If the Planning and Zoning Commission were to consider approval of this special use and variances, Village staff would recommend the following minimum condition:

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 variance resulting in the following vote:

____ ayes ____ nays ____ absent ____ abstain

Date: _____

Signature: _____
Chair, Planning and Zoning & Historic Commission



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Variance

Property Location: 1011 E. Main Street – PAL Land, LLC: PIN 03-25-176-004

Hearing Date: September 1, 2022

Variance

Requested: Request from Section 158.04(D)(2)(d)(2)(b), Landscape requirements, requiring landscape islands for every ten parking spaces

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

1. **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district; Circle one; Yes/No/Not Applicable (N.A.), Explain:**
No
2. **The plight of the owner is due to unique circumstances; Yes/No/N.A.**
NA
3. **The variation, if granted, will not alter the essential character of the locality; Yes/No/N.A.**
Yes
4. **The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the regulations were strictly enforced; Yes/No/N.A.**
Yes
5. **The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.**
No
6. **The purpose of the variation is not based exclusively upon a desire to make more money out of the property; Yes/No/N.A.**
NA
7. **The alleged difficulty or hardship has not been created by any person presently having an interest in the property; Yes/No/N.A.**
NA

8. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
Yes/No/N.A.

Yes

9. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood;
Yes/No/N.A.

Yes

Due to the usual nature of the operation of special uses that may give rise to unique problems with respect to their impact upon neighboring property or public facilities, the Village may stipulate conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use as deemed necessary for the protection of the public interest. In addition, the Commission may require such conditions and restrictions by a variation(s) as may be necessary to comply with the standards set forth in the Village Code or reduce or minimize the injurious effect of the variation(s) upon the other property in the neighborhood. If the Planning and Zoning Commission were to consider approval of this special use and variances, Village staff would recommend the following minimum condition:

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 variance resulting in the following vote:

____ ayes ____ nays ____ absent ____ abstain

Date: _____

Signature: _____
Chair, Planning and Zoning & Historic Commission



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Variance

Property Location: 1011 E. Main Street – PAL Land, LLC: PIN 03-25-176-004

Hearing Date: September 1, 2022

Variance

Requested: Request from Section 158.04(D)(2)(C), Landscape requirements, requiring a five-foot landscaping area along the foundation

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

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district; Circle one; Yes/No/Not Applicable (N.A.), Explain:
No
2. The plight of the owner is due to unique circumstances; Yes/No/N.A.
NA
3. The variation, if granted, will not alter the essential character of the locality; Yes/No/N.A.
Yes
4. The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the regulations were strictly enforced; Yes/No/N.A.
Yes
5. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.
No
6. The purpose of the variation is not based exclusively upon a desire to make more money out of the property; Yes/No/N.A.
NA
7. The alleged difficulty or hardship has not been created by any person presently having an interest in the property; Yes/No/N.A.
NA

8. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
Yes/No/N.A.

Yes

9. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood;
Yes/No/N.A.

Yes

Due to the usual nature of the operation of special uses that may give rise to unique problems with respect to their impact upon neighboring property or public facilities, the Village may stipulate conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use as deemed necessary for the protection of the public interest. In addition, the Commission may require such conditions and restrictions by a variation(s) as may be necessary to comply with the standards set forth in the Village Code or reduce or minimize the injurious effect of the variation(s) upon the other property in the neighborhood. If the Planning and Zoning Commission were to consider approval of this special use and variances, Village staff would recommend the following minimum condition:

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 variance resulting in the following vote:

____ ayes ____ nays ____ absent ____ abstain

Date: _____

Signature: _____
Chair, Planning and Zoning & Historic Commission

State of Illinois)
Counties of Kane & Cook) SS
Village of East Dundee)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning and Zoning & Historic Commission ("PZHC") of the Village of East Dundee will hold a public hearing on October 6, 2022, at 6:00 P.M. at the Police Station 2nd Floor Meeting Room located at 115 E. 3rd Street, East Dundee, Illinois 60118.

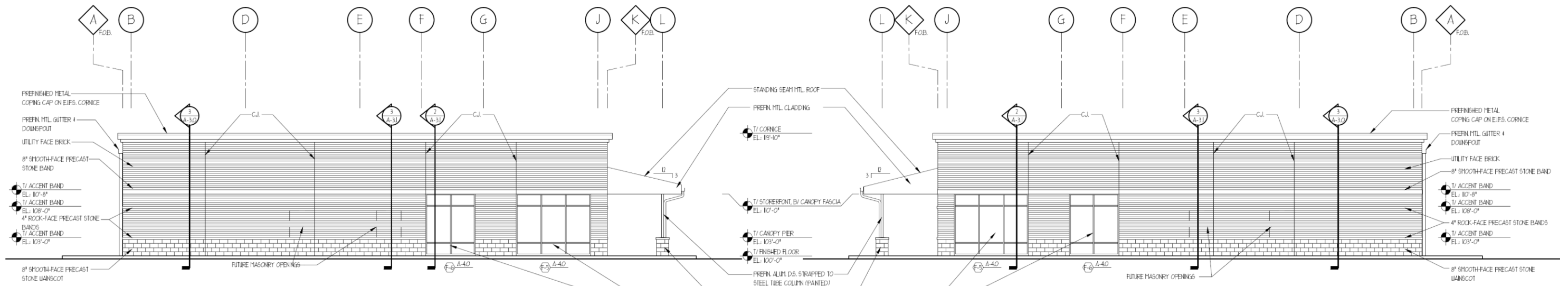
A request for variation requests to Chapters 157 and 158 of the Village of the East Dundee Municipal Code, as requested by PAL Land, LLC. These variances are related to an application submitted by PAL Land, LLC for the property located at 1011 East Main Street, East Dundee, Illinois that will be heard by the PZHC:

1. A variance request from Section 157.127, *Required loading berths*, requiring two loading berths;
2. A variance request from Section 158.04(D)(2)(d)(2)(b), *Landscape requirements*, requiring landscape islands for every ten parking spaces;
3. A variance request from Section 158.04(D)(2)(C), *Landscape requirements*, requiring a five-foot landscaping area along the foundation; and
4. A minor amendment to Section 4(7) of the Planned Unit Development granted by the Village Board in Ordinance No. 08-74, regarding the requirements of interior landscaped parking lot islands, which currently requires 400 sq. ft. islands.

Property Legal Description:

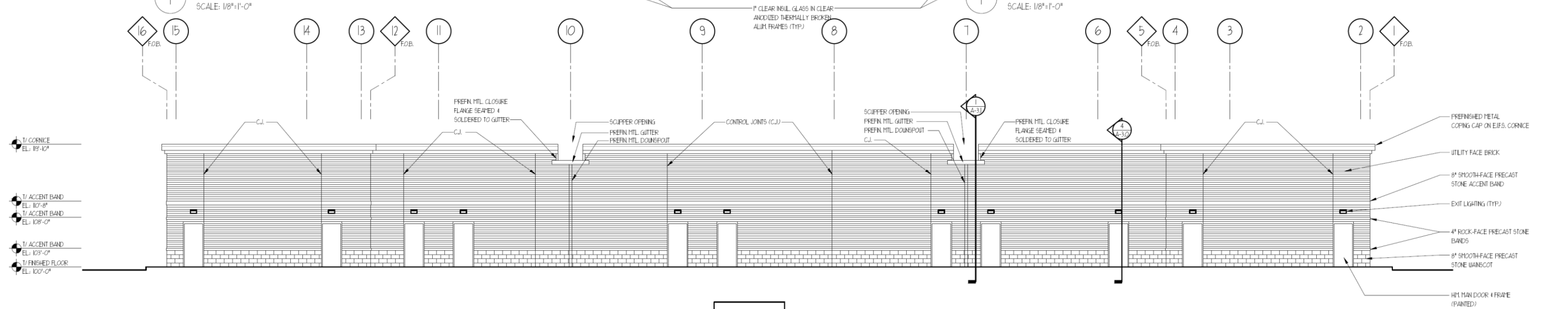
LOT 2 IN LOT 5 IN TERRA BUSINESS PARK RESUBDIVISION, BEING A RESUBDIVISION OF PART OF SECTION 24 AND 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 5, 2018 AS DOCUMENT NUMBER 2018K048826, IN KANE COUNTY, ILLINOIS.

All interested persons will be given an opportunity to be heard. Any questions regarding this public hearing process may be directed to Franco Bottalico, Management Analyst, 120 Barrington Avenue, East Dundee, Illinois, 60118 via email at FBottalico@eastdundee.net, or by phone at 847-426-2822 extension 6102.

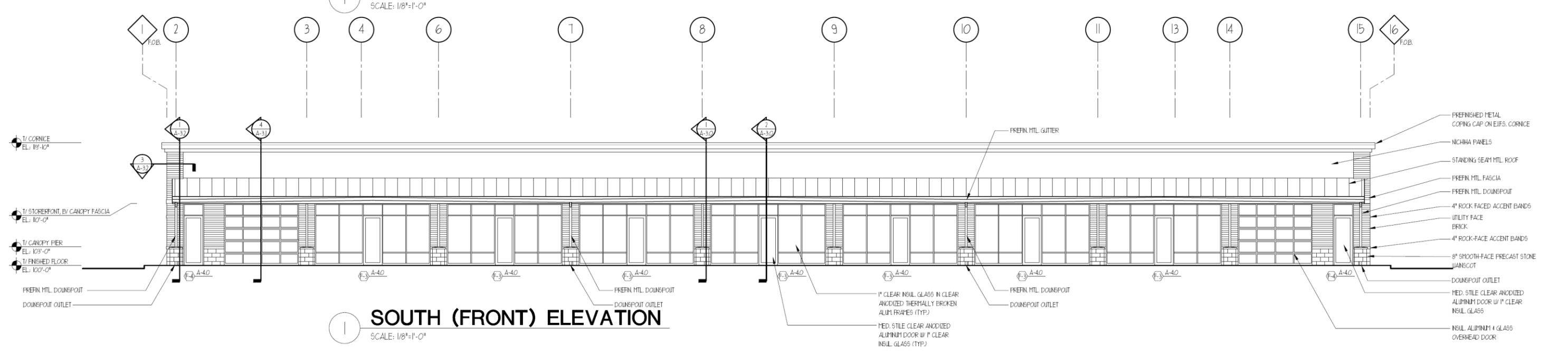


WEST (SIDE) ELEVATION

EAST (SIDE) ELEVATION



NORTH (REAR) ELEVATION



SOUTH (FRONT) ELEVATION

ORDINANCE NUMBER 08 - 74

**ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE
VILLAGE, PUD AND PRELIMINARY PLAN APPROVAL FOR
CERTAIN PROPERTY LOCATED NORTH OF ROUTE 72, EAST OF
ROUTE 25**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, on March 9, 2007, applicant submitted a request to the Village, under petition number P/Z 07-04-02 for rezoning, an amendment to the comprehensive plan of the Village, PUD and Preliminary Plan approval, and for approval of its Preliminary Plat of Subdivision for certain property located north of Route 72, east of Route 25; and

WHEREAS, the Planning and Zoning commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the East Dundee Code of Ordinances, Chapter 156.05(B)(3) held a hearing on April 12, 2007, on Petition No. P/Z 07-04-02; and

WHEREAS, following the publication of the Finding of Fact, recommendations from the Commission, the Village Board, on December 18, 2007, did approve a series of ordinances, including:

07-50: Ordinance Granting Request for Re-Zoning for the Property Generally Known as the 119.0 Acre Property Located on the North Side of Route 72, East of Route 25 in the Village of East Dundee, Illinois;

07-51: Ordinance Granting Approval of a Planned Unit Development/ Preliminary Development Plan for the Property Generally Known as the 119.0 Acre Property Located on the North Side of Route 72, East of Route 25, in the Village of East Dundee, Illinois;

07-52: Ordinance Granting Approval of an Amendment to the Text of the Future Land Use Plan and the Text and Map of the Eastern Growth Specific Area Plan of the Village of East Dundee, Illinois;

07-53: Ordinance Approving the Final Engineering Plans and Preliminary Plat for the Terra Business Park at Dundee Crossings, East Dundee, Illinois.

All of these ordinances(together with the Report of Finds of Fact and Recommendation adopted on March 10, 2008) are incorporated herein by reference; and

WHEREAS, the Village feels it would be beneficial to incorporate into one document all of the salient facts and decisions as contained in the above referenced ordinances and findings of fact.

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

Section One. Comprehensive Plan.

Recommended Land Use for Development Area A (page 49), which presently reads:

“Development Area A” represents the majority of the undeveloped land in the eastern portion of the Eastern Growth Area (EGA) north of Route 72. At du/acres, this 105 acre area will produce roughly 340 dwelling units, the greatest number within the EGA. The location of this Development Area represents an attempt to maximize the locational benefit of the lake as an amenity, while relating to the surrounding land uses.

To be amended as follows:

Recommended as Planned Development Residential, that portion of "Development Area A" generally located to the north of the Township Cemetery represents an opportunity for development as single family residential.

Recommended Land Use for Development Area H (page 50), which presently reads:

"This 28 acre site, located just south of the lake, can be expected to yield roughly 225 dwelling units. This development area also enjoys quick access to the lakes, parks and elementary school, and provides transition between the higher intensity industrial uses to the east and the single family residential uses to the west."

To be amended to read as follows:

This site, generally located to the south of the lake, may be expected to yield dwelling units. This development area also potentially enjoys access to lakes, parks and elementary schools, and provides transition from the higher industrial and business uses to the south and southwest.

Recommended Modification to Conservation Area (page 52), which presently reads:

"This plan calls for the conservation and improvement of over 32 acres of park space that will surround the lake. This open space should be tied to bicycle trails through greenways, and safe on-street routes."

To be amended to read as follows:

This plan calls for conservation and improvement of substantial acreage that will surround the lake. This area will not extend toward the higher industrial and business uses to the south, and will be utilized primarily by the neighboring residential communities.

Deletion of Development Area K (page 51), which presently reads:

"Located east of the Dundee Township Cemetery and north of Route 72, this 17 acre site has the potential to yield as much as 180,700 square feet of commercial space. This scale is equivalent to that of a typical big box (such as Wal-Mart). However, the site is better suited for a series of smaller clusters of commercial office uses."

Creation of new Development Area T, consisting of approximately 119 acres, located north of Higgins Road (otherwise known as Route 72 or Main Street) to the east of Dundee Avenue (otherwise known as Route 215) to the south of Dundee Road (otherwise known as Route 68) and encompassing the existing road, all within the Village of East Dundee, Illinois. Suggested land use to read as follows:

This approximately 119 acre site will be developed with a multitude of business, industrial, retail or similar uses. This site will utilize the existing traffic pattern along Illinois Route 72.

Section Two. Re-Zoning. The subject property, as indicated in the applicant's petition for P/Z Case No. 07-04-02, is, pursuant to the above referenced ordinances, re-zoned from R-1 Single Family Residential and B-2 Commercial to **M-1 Limited Manufacturing**.

Section Three. Modifications. In accordance with Section 157.241(E), the following modifications to the standards shall be permitted:

- (1) *USE MODIFICATIONS:* A full range of light industrial and commercial uses is permitted throughout the property. This includes most all uses permitted in the M-1 and B-2 districts, as well as others from B-4 including without limitation, (a) a Motor Truck Terminal; (b) Gas Station & Retail; and (c) Automotive Retail and Service.
- (2) *PERMITTED USES ALONG IL HIGHWAY 72 FRONTAGE:* The 300-foot deep strip along IL Highway 72 restricted to those uses permitted in the B-2 district for a period of three years beginning on December 18, 2007 (i.e. the date the above-referenced ordinances were adopted by the Village). Beginning on December 18, 2010, permitted uses of the 300-foot strip shall include B-2 uses described herein and all uses authorized within the M-1 Limited Manufacturing District as well as other uses including without limitation, (a) a Motor Truck Terminal; (b) Gas Station & Retail; and (c) Automotive Retail and Service.
- (3) *BUILDING SETBACKS:* A 40-foot minimum front yard setback and a 20-foot minimum setback on the sides and rear of lots within the subdivision.

- (4) *PARKING SETBACK*: Parking is permitted in the required front yard setback within a setback of ten feet.
- (5) *BUSINESS DISTRICT SIGNAGE*: The signage standards that are applicable to business districts (as provided in the East Dundee Code of Ordinances, Chapter 156) shall apply to all lots within the subdivision regardless of use.
- (6) *FREESTANDING SIGNAGE*: The standards for freestanding signs included in Ordinance 06-46 shall apply to all lots within the subdivision with the exception that electronic signs shall be prohibited except as permitted in said ordinance.

Section Four. Utilities, Landscape and Open Space. In accordance with East Dundee Code of Ordinances, Chapter 157.246, the following variations to the standards shall be permitted:

- (1) *LOCATION OF UTILITIES* (Chapter 157.240(F)(3)): All utility connections are permitted (including electric, telephone, gas and cable) to lots and buildings located east of Christina Drive, to be installed above-ground in lieu of the requirement that all such overhead connections shall be made in the rear (east side) of said lots and buildings.
- (2) *LANDSCAPE COVERAGE* (Chapter 157.240(I)(9)): The landscape standards of East Dundee Code of Ordinances Chapter 158.04(D) shall apply to all lots within the subdivision.
- (3) *MINIMUM OPEN SPACES AREA* (Chapter 157.240(J)(2)): The minimum open space area for the Subject Property is to be reduced to 5%.
- (4) *TRASH RECEPTACLES AND STORAGE FACILITIES*. Applicant's requested variation with regard to Section 157.240(f)(5) (as detailed in Section 8.1(d) of Applicant's Development Binder is hereby granted. Applicant shall be permitted to screen trash receptacles and storage facilities with landscaping as opposed to masonry structures. Trash receptacles, vehicle storage or storage of materials and containers shall be located only in rear or interior side yards. Where visible from residential

areas or public rights of way, landscaping shall be in accordance with 158.05 (D).

- (5) *MECHANICAL EQUIPMENT, REFUSE CONTAINERS.* Applicant's requested variation with regard to Section 157.240(I)(2) (as detailed in Section 8.1(e) of Applicant's Development Binder) is hereby granted. Applicant shall be permitted to install appropriate screening for mechanical equipment and refuse containers located on the ground utilizing landscaping materials (as opposed to masonry or building materials similar to the building façade). The Applicant shall further be permitted to place mechanical equipment on the side of the building, to the rear of the building or alternatively on the roof of the building.
- (6) *LOADING AREAS.* Applicant's requested variation with regard to Section 157.240(I)(5) (as detailed in Section 8.1(f) of Applicant's Development Binder) is hereby granted. Applicant shall be permitted to install appropriate screening utilizing landscaping as opposed to masonry or building materials similar to the building façade. Loading areas shall be screened from surrounding roads, residential, office and commercial properties. Said screening may be through internal loading areas, screening walls that match the building exterior in materials and design, landscaping in accordance with 158.04 (D), or combination of the above. Gates and fencing may be used for security purposes, and shall be of high aesthetic quality.
- (7) *PARKING LOT ISLANDS.* Applicant's requested variation with regard to Section 157.240(I)(7) (as detailed in Section 8.1(g) of Applicant's Development Binder) is hereby granted. Parking lot design shall employ interior landscaped islands with a minimum of four hundred (400) square feet areas at all parking aisle ends and in addition, shall provide a minimum of one landscaped island of a minimum of four hundred (400) square feet in each parking aisle for every forty (40) cars in that aisle. Aisle end islands shall count toward meeting this requirement. Landscaped

medians shall be used to break large parking areas into distinct pods, with a maximum of two hundred (200) spaces in any one pod.

Section Five. Use Variances. In addition to the uses as contained in the Village's M-1 Limited Manufacturing District, the following additional uses shall be permitted:

- (1) B-2 Uses
- (2) Motor Truck Terminals
- (3) Gas Station and Retail
- (4) Automotive Retail and Services

Section Six. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Seven. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Eight. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 17th day of Nov, 2008 pursuant to a roll call vote as follows:

AYES: Ruffalo, Gorman, Lynam, Cichowski,

Mahony, Pres. O'Leary

NAYES: _____

ABSENT: _____

Approved by me this 17th day of Nov., 2008.

Daniel O'Leary
DANIEL O'LEARY, President

Published in pamphlet form this 19th day of Nov, 2008, under the authority of the President and Board of Trustees.

ATTEST:


SUSAN NORTON, Village Clerk

Recorded in the Village Records on Nov. 19, 2008.

