

AGENDA PLANNING AND ZONING COMMISSION

Village of East Dundee
May 7, 2020
7:00 PM

This meeting will be conducted via teleconference call by authorization of Gov. Pritzker waiving a portion of the IL Open Meetings act to allow local governments to hold "remote" meetings to help control the spread of COVID-19

Zoom Meeting Link: <https://us02web.zoom.us/j/87511209718>

If you need to download Zoom, use this link and download “Zoom Client for Meetings”: <https://zoom.us/download>

Computer Audio Only

Click on the “Join Audio Conference by Computer” link when you join the meeting.

If you are unable to join via computer audio, use the following dial in number and Meeting ID.

US Dial in: **312-626-6799**

Meeting ID/Access Code: **875 1120 9718**

Please....

Mute Your Microphone.

Zoom has a “Mute Microphone” option. Please keep your microphone muted to cut down on feedback. Unmute to speak.

Raise your Hand.

A hand icon will appear beside your username and lets the meeting's managers know you have a question, input, or otherwise need some attention when possible. Click on the icon labeled "Participants" at the bottom of your screen. Click the button labeled "Raise Hand".

Refrain from the group chat feature.

**AGENDA
PLANNING AND ZONING COMMISSION**

**Village of East Dundee
May 7, 2020
7:00 PM**

CALL TO ORDER

ROLL CALL / DECLARATION OF QUORUM

APPROVAL OF MINUTES

1. Planning and Zoning Commission and Historic Commission Meeting Minutes dated February 5, 2020

PUBLIC COMMENT

NEW BUSINESS

1. **PUBLIC HEARING (Text Amendment)** – to consider a text amendment amending various sections of Chapter 157 of the Village of East Dundee Village Code regarding building on lots.
 - a. Motion to recommend approval/denial of a text amendment amending various sections of Chapter 157 of the Village of East Dundee Village Code regarding building on lots.
2. **PUBLIC HEARING (855 E. Main Street)** – to consider a request to rezone the following described property from B-3- Service Business District to the R-5- Multiple Dwelling District.
 - b. Motion to recommend approval/denial of a request to rezone the following described property from B-3- Service Business District to the R-5- Multiple Dwelling District.
 - c. Motion to approve a Findings of Fact to recommend approval/denial of a request to rezone the following described property from B-3- Service Business District to the R-5- Multiple Dwelling District.
2. **PUBLIC HEARING (855 E. Main Street)** – to consider a request for a variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring that the lot size be a minimum of 3.39 acres.
 - a. Motion to recommend approval/denial of a variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring that the lot size be a minimum of 3.39 acres.

- b. Motion to approve a Findings of Fact to recommend approval/denial of a variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring that the lot size be a minimum of 3.39 acres.
- 3. **PUBLIC HEARING (855 E. Main Street)** – to consider a request for a variance from Section 157.036(A)(4) of the Zoning Chapter of the East Dundee Village Code requiring the maximum floor area ration (FAR) is not to exceed 0.4.
 - a. Motion to recommend approval/denial of a variance from Section 157.036(A)(4) of the Zoning Chapter of the East Dundee Village Code requiring the maximum floor area ration (FAR) is not to exceed 0.4.
 - b. Motion to approve a Findings of Fact to recommend approval/denial of a variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring the maximum floor area ration (FAR) is not to exceed 0.4.
- 4. **PUBLIC HEARING (855 E. Main Street)** – to consider a request for a variance from Section 157.036(A)(5) of the Zoning Chapter of the East Dundee Village Code requiring that the maximum building height is not to exceed two and one-half stories or 30 feet, whichever is lower.
 - a. Motion to recommend approval/denial of a variance from Section 157.036(A)(5) of the Zoning Chapter of the East Dundee Village Code requiring that the maximum building height is not to exceed two and one-half stories or 30 feet, whichever is lower.
 - b. Motion to approve a Findings of Fact to recommend approval/denial of a variance from Section 157.036(A)(5) of the Zoning Chapter of the East Dundee Village Code requiring that the maximum building height is not to exceed two and one-half stories or 30 feet, whichever is lower.

OTHER BUSINESS

ADJOURNMENT

Chairman Brewer called the Planning and Zoning & Historic Commission meeting to order at 6:00 p.m. Roll: 9 Present (Apke, Bernstein, Brewer, Holliman, Meyer, Muscat, Scarpelli, Schock and Steneck). 0 Absent. Also present were Village Administrator Jennifer Johnsen, Assistant Village Administrator Brad Mitchell, Building Inspector Chris Ranieri, Associate Village Attorney Caitlyn Culbertson and Village Clerk Katherine Holt.

APPROVAL OF MINUTES:

1. Planning and Zoning Commission Meeting Minutes dated June 6, 2019

*Motion to approve the June 6, 2019 meeting minutes by Muscat/Schock.
Motion carries by unanimous vote.*

PUBLIC COMMENT: None

NEW BUSINESS: None

HISTORIC COMMISSION:

1. Certificate of Appropriateness for Temporary Outside Structure: 325 Meier Street

- a. Discussion and Motion to Recommend Approval/Denial of a Certificate of Appropriateness for Diamond Jim's Temporary Outside Structure

Jeff Lambert, applicant and owner of Diamond Jim's, stated that a temporary 12' x 16' outside structure has been put up for the winter months mainly to be used by patrons who wish to smoke. He explained that this panel structure is more secure than the tent that has been used for the last couple of years. Chairman Brewer asked Lambert if he was aware that he had to apply for a historic certificate of appropriateness prior to putting up the structure. Lambert said that he did not. Building Inspector Ranieri added that the structure was constructed mid December without a permit. Lambert later applied for a permit on December 20. Ranieri said he notified Lambert to remove the structure because he did not have permission from the Historic Commission at which time Lambert stated he would like to appear before the Historic Commission to request approval for the structure to remain up.

Motion to Deny the Certificate of Appropriateness for the Temporary Outside Structure at 325 Meier Street by Holliman/Apke.

9 Ayes (Scarpelli, Holliman, Meyer, Apke, Berstein, Steneck, Schock, Muscat and Brewer). 0 Nays. 0 Absent. Motion carries.

NEW BUSINESS

- 1. PUBLIC HEARING (VOED)** – To consider a request for an Ordinance of the Village of East Dundee, Cook and Kane Counties, Illinois, amending various sections of Chapter 157 of the Village of East Dundee Village Code relative to adult-use and medical cannabis business establishments.

Chairman Brewer explained that the Commission is meeting tonight to recommend where cannabis business establishments may be allowed to locate in the village. Administrator Johnsen explained the

purpose and scope on a Planning and Zoning level. The Commission discussed the zoning recommendations made by the Village Board which included districts for indoor manufacturing uses, overlay districts for dispensaries, special use permit requirements and downtown B-1 district parking requirements.

Motion to open the Public Hearing by Holliman/Steneck. Motion carries by unanimous vote.

Attorney Culbertson swore in all audience members that wish to speak.

Rev. William Yonker – Senior Pastor at Immanuel Lutheran Church

Rev. Yonker stated that if cannabis is sold in the downtown area, people will stop sending their children to Immanuel School. He asked that the sale of cannabis be kept away from the immediate confines of the church and school.

Sue Domeier – East Dundee Resident and Principal of Immanuel Lutheran School

Ms. Domeier voiced her concerns for the safety of children if retail cannabis facilities are allowed in the community. She asked the Village to not allow a retail cannabis store within 1,500 feet of Immanuel Lutheran.

John Conrad – East Dundee Resident and Teacher at Immanuel Lutheran School

Mr. Conrad asked that the Village consider the letter that was submitted by Immanuel asking for cannabis establishment to be located a minimum of 1,500 feet from the church and school. He voiced his concern for the safety of the children.

Phillip Baerwolf – East Dundee Resident and Associate Pastor of Immanuel Lutheran Church

Mr. Baerwolf urged the Village Board to not allow recreational marijuana businesses within 1,500 feet of the church or school campus. He voiced his concerns for safety, security and parking issues downtown.

Kay Gade – Resident at 415 Maiden Lane, East Dundee

Mrs. Gade asked that no recreational marijuana business be located in the downtown.

Randy Johnson – Resident at 604 Wendt Ave, East Dundee and Member of Immanuel Church

Mr. Johnson stated that he has been a Dundee area resident since 1981 and is also the Chairman of the Board of Elders at Immanuel Lutheran Church. He said that the safety of children is at risk and needs to be considered. He asked that cannabis establishment be located a minimum of 1,500 feet from Immanuel.

Arin Thrower – Resident at 218 N. 4th St, West Dundee

Ms. Lash stated that her daughter is a student at Immanuel School. She said her main concern is quality of life and that cannabis is not the right fit for the downtown area.

Brian Slovacek – Resident at 608 S. Third St, West Dundee and Member of Immanuel Church

Mr. Slovacek asked that all cannabis establishments be located a minimum of 1,500 feet from Immanuel. He asked that cannabis be kept as a special use. Mr. Slovacek polled the audience asking who was in favor of the 1,500 foot minimum requirement and special use requirement and the majority of the audience was in favor by a show of raised hands.

Kalee Hooghkirk – Resident of 25 Hickory Dr, Carpentersville and Owner of Full Spektrum Services

Ms. Hooghkirk explained that she is a medical card user and favors the special use provision. She said that restricting access to marijuana businesses will drive people to find it on the black market. She stated that a special use permit would give the opportunity to educate the community and put East Dundee on the map for responsible use.

Kevin Laas – Resident at 501 Edwards Ave, Carpentersville

Mr. Laas stated that many people will avoid the downtown if a dispensary is allowed there.

Chris Wendt – Business Manager at Immanuel Lutheran Church

Mr. Wendt stated that the downtown is evolving well. He said that a cannabis business is not a good fit downtown. He explained that locating cannabis businesses in the Route 25 and Route 72 area would be easier for traffic. He asked that cannabis establishments not be located within a minimum of 1,500 feet from Immanuel.

Bill Grant – Sleepy Hollow Resident and Member of Immanuel Lutheran Church

Mr. Grant explained that he manages five buildings in Chicago. He said that one of the buildings is across the intersection from a dispensary that has been in the news recently for a large robbery they had. He said under the medical use, the establishment had been a good neighbor. He said after January 1 when recreational cannabis was legalized, the area changed and parking availability became terrible. His banking establishment's parking has been over come by the dispensary's parking. He encouraged the Commission to not allow this use in downtown East Dundee.

John Cichowski – Resident at 307 E. 1st St, East Dundee

Mr. Cichowski asked that cannabis establishments be located in the industrial park where there is ample parking.

Erin Lash – Resident at 315 Second St, West Dundee.

Ms. Lash stated that her children attend Immanuel and she does not want their safety to be compromised. She said that allowing recreational cannabis establishments will welcome more challenges and issues and would not in the best interest of this family-oriented community.

Motion to close the Public Hearing by Muscat/Holliman. Motion carries by unanimous vote.

- 2. ORDINANCE RECOMMENDATION (VOED)** - Recommendation to Village Board regarding an Ordinance of the Village of East Dundee, Cook and Kane Counties, Illinois, amending various sections of Chapter 157 of the Village of East Dundee Village Code relative to adult-use and medical cannabis business establishments.

The Commission discussed parking requirements and came to a consensus to increase the recommendation for a minimum of 10 parking spaces to 20 spaces in the B-1 District. There was also consensus to remove dispensary uses from the downtown.

The Commission then discussed where to permit dispensaries and came to a consensus to not allow cannabis business establishments in the B-1 and B-2 Districts but to allow as special uses only in the overlay districts proposed at the December 9, 2019 Board of Trustees meeting. Dispensaries would be allowed in the B-3 and Manufacturing Districts but all other uses would only be allowed in the

Village of East Dundee
Kane County, IL
Planning and Zoning & Historic Commission
February 5, 2020

Manufacturing Districts. The Commission agreed with the recommendation that all cannabis establishments must obtain a special use permit before locating in the Village.

Chairman Brewer commented that he felt limiting establishments to areas east of Route 25 is over restrictive and an unreasonable request that the Village Board will likely override. He would rather keep this within the business districts but limit it to no sales within 1,500 of the intersection of Main and Van Buren streets.

Motion to recommend the Village Board approve an ordinance amending various sections of Chapter 157 of the Village of East Dundee Village Code relative to Adult-Use and Medical Cannabis Business Establishments as amended to require a minimum of 20 parking spaces for adult-use and medical dispensaries, allow cannabis business establishments as special uses only in the overlay districts proposed and depicted in the maps attached to the December 9, 2019 Board of Trustees memorandum and require all cannabis business establishments obtain a special use permit before locating within the Village by Schock/Holliman.

8 Ayes (Schock, Scarpelli, Holliman, Muscat, Meyer, Bernstein, Steneck, and Apke). 1 Nay (Brewer). 0 Absent. Motion carries.

Motion to adjourn the Planning and Zoning & Historic Commission Meeting at 7:37 p.m. by Holliman/Steneck.

Motion carries by unanimous vote. Meeting adjourns.

Village of East Dundee Memorandum

To: Planning and Zoning Commission
CC: Jennifer Johnsen, Village Administrator
From: Brad Mitchell, Assistant Village Administrator
Chris Ranieri, Building Inspector
Joseph D. Heinz, P.E.
Subject: 855 E. Main Street
Date: May 7, 2020

PROJECT SUMMARY

Billitteri Enterprises has submitted an application for re-zoning and variances (as outlined in this memo) for the property at 855 E. Main Street, the vacant parcel immediately east of 811 E. Main Street. This is the same developer that built the apartments at 811 E. Main Street and the proposed new buildings are to be identical to those at 811 E. Main Street. The intent of the application is to allow for development of two 18-unit apartment buildings each containing three stories. The anticipated start date of construction is September 2020. It should be noted that on March 2, 2020, the Village of East Dundee Village Board approved and executed a development agreement with Billitteri Enterprises for the development of the two 18-unit apartment buildings proposed for 855 E. Main Street.



TEXT AMENDMENT – BUILDING ON LOTS (VILLAGE OF EAST DUNDEE)

- 1. A text amendment amending various sections of Chapter 157 of the Village of East Dundee Village Code regarding building on lots.*

The Village desires to amend the Zoning Ordinance to allow for more than one principal building on a lot zoned R-5 whereby the buildings are maintained under single ownership. It should be noted the previous development at 811 E. Main Street did not require this text amendment as the developer subdivided the property.

REZONING REQUEST (PETITIONER)

1. Rezone the property located at 855 E. Main Street from the B-3- Service Business District to the R-5- Multiple Dwelling District.

Per Village Code Section 157.223 and existing case law, for all map amendments, the Planning and Zoning Commission must consider the following factors. For each of these factors, the Village's response has been provided in italics.

1. Existing uses of property within the general area of the property in question.

Village Response: Uses within the general area include retail, restaurant, amusement, automotive, and residential.

2. The zoning classification of property within the general area of the property in question.

Village Response: All incorporated adjacent property is zoned B2 – Community Business District and R2 – Single Family District and R4- General Residence District.. B3 – Service Business District, B4 – Automotive Service District and R5 – Multiple Dwelling District are also within the general area. River Haven is to the north of the subject property and is zoned R5 – Multiple Dwelling District.

3. The suitability of the property in question to the uses permitted under the existing zoning classification.

Village Response: The property is designed for uses permitted within the B3 - Service Business District.

4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

Village Response: Portion of the River Valley Shopping Center is for sale, which includes the former Dominick's site and the future use of the general area is being reevaluated due to long-term vacancy in area.

5. The extent to which property values are diminished by the particular zoning restrictions.

Village Response: The property value remains low as there is no/little market for commercial development on the property.

6. The extent to which the destruction of property values of promotes the health, safety, morals, and general welfare of the public.

Village Response: N/A

7. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

Village Response: The public will gain residential apartment building in place of a vacant piece of land and will be able to liquidate its assets.

8. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property

Village Response: The property has always been vacant.

9. The community need for the proposed use.

Village Response: The Village's Comprehensive Plan acknowledges the Village's position to provide for a variety of housing options. The development will add a buffer between residential and commercial. Future land use plan calls for planned residential development in the immediate general area.

10. The care with which the community has undertaken to plan its land use development.

Village Response: The Village updated its Comprehensive Plan in 2002.

VARIANCE REQUESTS (PETITIONER)

- 1. Variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring for the lot size to be a minimum of 3.39 acres.**

The 24 1-bedroom units and 12 2-bedroom units require that the lot size be a minimum of 3.39 acres and the current parcel layout provides about 2.0 acres.

- 2. Variance from Section 157.036(A)(4) of the Zoning Chapter of the East Dundee Village Code requiring the maximum floor area ratio (FAR) is not to exceed 0.4.**

The maximum FAR is not to exceed 0.4 and using the previous development building size, the potential FAR is 0.43.

- 3. Variance from Section 157.036(A)(5) of the Zoning Chapter of the East Dundee Village Code requiring that the maximum building height is not to exceed two and one-half stories or 30 feet, whichever is lower.**

The maximum height is 2.5 stories or 30' and the proposed building is 3 stories or 32.48'.

In order to consider the variances, the Planning and Zoning Commission should consider the following standards. The Village's response is on the attached draft Findings of Fact. The attached application includes the petitioner's response to these standards.

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.
2. The plight of the owner is due to unique circumstances.
3. The variation, if granted, will not alter the essential character of the locality.

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.
5. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.
6. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
7. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
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.
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.

The Commission may require such conditions and restrictions upon the premises benefitted by a variation 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 upon other property in the neighborhood. Below are outlined recommended conditions:

1. Landscape buffering should be included for east and north side, as approved by the Village Administrator.
2. Variances apply only if constructed as shown on the attached site plan and with the materials submitted and as described in the Development Agreement Ordinance 20-05.
3. The developer is not in breach of Development Agreement Ordinance 20-05.

Village Staff Recommendation: Approval of text amendment to allow for more than one principal building on a lot zoned R-5 whereby the buildings are maintained under single ownership.

Approval of the requested rezoning and variances to allow for development of apartment buildings at 855 E. Main Street.

Action Requested: Discussion and motion to recommend approval/denial of a text amendment amending various sections of Chapter 157 of the Village of East Dundee Village Code regarding building on lots.

Discussion and motion to recommend approval/denial of a request to rezone the following described property from B-3- Service Business District to the R-5- Multiple Dwelling District.

Discussion and motion to approve a Findings of Fact to recommend approval/denial of a request to rezone the following described property from B-3- Service Business District to the R-5- Multiple Dwelling District.

Discussion and motion to recommend approval/denial of a variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring that the lot size be a minimum of 3.39 acres.

Discussion and motion to approve a Findings of Fact to recommend approval/denial of a request for a variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring that the lot size be a minimum of 3.39 acres.

Discuss and motion to recommend approval/denial of a variance from Section 157.036(A)(4) of the Zoning Chapter of the East Dundee Village Code requiring the maximum floor area ratio (FAR) is not to exceed 0.4.

Discussion and motion to approve a Findings of Face to recommend approval/denial of a request for a variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring the maximum floor area ratio (FAR) is not to exceed 0.4.

Discussion and motion to recommend approval/denial of a variance from Section 157.036(A)(5) of the Zoning Chapter of the East Dundee Village Code requiring that the maximum building height is not to exceed two and one-half stories or 30 feet, whichever is lower.

Discussion and motion to approve a Findings of Fact to recommend approval/denial of a request for a variance from Section 157.036(A)(5) of the Zoning Chapter of the East Dundee Village Code requiring that the maximum building height is not to exceed two and one-half stories or 30 feet, whichever is lower.

Attachments:

1. Text Amendment Ordinance
2. Rezoning and Variance Application
3. Concept Plan Review
4. Public Notice
5. Findings of Fact

ORDINANCE NUMBER 20 - __

**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 BUILDING ON R5 LOTS**

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, pursuant to Chapter 157.080 of the Village of East Dundee Zoning Ordinance ("Zoning Ordinance"), in residence districts, every dwelling hereafter erected or structurally altered shall be located on a lot and there shall not be more than one principal building on one lot, except in a planned development; and

WHEREAS, the Village desires to amend the Zoning Ordinance to allow for more than one principal building on a lot zoned R5 whereby the buildings are maintained under single ownership; and

WHEREAS, on May 7, 2020, the Planning & Zoning Commission ("P&Z") held a public hearing on the Proposed Code Amendments pursuant to notice thereof given in the manner required by law; and

WHEREAS, the President and Board of Trustees of the Village have duly considered the Findings and Recommendation of the P&Z, and all of the materials, facts and circumstances affecting the Proposed Code Amendments; and

WHEREAS, pursuant to the authority granted under Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.), the President and Board of Trustees of the Village of East Dundee approve the Proposed Code Amendments to the Village Code set forth below, and find the adoption of the Proposed Code Amendments to be in the best interests of the Village.

BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook County, Illinois, as follows:

**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 each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Amendments. Section 157.080 of the East Dundee Village Code is hereby amended to read as follows, with additions underlined and deletions struck through:

“In ~~residence~~ residential districts, every dwelling hereafter erected or structurally altered shall be located on a lot and there shall not be more than one principal building on one lot, except in a planned development: or in the R-5 Multiple Dwelling Residential District where no more than two principal buildings shall be permitted on one lot as long as the buildings remain under single ownership.”

SECTION 3: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 4: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5: Except as to the Code Amendments set forth above in this Ordinance, all Chapters and Sections of the Village Code, as amended, shall remain in full force and effect.

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.

ADOPTED this __th day of _____, 2020 pursuant to a roll call vote as follows:

AYES: _____

NAYES: _____

ABSENT: _____

APPROVED by me this __th day of _____, 2020.

Lael Miller, Village President

ATTEST:

Katherine Holt, Village Clerk

Published in pamphlet form this _th day of _____, 2020, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on _____, 2020.

VILLAGE OF EAST DUNDEE



**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: 811 Main St. Apts., LLC
2. Project Location: 855 E. Main St., East Dundee, IL 60118
3. Brief Project Description:
 The project consists of two (2) multifamily rental apartment buildings with eighteen (18) units each, with thirty-six (36) units in total,
 with a mix of twenty-four (24) one (1) bedroom units and twelve (12) two (2) bedroom units amongst the two (2) buildings.
 There will be fifty-seven (57) proposed surfaced parking spaces, with an anticipated parking ratio (spaces/units) of 1.58
4. Project Property Legal Description:
 Lot 5 in River Haven Subdivision, being a subdivision of part of the southeast quarter of section 23 and the northeast quarter
 of section 26 township 42 north, range 8, east of the third principal meridian, according to the plat thereof recorded April 26, 2012
 as document No. 2012K026783, in the Village of East Dundee, Kane County, Illinois.
5. Project Property Size in Acres and Square Feet: 2.6 Acres+/- 115,000 sq ft.
6. Current Zoning Status: B-3
7. Current Use Status: Vacant
8. Surrounding Land Use Zoning: Apartments on the West. Residential to the North & Commercial Retail to the East.
9. Zoning District Being Requested (if applicable): _____
10. Parcel Index Numbers of Property: 03-26-227-012

B. Owner Information

1. Signature: 
2. Name: Joseph Billitteri - managing member (811 Main St Apts, LLC)
3. Address: 1055 Nimco Dr., Ste. E., Crystal Lake, IL 60014
4. Phone Number: 847.833.5004 Fax: _____ Email: JoeB@profit-success.net

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

1. Name/Company: 811 Main St. Apts., LLC
2. Address: 1055 Nimco Dr., Ste. E., Crystal Lake, IL 60014
3. Phone Number: 847.417.9884 Fax: _____ Email: csccommercial@gmail.com

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?

Properties surrounding this parcel will not loose enjoyment. Land is currently vacant; one side is apartments, Residential to the North and commercial to the east. This development will add a buffer between the residential and commercial.

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?

This development does not impede any future development or property improvements.

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

Yes, proposed site plan attached.

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

Access will be through the existing highway 72 access for the 811 E Main St property and a cross access agreement already in place with the retail center to the east.

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?

This project falls within the goals, policies and standards of the Village of East Dundee.

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?

B-3 is existing Zoning - need to change to R-5 multi-family dwelling (Residential District).

3. What is proposed?

R-5

36 Apartments - two (2) - 18 unit buildings consisting of one (1) and two (2) bedroom units.

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

Market conditions are prohibitive for new retail or office development.

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)

This property will fit in with the existing apartments adjacent.

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?

Physical surroundings are good. Market conditions drive to change the use of the land.

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)

Configuration of the property lends itself to the variance requested.

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

Use of land is only viable for apartments at this economic time.

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

No.

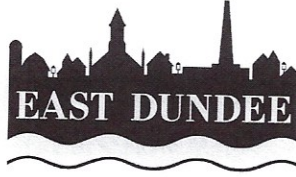
10. Please give an explanation for any questions answered YES .

- 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

This project will conform to the Village use plan.

VILLAGE OF EAST DUNDEE



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.

VILLAGE OF EAST DUNDEE



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

Date

1055 Nimco Dr., Ste, Crystal Lake, IL 60014

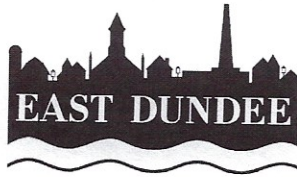
847.833.5004

Address

Phone Number

Project Description:

VILLAGE OF EAST DUNDEE



Affidavit of Ownership & Control

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

Signature: [Signature]

Owner: managing member

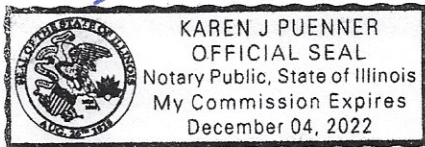
Address: 1055 Nimco Dr., Ste. E

Crystal Lake, IL 60014

Phone: 847.833.5004

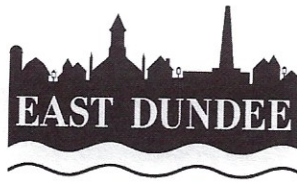
SUBSCRIBED AND SWORN TO before me this
24th day of March, 2020.

[Signature]
(NOTARY SIGNATURE)



(NOTARY STAMP)

VILLAGE OF EAST DUNDEE



Affidavit & Disclosure Agreement

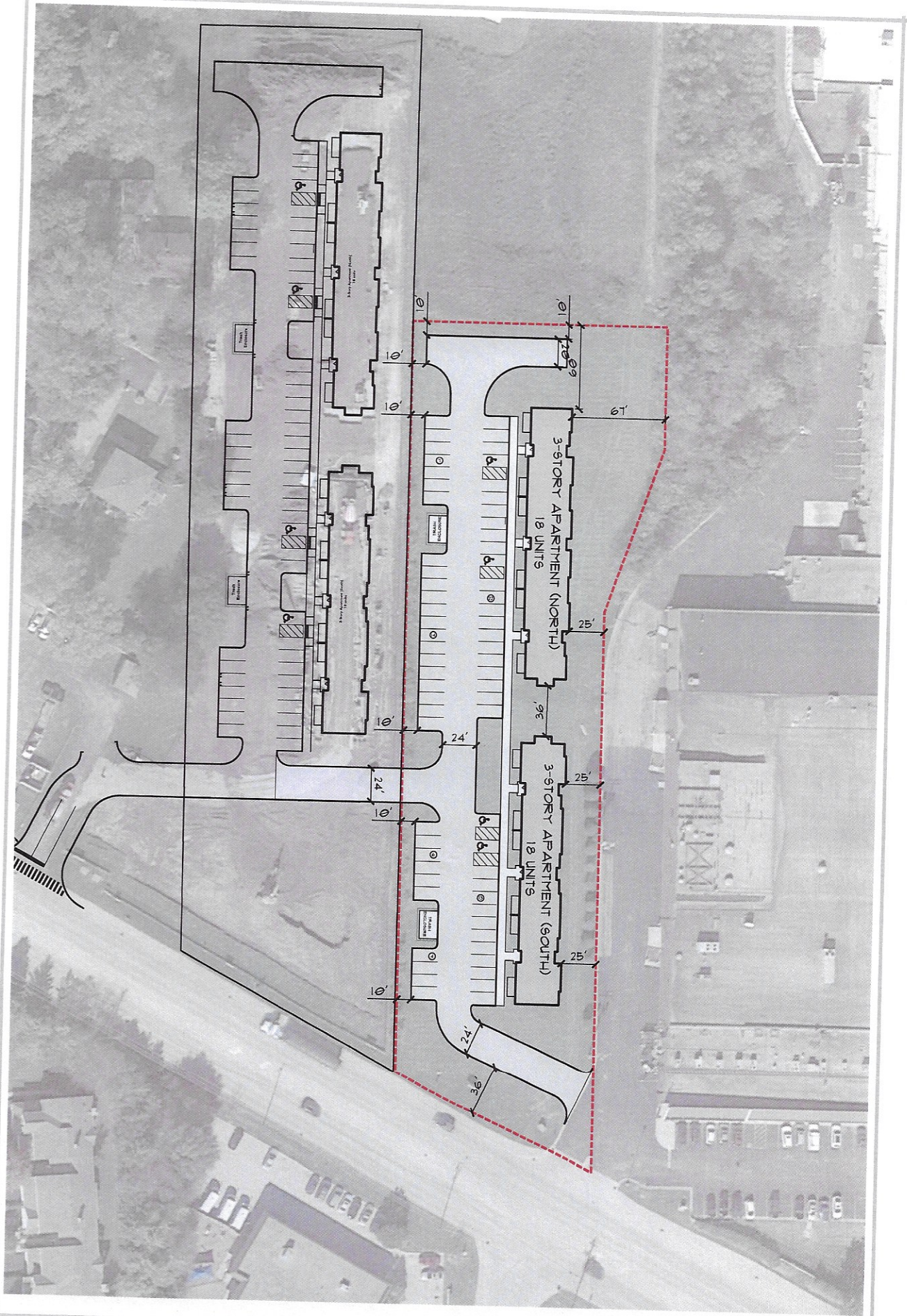
To cover the Village expenses relating to applications for site plans, Subdivisions, Annexations, Zoning Amendments, Special Uses, Variations and the like:

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: _____



NORTH
0 100
Scale: 1" = 100'

CONCEPT SITE PLAN C
2-acre RIVER HAVEN PARCEL
EAST DUNDEE, IL
BILLITTERI ENTERPRISES

HAEGER ENGINEERING
consulting engineers • land surveyors
100 East State Parkway, Schaumburg, IL 60173 Tel: 847.394.6600 Fax: 847.394.6608
Illinois Professional Design Firm License No. 184-003192 www.haegerengineering.com

Project Manager: MLA
Engineer:
Date: 03.14.2020
Project No. 19-991
Sheet 1 / 1

X:\Research\2019\River Haven\Other East Dundee\1991-01 Site.dwg | Mar 14, 2020 - 2:05pm | mla

© 2020 Haeger Engineering, LLC



Gerald L. Heinz & Associates, Inc.

Consulting Engineers and Professional Land Surveyors

MEMORANDUM

DATE: March 18, 2020

TO: Brad Mitchell, Assist. Village Administrator
Chris Ranieri, Building Official

AT: East Dundee

FROM: Joseph D. Heinz, P.E.

SUBJECT: 855 Main Apartment Complex Concept Plan

Job No. ED-2194

We have reviewed the concept plan for the development of the property located at 855 Main Street. The concept plan proposes two (2) 3 Story – 18 unit apartment buildings on a Lot 5 in River Haven Subdivision. The following is a list of variances that would be required to allow this development based on the Concept Site Plan C, prepared by Haeger Engineering dated February 28, 2020 received March 16, 2020:

Zoning

- The development is proposed on a parcel which are currently zoned B-3. The proposed use is multi-family residential. **We would recommend that the residential lot be zoned R-5 to closely match the proposed use. Village code section §157.036.**
- The residential lot as zoned R-5 would still need variances for:
 - a. Lot size. 24 1-bedroom units and 12 2-bedroom units require that the lot size be a minimum 3.39 acres and the current parcel is approximately 2.0 Acres in size. **Village code section §157.036(A)(1)**
 - b. Floor area ratio. The maximum floor area ratio (FAR) is not to exceed 0.4. Using the previous development building size, the potential FAR is 0.43. **Village code section §157.036(A)(4)**
 - c. Building Height. The maximum height is 2.5 stories or 30' and the proposed building is 3 stories. **Village code section §157.036(A)(5)**
 - d. Off-street parking. The proposed driveway extension from the 811 Main Street site will remove four (4) stalls which will result in a parking deficiency for the site. The 36 units require 63 parking stalls and there will be 59 stalls remaining with the proposed driveway extension. **Village code section §157.036(A)(9)**

General Comments

- An off-site ingress/egress easement will be necessary.
- The scale of the Concept Plan should be corrected to indicate 1"=60'.

Utilities

- The parcel can obtain sanitary sewer service from existing sanitary sewers along the westerly and southerly side of the property.
- The parcel can obtain water service from existing mains along the northerly and possibly easterly side of the parcel. Water main extensions necessary for hydrant coverage should not result in a dead end main. The fire hydrants in front of the apartment buildings should be moved at least 30' from the building and within 100' of the building fire service connection.
- The storm sewer detention was provided as part of the River Haven development. The development will still need to comply with the current Kane County Stormwater Management Ordinance.

Street Layout

- The layout should also be tested by the design engineer to confirm that the drives can accommodate the fire district vehicles.
- There should be a connecting sidewalk from the 811 Main Street development to this development and also connect to the public walk along Illinois Route 72.

Landscaping & Lighting

- The parking lots should provide landscaping islands so that there is a maximum of 10 stalls in a row. Given the current layout a variance would be necessary. **Village code section §158.04(D)(2)(d)2**
- A photometric plan will need to be submitted to prove that the proposed lighting will not reflect into adjacent residential districts.
- Parkway trees will be required along Illinois Route 72.

This review is based on a concept site plan. The need for additional variances may be required when subsequent plans or additional information is provided.

Please let me know if you have any questions on my comments.

cc Jennifer Johnsen, Village Administrator
 Phil Cotter, Dir. Of Public Works
 John Curtis, Developer

State of Illinois)
County of Kane) SS
Village of East Dundee)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning and Zoning Commission of the Village of East Dundee will hold a public hearing on May 7, 2020 at 7:00 P.M. via teleconference call by authorization of Gov. Pritzker waiving a portion of the Illinois Open Meetings act to allow local governments to hold "remote" meetings to help control the spread of COVID-19

1. A text amendment amending various sections of Chapter 157 of the Village of East Dundee Village Code regarding building on lots.
2. A request to rezone the following described property from B-3 Service Business to the R-5 Multiple Dwelling.
3. A request for a variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring that the lot size be a minimum of 3.39 acres in the R-5 Multiple Dwelling Residential District.
4. A request for a variance from Section 157.036(A)(4) of the Zoning Chapter of the East Dundee Village Code requiring the maximum floor area ratio (FAR) is not to exceed 0.4.
5. A request for a variance from Section 157.036(A)(5) of the Zoning Chapter of the East Dundee Village Code requiring the maximum building height is 2.5 stories or 30'.
6. A request for a variance from Section 157.036(A)(9) of the Zoning Chapter of the East Dundee Village Code requiring 63 parking stalls with proposed driveway extension.
7. A request for a variance from Section 158.04(D)(2)(d)(2) of the Landscape Chapter of the East Dundee Village Code requiring landscape islands so that there is a maximum of 10 parking spaces in a row.

Property Legal Description:

LOT 5 IN RIVER HAVEN SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26 TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 26, 2012 AS DOCUMENT NO. 2012K026783, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

PINS: 03-26-227-012

All interested persons will be given an opportunity to be heard.

VILLAGE OF EAST DUNDEE, ILLINOIS

Findings of Fact – Rezoning

Property Location: 855 E. Main Street

Rezoning requested: Rezone the property located at 855 E. Main Street from B-3 – Service Business District to the R-5- Multiple Dwelling District

Hearing date: May 7, 2020

The Planning and Zoning Commission has made the following findings regarding the variation request:

1. Existing uses of property within the general area of the property in question.

Uses within the general area include retail, restaurant, amusement, automotive, and residential.

2. The zoning classification of property within the general area of the property in question.

All incorporated adjacent property is zoned B2 – Community Business District and R2 – Single Family District and R4- General Residence District.. B3 – Service Business District, B4 – Automotive Service District and R5 – Multiple Dwelling District are also within the general area. River Haven is to the north of the subject property and is zoned R5 – Multiple Dwelling District.

3. The suitability of the property in question to the uses permitted under the existing zoning classification.

The property is designed for uses permitted within the B3 - Service Business District and is vacant.

4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

Portion of the River Valley Shopping Center is for sale, which includes the former Dominick's site and the future use of the general area is being reevaluated due to long-term vacancy in area.

5. The extent to which property values are diminished by the particular zoning restrictions.

The property value remains low as there is no/little market for commercial development on the property.

- 6. The extent to which the destruction of property values of promotes the health, safety, morals, and general welfare of the public.**

N/A

- 7. The relative gain to the public as compared to the hardship imposed upon the individual property owner.**

The public will gain residential apartment building in place of a vacant piece of land and will be able to liquidate its assets.

- 8. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**

The property has been vacant.

- 9. The community need for the proposed use.**

The Village's Comprehensive Plan acknowledges the Village's position to provide for a variety of housing options. The development will add a buffer between residential and commercial. Future land use plan calls for planned residential development in the immediate general area.

- 10. The care with which the community has undertaken to plan its land use development.**

The Village updated its Comprehensive Plan in 2002.

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

____ayes ____nays ____absent____abstain

Date: _____

Planning and Zoning Commission Chairman

VILLAGE OF EAST DUNDEE, ILLINOIS

Findings of Fact – Variance

Property Location: 855 E. Main Street

Variance(s) requested: A variance from Section 157.036(A)(1) of the Zoning Chapter of the East Dundee Village Code requiring that the lot size be a minimum of 3.39 acres.

A variance from Section 157.036(A)(4) of the Zoning Chapter of the East Dundee Village Code requiring the maximum floor area ratio (FAR) is not to exceed 0.4.

A variance from Section 157.036(A)(5) of the Zoning Chapter of the East Dundee Village Code requiring that the maximum building height is not to exceed two and one-half stories or 30 feet, whichever is lower.

Hearing date: May 7, 2020

The Planning and Zoning Commission has made the following findings regarding the variation request:

- 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:**

Yes, without the variances, the property would not allow for the apartment building as proposed.

- 2. The plight of the owner is due to unique circumstances; Yes/No/N.A. and**

Yes, the property's unique circumstances limits the ability to develop the property.

- 3. The variation, if granted, will not alter the essential character of the locality. Yes/No/N.A.**

Yes, the character of the locality would not be affected and would be enhanced due with the apartment buildings instead of a vacant property.

For the purpose of supplementing the above standards, the Planning and Zoning Commission, in making its decision whenever they are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts favorable to the applicant, have been established by the evidence that:

1. **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, if the regulations are strictly enforced, the apartment buildings could not be built as proposed and, therefore, the project would not be completed.

2. **The conditions upon which the petition for variation is based would be applicable generally to other property within the same zoning classification; Yes/No/N.A.**

Yes, should these conditions reoccur on a development with the same zoning classification, the basis for the variation would be applicable.

3. **The purpose of the variation is not based exclusively upon a desire to make more money out of the property; Yes/No/N.A.**

Yes. Without the variations, the overall use of the property would be affected and not viable for apartments and remain vacant.

4. **The alleged difficulty or hardship has not been created by any person presently having an interest in the property; Yes/No/N.A.**

Yes.

5. **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, the granting of the variances would not be detrimental or injurious to the surrounding properties.

6. **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, the proposed variation would not have any of the above negative effects.

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

____ayes ____nays ____absent ____abstain

Date: _____

Planning and Zoning Commission Chairman