

**ORDINANCE NUMBER 12 - 71**

**ORDINANCE APPROVING THE REZONING OF PARCEL 1  
OF THE PROPERTY LOCATED AT 611 EAST MAIN STREET  
COMMONLY KNOWN AS SUMMIT SCHOOL FROM O-D, OFFICE  
DISTRICT TO B-3, GENERAL SERVICE BUSINESS DISTRICT**

**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**, application has been made by Jim Bergman under Petition No. 12-08-01 requesting rezoning from O-D, Office District, to B-3, General Service Business District, for Parcel 1 of the property located at or near 611 East Main Street, East Dundee, Illinois, and commonly known as Summit School; and

**WHEREAS**, Parcel 1 consists of approximately 2.6 acres more or less, is commonly known as the athletic fields located to the east of 611 East Main Street, East Dundee Illinois 60118. Parcel index numbers include: 03-26-227-011 and 03-23-479-003.

**WHEREAS**, the Parcel 1 and 2 of the property is legally described as follows:

Part of the East half of the southeast quarter of section 23, and part of the east half of the northeast quarter of section 20, all in township 42 north range 8 east of the 3<sup>rd</sup> principal meridian in the Village of East Dundee, Kane County, Illinois.

**WHEREAS**, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the Village of East Dundee Code of Ordinances, held a hearing on Petition No. P/Z 12-08-01 ; and

**WHEREAS**, pursuant to said hearing, the Commission recommended approval of the rezoning by a vote of 5 ayes, 4 nays and, 0 absent; and

**WHEREAS**, the President and the Board of Trustees of the Village of East Dundee find that it is in the best interest of the Village to rezone the property in accordance with the Village of East Dundee Code, the Village of East Dundee's Comprehensive Plan, and pursuant to the Village's home rule powers; and

WHEREAS, the rezoning of this property and its proposed uses are compatible with the objectives, policies and general land uses set forth in the comprehensive plan, as amended;

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

**Section One.** That the application for rezoning Petition No. P/Z \_\_\_\_\_ from O-D, Office District, to B-2, Community Business District, is approved, and Parcel 2 of the property more specifically described below is hereby rezoned from O-D, Office District to B-3, General Service Business District.

PARCEL 1 AND 2

Part of the East half of the southeast quarter of section 23, and part of the east half of the northeast quarter of section 20, all in township 42 north range 8 east of the 3<sup>rd</sup> principal meridian in the Village of East Dundee, Kane County, Illinois.

**Section Two.** That the official zoning map of the Village of East Dundee, Illinois be amended to reflect the approved rezoning of the property.

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

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

**Section Five. 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 20<sup>th</sup> day of August, 2012, pursuant to a roll call vote as follows:

AYES: 5 - Trustees Gorman, Lynam, Miller, VanOstenbridge & Pres. Bartels

NAYES: 1 - Trustee Skellicorn

ABSENT: 1 - Trustee Ruffalo

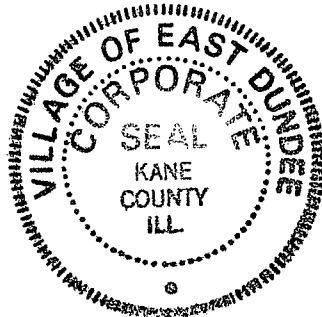
Approved by me this 20<sup>th</sup> day of August, 2012.

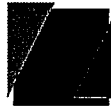
Jerald Bartels  
JERALD BARTELS, President

Published in pamphlet form this 26<sup>th</sup> day of August, 2012, under the authority of the President and Board of Trustees.

**ATTEST:**

Jennifer Rehberg  
JENNIFER REHBERG, Village Clerk  
Recorded in the Village Records on Aug. 26<sup>th</sup>, 2012.





# VANDEWALLE & ASSOCIATES INC.

**To:** Chairman Swanson and Members of the Planning and Zoning Commission  
**From:** Scott Harrington, AICP, Village Consulting Planner  
**CC:** Bob Skurla, Village Administrator  
**Date:** July 31, 2012  
**Re:** Summit School Reuse Project

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## **Project Summary**

Jim Bergman, applicant, has a lease and a purchase option for the former Summit School property located at 611 East Main Street. The property consists of 4.28<sup>+/-</sup> acres and has been vacant since the school relocated to Elgin in 2008. The project consists of splitting the property into two parcels. Parcel 1 is approximately 2.5 acres and consists of the former athletic fields for the school. Parcel 2 is approximately 1.73 acres and consists of the school building and parking area. The proposed reuses for the two parcels are as follows:

### Parcel 1

The applicant is negotiating with the neighboring property owner to the east (Plote) to sell the property so that it may be combined with the neighboring property, which has a similar size and configuration. Together, the two properties would make for a sizable commercial site with significant frontage along Route 72.

### Parcel 2

Proposed reuses of the existing building consist of:

- New Dundee Township offices and community meeting space
- A new location for Discount Grocery Store (currently located in River Valley Shopping Center)
- Transitional housing for veterans to be operated by the applicant in conjunction with his recently approved River Haven project that also is targeted toward veterans

Please see the applicant's project narrative for a detailed description of each use.

## **Required Approvals**

The proposed reuse plans require the following Village approvals:

- Amendment to the Comprehensive Plan Future Land Use Map to designate the entire property as General Business

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax  
342 North Water Street • Milwaukee, Wisconsin 53202 • 414.421.2001 • 414.732.2035 Fax  
[www.vandewalle.com](http://www.vandewalle.com)

Shaping places, shaping change

- Rezoning of Parcel 1 to B-3
- Rezoning of Parcel 2 to B-2
- Planned Unit Development Preliminary and Final Plans for Parcel 2

### **Comprehensive Plan Amendment**

The Comprehensive Plan Future Land Use Map designates the property as "Institutional" based on its past use as a private school. A change to "General Business" is proposed, which is the same designation given to all of the commercial property fronting the north side of Route 72 to the east and west. The Comprehensive Plan also includes several objectives and policies addressing the proposed project including those that recommend cooperation between local units of government in providing adequate and cost-effective facilities, providing a variety of housing options, and encouraging adaptive reuse of community facilities.

The General Business category is intended to facilitate office and retail development along major arterials. This category does not specifically address residential uses, but it also does not prohibit them. Most areas zoned B-2 in the Village also are designated General Business on the Future Land Use Map, and the B-2 district specifically permits residential development above the first floor.

The Comprehensive Plan has been adopted per Sec. 150.20 of the Village Code of Ordinances; however, no provisions are contained in the Code or the Plan itself for considering amendments. At a minimum, the Commission should ensure that any amendments are internally consistent with all other provisions in the Plan.

### **Rezoning**

The entire property is currently zoned O-D, Office District, based on its previous use as a school. All of the property along the north side of Route 72 to the west is zoned B-2, and all of the property to the east is zoned B-3, neither of which permit schools. The O-D district has a limited list of permitted office and related uses, which the applicant contends has contributed to the property's extended vacancy due to the area office market continuing to be depressed. The mix of uses proposed for the building and the proposal to combine the athletic fields with the neighboring property both necessitate rezonings.

#### Parcel 1

The Plote property to the east is zoned B-3, as is the shopping center east of that. Combining the two properties would create a sizable commercial site on par with that intended for the B-3 district.

#### Parcel 2

All of the proposed uses for the former school building are permitted in the B-2 district. However, the B-2 district does not permit residential uses on the first floor. Further, the building does not meet most the B-2 setbacks (nor does it meet those of the O-D district). Accordingly, the applicant has requested approval of a planned unit development to address the ground floor residential and

the setbacks. Nevertheless, the B-2 district provides the best match with the range of uses proposed by the applicant.

Criteria for considering zoning amendments are contained in Sec. 157.223. These include the following:

- Consistency of the proposal with the existing uses of other property in the general area;
- Consistency of the proposal with the zoning of other property in the general area;
- Suitability of the property to the uses permitted under the existing zoning; and
- The development trends in the general area that have taken place since the property was assigned its current zoning.

### Planned Unit Development

The request for Parcel 2 is a straight rezoning to B-3. Parcel 2, however, includes a request for a rezoning to B-2 and PUD Preliminary and Final Plans with several modifications to the B-2 standards to address the specific uses and to make the existing building setbacks and various site improvement conforming.

#### Modifications

The following four modifications are requested:

1. Uses: Allow residential units to be located on the first floor of the building.

2. Yard Requirements:

<u>Yard</u>	<u>Existing/ Requested</u>	<u>B-2 Minimums</u>
a. Front	0'	20' plus the height of the building (40')
b. Rear	13.5'	20'
c. West Side	30'	Same as front (40')

3. Parking and circulation:

- Permit parking and roads within the first ten feet of the front yard
- Permit parking and roads within the minimum rear yard.

4. Landscaping:

- Waive required interior landscape islands and perimeter landscaping.

Under the Village Code, modifications are to be granted only if the project will result in significant community benefits. Benefits identified by the applicant include:

- Re-occupancy of a building that has been vacant for more than four years;
- Adding an exempt property to the tax rolls within a TIF district;
- Providing highly-useable, accessible, and cost-effective space for another unit of local government;
- Providing community meeting space;
- Providing emergency housing for victims of disasters (fire, tornados, etc.)

- Providing transitional housing for veterans that is in very short supply;
- Providing veterans housing in close proximity to other veterans housing, resulting in more efficient delivery of services to veterans;
- Retaining the Village's only independent food retailer;
- Providing an opportunity for the grocery store to work more closely with the Township food bank to the benefit of both; and
- Providing an opportunity to combine two somewhat constrained, vacant parcels to create a highly viable property for significant future commercial development (Parcel 1 and Plote property).

Sec. 157.245(D) contains criteria for considering PUD Preliminary Plans, including those applicable to modifications. These criteria appear as questions in Part III of the PUD application form. Criteria for considering PUD Final Plans are contained in Sec. 157.245(E). In general, the primary criteria for a Final Plan is a finding that it is consistent with the approved Preliminary Plan.

### **Considerations**

At the time this report was prepared the Village Engineer's analysis was not yet available. In addition, certain details about the project were still being determined by the applicant so additional information, particularly about the internal layout of the building, is likely to be presented at the hearing. However, the basic project is not expected to change significantly and I will be present at the hearing to provide additional analysis and/or answer questions.

Should the Planning and Zoning Commission find the project meets all of the applicable standards based on the information provided by the applicant and the relevant testimony presented at the public hearing, it may wish to consider the following motions:

- Move to recommend approval of a Comprehensive Plan amendment to the Future Land Use Map to change the designation of the entire property from "Institutional" to "General Business."
- Move to recommend a rezoning of a Parcel 1 from O-D to B-3.
- Move to recommend a rezoning of Parcel 2 from O-D to B-2.
- Move to recommend approval of PUD Preliminary and Final Plans for Parcel 2 with the modifications as requested by the applicant.

VILLAGE OF EAST DUNDEE



FINDINGS OF FACT  
(FACTS RELATED TO PETITION)

**Petition:** Jim Bergman

**Subject Property:** 611 East Main Street, Dundee, Illinois 60118

**Current Zoning Status:** O-D

**Current Use Status:** Vacant

**Requested Action:** Jim Bergman, as agent and purchaser on behalf of Summit School, Inc, the owner of Parcels 1 and 2 (as described below), requests:

- 1) An amendment to the Comprehensive Plan Future Land Use Map to designate Parcels 1 and 2 as General Business;
- 2) A rezoning of Parcel 1 from O-D, office district, to B-3, general service business district;
- 3) A rezoning of Parcel 2 from O-D, office district, to B-2, community business district; and
- 4) A special use for a Planned Unit Development for Parcel 2 to permit office, community meeting space, residential and retail uses subject to certain conditions.

**Surrounding Land Use and Zoning:** R-2, B-2 and B-3

**Trend of Development In Area:** Vacant

**Findings:** The request will conform to the Village's Comprehensive Plan and the zoning is consistent with the area.

**Suitability of Present Zoning:**

Yes

**Conformance to the Land Use Plan:**

Yes

**Recommendation:**

Based on the information contained in the application, the testimony and evidence presented at the public hearing, and the findings outlined herein, the Planning and Zoning Commission hereby recommends approval of the following by a vote of \_\_\_ ayes to \_\_\_ nay.

- 1) To approve the request for the approval of a Comprehensive Plan amendment to the Future Land Use Map to change the designation of the entire property from "Institutional" to "General Business."

6 ayes 3 nays



- 2) To approve the request for a rezoning of a Parcel 1 from O-D to B-3. *5 ayes 4 nays*
- 3) To approve the request for a rezoning of Parcel 2 from O-D to B-2. *5 ayes 4 nays*
- 4) To approve the request for the PUD Preliminary and Final Plans for Parcel 2 with the modifications as requested by the applicant. *4 ayes 5 nays*

August 7, 2012

*David Swanson*  
Chairman Swanson

*Paul Meyer*  
Member

*[Signature]*  
Member

*[Signature]*  
Member

*[Signature]*  
Member

*Susan Hollman*  
Member

*Quon Bernstein*  
Member

*Stu Stul*  
Member

*[Signature]*  
Member