

ORDINANCE NUMBER 23- 12

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE
COUNTIES, ILLINOIS, GRANTING A SPECIAL USE PERMIT FOR CRUSHING AND
RECYCLING OF CONCRETE AND ASPHALT AND THE RESALE OF THE
MATERIAL FOR A PORTION OF THE PROPERTY LOCATED AT 590 HEALY ROAD,
EAST DUNDEE, IL, 60118 (PORTION OF PIN 01-30-300-009-0000) LOCATED IN
THE M-1 MANUFACTURING DISTRICT**

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 Section 157.065 of the Village of East Dundee Zoning Ordinance ("Zoning Ordinance") and the Village's home rule authority, the Village President and Board of Trustees of the Village ("Corporate Authorities") may provide for and allow the classification of special uses in its zoning ordinances; and

WHEREAS, under the authority of the Zoning Ordinance, 590 Healy Road LLC property with PIN 01-30-300-009-0000 located in East Dundee, Illinois ("Property"), as legally described in Section 2 below, in the M-1 Limited Manufacturing District, in which crushing is allowed if the Corporate Authorities first grant a special use permit; and

WHEREAS, pursuant to the Zoning Ordinance, any person owning or having an interest in property may file an application to use such property for one or more of the special uses provided for in the zoning district in which the land is situated; and

WHEREAS, the Corporate Authorities have received a request for a special use permit for crushing and recycling of concrete and asphalt and the resale of the material at the Property ("Application") from the owner of the Property, 590 Healy Road LLC ("Applicant"); and

WHEREAS, notice of a public hearing on the Application before the Village's Planning and Zoning Commission was duly given and a public hearing was held on the Application on November 3, 2022 and then tabled to February 2, 2023; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.065 of the Zoning Ordinance for a special use permit and recommended approval of the Application, and related findings of fact; and

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission's findings of fact and recommendations, and the recommendations of Village staff, on the Application, and hereby approve the proposed special use for crushing and recycling of concrete and asphalt and the resale of the material on the Property subject to the conditions set forth below;

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 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: Approval of Special Use Permit. The Corporate Authorities hereby approve the Application in part, and deny in part, a special use permit for the Property (as depicted in Exhibit A) legally described as:

PIN 01-30-300-009-0000

LOT 2 IN FINAL PLAT OF SUBDIVISION OF VCNA PRAIRIE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 13, 2014 AS DOCUMENT 1404429095.

Commonly known as 590 Healy, East Dundee, IL 60118 for crushing and recycling of concrete and asphalt and the resale of the material for the north portion of the future Heinz Road extension.

SECTION 3: Conditions of Approval. That the special use permit granted herein shall be constructed, operated and maintained in accordance with any plans and diagrams submitted as part of the Application, and shall be subject to the following terms and conditions:

1. Crushing and recycling of concrete and asphalt and the resale would only apply, and all other uses under the special use permit would not apply.
2. Hours of operation between 7:00 am to 4:00 pm Monday through Friday, 7:00 am to 3:00 pm on Saturdays, closed on Sundays.
3. Applicant will provide staff-approved screening around the special use site.
4. Work with staff to provide a finished hard-surface area near the street visible entrance and within 18 months of commencement of this operation.
5. A dust-control irrigation system that is substantially similar to the applicants Glenview, IL operations site is to be implemented within 6 months of approval of the special use.
6. The applicant will do what is required under the law to establish East Dundee as the situs for the payment of sales tax, to the extent the law allows East Dundee to be the situs for the payment of sales tax.
7. Special use expires in one year and applicant can renew at that time.

SECTION 4: Failure to Comply with Conditions. The failure of Applicant, or its successors or assigns, to comply with one or more of the conditions listed in Section 3

notice, a hearing will be held. The notice will provide Applicant 14 days in which to respond and answer. A hearing will be held no sooner than 30 days after the service of the notice.

SECTION 5: Expiration and Renewal. Twelve (12) months after the Approval Date of this Ordinance, the special use permit granted to Applicant shall expire and may be approved for renewal at a regular board meeting of the Board of Trustees. A subsequent termination date may be determined by the Board of Trustees at that time.

SECTION 6: Severability. That 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 7: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 8: Effect. That this Ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

PASSED this 6th day of March 2023 pursuant to a roll call vote as follows:

AYES: Kunze, Mahony, Brittin, Treiber and Sauder

NAYES: None


ABSENT: Saviano

APPROVED by me this 6th day of March 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 6th day of March 2023, under the authority of the Village President and Board of Trustees.

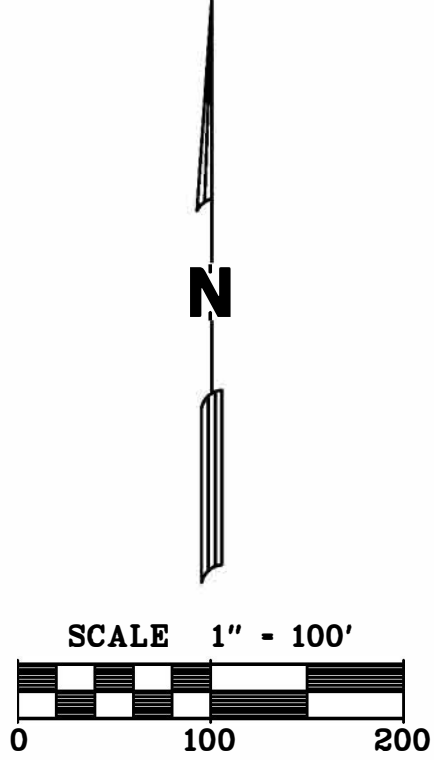
Recorded in the Village records on March 7, 2023.

The Applicant acknowledges hereby the reasonableness of the above and foregoing terms and conditions in the Ordinance, and hereby accepts the same.

By: _____
Applicant

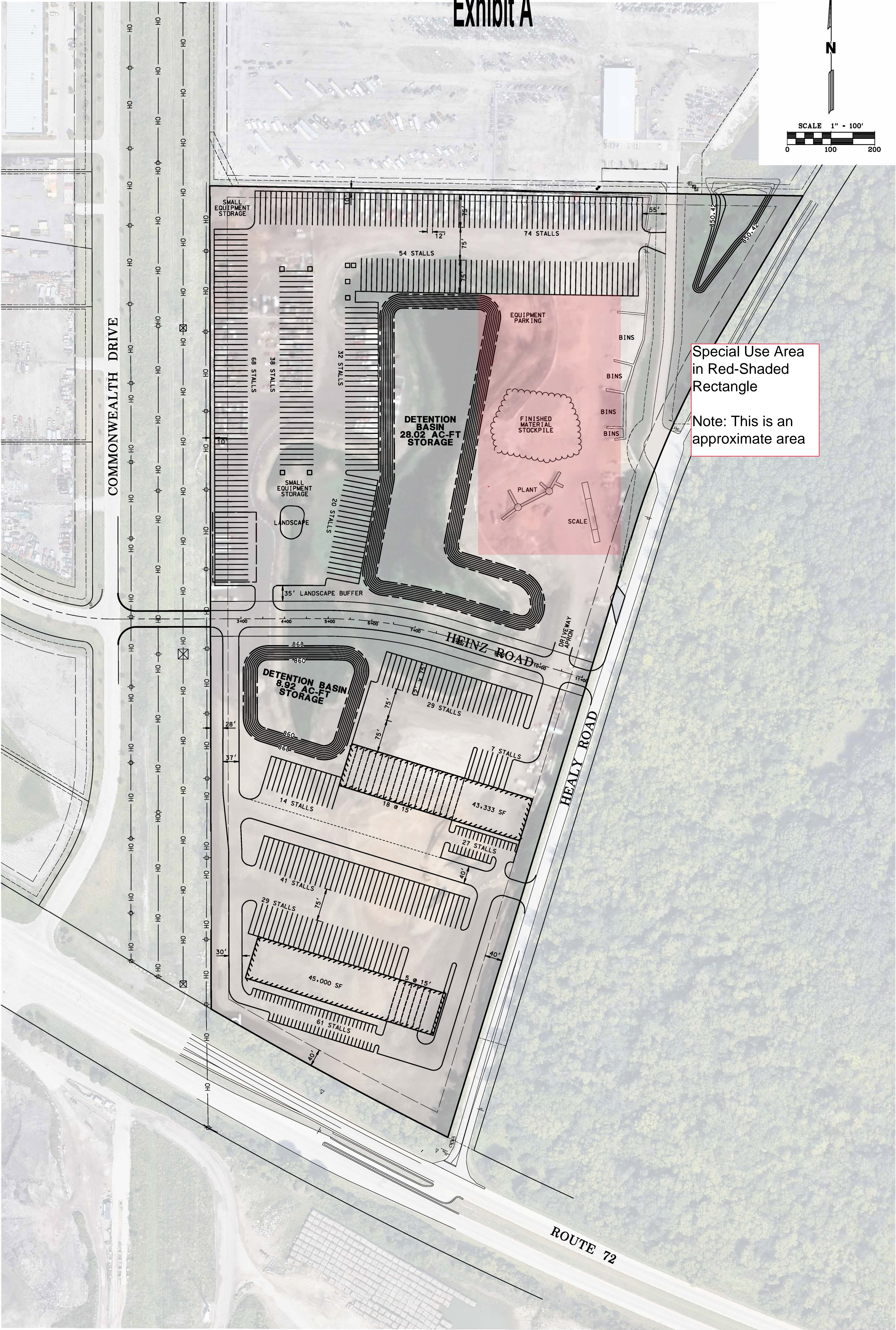
Date: March 16, 2023

Exhibit A



Special Use Area
in Red-Shaded
Rectangle

Note: This is an
approximate area



Mackie Consultants, LLC
9575 W. Higgins Road, Suite 500
Rosemont, IL 60018
(847)696-1400
www.mackieconsult.com

			DESIGNED	MRM
			DRAWN	MRM
			APPROVED	SRK
			D A/E	09/30/2022
			SCALE	1" = 100'
D A/E	DESCRIPTION OF REVISION		BY	

CONCEPT SITE PLAN
590 HEALY ROAD
EAST DUNDEE, ILLINOIS

SHEET	
1	OF 1
PROJECT NUMBER: 3692	
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