



**PLANNING AND ZONING & HISTORIC COMMISSION
AGENDA**

**Thursday, April 6, 2023
6:00 PM**

**East Dundee Police Station, 2nd Floor Meeting Room
115 E. 3rd Street, East Dundee, IL 60118**

CALL TO ORDER

ROLL CALL / DECLARATION OF QUORUM

APPROVAL OF MINUTES

- 1) Draft Minutes from November 03, 2022 Meeting
- 2) Draft Minutes from February 02, 2023 Meeting

PUBLIC COMMENT

NEW BUSINESS

- 1) Special Use Permit Public Hearing
- 2) Text Amendment Public Hearing
- 3) Live Entertainment Discussion
- 4) Banquet Facilities Discussion

OTHER BUSINESS

ADJOURNMENT

CALL TO ORDER

Chairperson Brunner called to order the Planning and Zoning & Historic Commission ("PZHC") meeting on Thursday, November 3, 2022, at 6:00 pm.

ROLL CALL:

Commissioners Brunner, Feck, Myers, Scarpelli, and Steneck were present.

Commissioners Reyes-Brahar and Krueger were absent.

Also in attendance: Management Analyst Franco Bottalico, Building Inspector Chris Ranieri, and Village Engineer Joe Heinz

APPROVAL OF MINUTES:

1. Planning & Zoning and Historic Commission Meeting Minutes dated October 6, 2022

Motion to approve the October 6, 2022 meeting minutes with corrections to the motion in item two, and a correction to a vote made by Chair Brunner by Scarpelli/Feck.

5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

PUBLIC COMMENT: None

NEW BUSINESS:

Public Hearing Regarding Petition from 590 Healy, LLC for:

1. A request for a Special Use for outside vehicle and equipment parking and storage for the property with 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.
2. A request for a Special Use for CCDD Salvage and Reprocessing of concrete and asphalt for the property 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.
3. A variance request from Section 157.147(B)(2) and 157.149(B) requiring off-street parking areas shall be paved with asphaltic concrete or comparable hard-surfaced, all-weather, dustless material at 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.
4. A variance from Section 157.149(D) requiring lighting illumination of an off-street parking area shall be arranged so as not to reflect rays of light into adjacent residential districts and street. All lighting shall be extinguished not later than 30 minutes after the close of business of the use being served, except as may be otherwise authorized by the Village Board of Trustees. 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.

Motion to open the public hearing by Scarpelli/Steneck.

5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

Persons wishing to be heard were sworn in by Management Analyst Bottalico.

Steve Kaminski of Mackie Civil Engineering Consultants gave the PZHC a background and their intent.

Prairie Materials owned this lot prior to the Petitioners owning it where they conducted aggregate mining. They procured a Clean Construction Demolition Debris ("CCDD") permit from the State which involves a lot of testing of the material. This is to allow filling back in to grade of previously mined area(s) so the property can return to economically viable property. Prairie Materials' permit for CCDD was transferred over to 590 Healy for this location when 590 Healy, LLC (ALamp) acquired ownership in 2019.

Steve Kaminski explained the concept future use plan for this location including semi-truck parking, CCDD area, and industrial buildings south of the future Heinz Road expansion. He asked for interim permission to park trucks on the south side of this property until the Heinz Road extension is constructed with regards to item number one of the public hearing.

With regards to the second item of the public hearing Steve Kaminski states this will serve as an efficient use to the property to continue to make the property viable for future development or use.

Steve Kaminski states the third request for the truck parking area only of the public hearing is related to the first request. Over time the trucks parking on the surface may damage the finished pavement where the crushed, recycling asphalt makes for a better suitable material for settlement when trucks are parked and traverse over it.

Lastly, he stated that due to the nature of the business and it is not open to the general public and adjacent forest preserve habitat the Petitioners for a variation from the lighting code.

A discussion ensued.

Motion to close the public hearing by Scarpelli/Myers.

5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

Motions on Recommendations

Motion to amend the order of the agenda to hear items 3 and 4 first before numbers 1 and 2 made by Scarpelli/Myers

5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

Chair gave a background and refresher for when recommending approval or denials to the village board. A discussion ensued. Commissioner Scarpelli reminded the commission that a petitioner needs to prove a hardship.

- 1.) A variance request from Section 157.147(B)(2) and 157.149(B) requiring off-street parking areas shall be paved with asphaltic concrete or comparable hard-surfaced, all-weather, dustless material at 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.
- 2.) A variance from Section 157.149(D) requiring lighting Illumination of an off-street parking area shall be arranged so as not to reflect rays of light into adjacent residential districts and street. All lighting shall

be extinguished not later than 30 minutes after the close of business of the use being served, except as may be otherwise authorized by the Village Board of Trustees. 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.

Motion to recommend denial for both of the variations above by Scarpelli/Myers
5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

- 3.) A request for a Special Use for outside vehicle and equipment parking and storage for the property with 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.

A discussion ensued and the consensus was that this use is appropriate for the area.

Motion to recommend denial for both of the variations above by Myers/Feck
5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

- 4.) A request for a Special Use for CCDD Salvage and Reprocessing of concrete and asphalt for the property 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.

Motion to table this request by staff to December's meeting due to more information needed by Scarpelli/Steneck

5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

Findings of Fact

- i.) Chair Brunner moved on to the Findings of Fact for the special use request regarding outside vehicle and equipment parking and storage. Chair Brunner read each Findings of Fact and the PZHC agreed with Staff's pre-filled replies as submitted.

Motion to approve the Findings of Fact regarding outside vehicle and equipment parking and storage by Scarpelli/Feck.

5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

- ii.) Chair Brunner discussed the Findings of Fact regarding a variance request from Section 157.147(B)(2) and 157.149(B) requiring off-street parking areas shall be paved with asphaltic concrete or comparable hard-surfaced, all-weather, dustless material. Chair Brunner read each finding and the PZHC answered as follows regarding this variance request:

- 1.) No
- 2.) No
- 3.) Yes
- 4.) No
- 5.) No
- 6.) Yes – amended from Staff's pre-filled reply.
- 7.) No

8.) Yes

9.) Yes

Motion to approve the revised Findings of Fact regarding Section 157.147(B)(2) and 157.149(B) requiring off-street parking areas shall be paved with asphaltic concrete or comparable hard-surfaced, all-weather, dustless material by Scarpelli/Myers.

5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

iii.) Chair Brunner discussed the Findings of Fact regarding a variance request from Section 157.149(D) in regards to lighting. Chair Brunner read each Findings of Fact and the PZHC agreed with Staff's pre-filled replies as submitted.

Motion to approve the Findings of Fact on a variance from Section 157.149(D) regarding lighting by Myers/Feck

5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

OTHER BUSINESS:

Chair Brunner recommended all commissioner members to conduct site visits regarding upcoming agenda items and potentially asked for ID Badges for each commissioner.

Management Analyst Bottalico asked if Fences Section should be under the PZHC's authority to hear first. The PZHC agreed to proceed with exploring that adoption.

ADJOURNMENT:

Motion to adjourn the PZHC meeting at 7:13 pm by Commissioner Steneck, seconded by Commissioner Myers. Motion Carries by unanimous voice vote.

Respectfully submitted,
Franco Bottalico, Management Analyst

CALL TO ORDER

Chairperson Brunner called to order the Planning and Zoning & Historic Commission ("PZHC") meeting on Thursday, February 2, 2023, at 6:00 pm.

ROLL CALL:

Commissioners Brunner, Krueger, Reyes-Brahar, Scarpelli, and Steneck were present.

Commissioners Feck and Myers were absent.

Also in attendance: Management Analyst Franco Bottalico and Building Inspector Chris Ranieri.

APPROVAL OF MINUTES: None

PUBLIC COMMENT: None

Motion to amend the order of the agenda to hear the 590 Healy, LLC item before the Elgin Mall Corp. item by Scarpelli/Steneck.

5 Ayes (Brunner, Krueger, Reyes-Brahar, Scarpelli, Steneck). 0 Nays. Motion Carries.

NEW BUSINESS:

1.) Public Hearing Regarding Petition from 590 Healy, LLC for:

A request for a Special Use for CCDD Salvage and Reprocessing of concrete and asphalt for the property 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.

Motion to open the public hearing by Krueger/Reyes-Brahar.

5 Ayes (Brunner, Krueger, Reyes-Brahar, Scarpelli, Steneck). 0 Nays. Motion Carries.

Persons wishing to be heard were sworn in by Management Analyst Bottalico.

Jeff Moyer of 590 Healy, LLC and Steve Kaminski of Mackie Civil Engineering Consultants gave the PZHC a background and their belief for this use in this area. Steve Kaminski stated that they are asking for a special use permit for the specific site located on that property to continue this CCDD use.

Jeff Moyer stated a permanent irrigation system for dust control is the plan.

A discussion ensued.

Motion to close the public hearing by Krueger/Reyes-Brahar.

5 Ayes (Brunner, Krueger, Reyes-Brahar, Scarpelli, Steneck). 0 Nays. Motion Carries.

Motions on Recommendations

A request for a Special Use for CCDD Salvage and Reprocessing of concrete and asphalt for the property 590 Healy Road, East Dundee IL, 60118 PIN 01-30-300-009-0000 in the M-1 Manufacturing District.

Motion to recommend approval of the special use request by Scarpelli/Steneck with the following conditions: i) 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; ii) hours of operation between 6am to 4pm Monday through Saturday; iii) applicant will provide staff-approved screening around the special use site; iv) work

with staff to provide a finished hard-surface area near the street visible entrance and within 48 months of the start of their operation

5 Ayes (Brunner, Krueger, Reyes-Brahar, Scarpelli, Steneck). 0 Nays. Motion Carries.

Findings of Fact

Chair Brunner moved on to the Findings of Fact for the special use request regarding CCDD Salvage and Reprocessing of concrete and asphalt. Chair Brunner read each finding and the PZHC answered as follows regarding this variance request:

- 1.) Yes – amended from Staff’s pre-filled reply.
- 2.) Yes
- 3.) Yes
- 4.) Yes
- 5.) Agreed with staff’s pre-filled reply.

Motion to approve the amended Findings of Fact to number one regarding salvage and reprocessing of concrete and asphalt by Steneck/Scarpelli.

5 Ayes (Brunner, Feck, Myers, Steneck, Scarpelli). 0 Nays. Motion Carries.

2.) Public Hearing Regarding Petition Elgin Mall Corp for:

Motion to open the public hearing by Krueger/Reyes-Brahar.

5 Ayes (Brunner, Krueger, Reyes-Brahar, Scarpelli, Steneck). 0 Nays. Motion Carries.

Chair Brunner gave a background to the text amendment recommendation and the reason for it. Management Analyst Bottalico advised this definition would make sense for this use and was reviewed and approved by the village attorney.

Persons(s) wishing to be heard were sworn in by Management Analyst Bottalico and a discussion ensued. Applicants’ attorney, Dan Shapiro, answered some questions to the PZHC and then provided the PZHC with a background and plan for the indoor mall at this location.

Applicant, Rosa Lael, advised the board that her smaller scale indoor mall like her company’s would be a good fit as larger malls are scaling down/slowing down. She stated that out of her vendors 30 out of 87 carpool or are dropped off with respects to an parking concerns at this location. Applicant stated about 1-2 employees work each vendor/unit.

Commissioner Reyes-Brahar inquired on garbage pickup, the applicant stated they will pick up every other Wednesdays but they have a compactor and recycling baler on site, but can be changed if needed. A discussion ensued on construction methods.

Commissioner Scarpelli advised the applicant that the tattoo vendor would need a special use permit. Attorney Shapiro advised all of the applicants’ businesses would have individual licenses.

Motion to close the public hearing by Steneck/Krueger.

4 Ayes (Brunner, Krueger, Scarpelli, Steneck). 0 Nays. Reyes-Brahar Abstained. Motion Carries.

- i) A text amendment to Chapter 157 of the Village of East Dundee Zoning Ordinance in Section 157.003 *Rules and Definitions*, to add "Indoor Mall" and to Section 157.050(F)(1)(c)(1), *Retail uses*, to add "Indoor Mall" as "S" Special Use in the B-3 Business District.

A motion made to add indoor mall to allowable use table was made by Commissioner Scarpelli but died due to a lack of a second.

The PZHC crafted the following definition for indoor mall:

INDOOR MALL. A retail complex over 50,000 sq. ft. with one singular address containing a variety of individual stores and often restaurants and other individual business establishments housed in a single building sharing a common interior space where no other clear primary use can be assigned. All permitted uses in the Business District B-3 shall be permitted in an Indoor Mall.

Motion to recommend the definition to Section 157.003 as drafted by the PZHC by Scarpelli/Krueger.

3 Ayes (Brunner, Krueger, Steneck). 1 Nays. Reyes-Brahar Abstained. Motion Carries

Motion to approve the text amendment to Section 157.050(F)(1)(c)(1) to add Indoor Mall as a special use in the B-3 by Krueger/Scarpelli.

3 Ayes (Brunner, Krueger, Steneck). 1 Nays. Reyes-Brahar Abstained. Motion Carries.

- ii) A request for a Special Use for an Indoor Mall multi-tenant facility for the property located at 535 Dundee Ave., East Dundee IL, 60118 portion of PIN 03-26-227-007 in the B-3 Business District; and

Chair Brunner moved on to the Findings of Fact for the special use request regarding the indoor mall. Chair Brunner read each finding and the PZHC agreed with staff's pre-filled reply.

Motion to approve the Findings of Fact for 535 Dundee Ave. special use as presented by staff by Steneck/Scarpelli.

3 Ayes (Brunner, Krueger, Steneck). 1 Nays. Reyes-Brahar Abstained. Motion Carries.

A discussion ensued on the indoor mall's operation and grounds. Further, applicant stated that US Mail is addressed to the business with each individual business's suite number on it.

Applicant stated the flooring is currently polished concrete but have not decided on the flooring type.

Motion to recommend approval of the special use by Scarpelli/Brunner with the following condition: no tenant's storage / display shall reach above the wall line of each individual tenant's unit.

3 Ayes (Brunner, Krueger, Steneck). 1 Nays. Reyes-Brahar Abstained. Motion Carries.

ADJOURNMENT:

Motion to adjourn the PZHC meeting at 8:15 pm by Commissioner Steneck, seconded by Commissioner Krueger.

5 Ayes (Brunner, Krueger, Reyes-Brahar, Scarpelli, Steneck). 0 Nays. Motion Carries

Respectfully submitted,

Franco Bottalico, Management Analyst

DRAFT

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Assistant to the Village Administrator
Chris Ranieri, Building Inspector

Subject: 324 N. River St. – Special Use Request for Tattooing

Date: April 6, 2023

Action Requested:

Staff recommends the Planning and Zoning & Historic Commission ("PZHC") recommend approval to the Village Board a special use permit for tattooing as a personal service as described in Section 157.050(F)(1)(f)(1) for the property located at 324 N. River Street, East Dundee, IL 60118 PIN 03-23-310-001 in the B-1 Downtown Business District.

Background and Summary:

Staff has received a special use application from Caitlin Murphy Minoso, owner of Willow & Birch wellness boutique, located at 324 N. River St. ("Applicant"). The Applicant recently opened Willow & Birch and now desires to offer one-on-one decorative tattooing as an option in addition to the specialized microblading and micropigmentation services currently being offered, which was approved by the Village Board at their September 19, 2022 Village Board meeting and previously heard before the PZHC. Click [here](#) to review that packet and agenda item.

As part of [Ordinance 22-44](#), tattooing was also added as a special use in the B-1 Downtown Business District, as well as in the B-2 and B-3 Business Districts. Applicant desires to expand her business to include this special use on a one-on-one basis. This tattooing service will be decorative in nature which is different from the specialized microblading and micropigmentation which is often used for certain victims/patients cosmetic purposes. Below is a photo of the planned space that appears to align with the business' boutique feel.



Attachments:

Findings of Fact

Redacted Application



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Special Use

Property Location: 324 N. River St.; PIN 03-23-310-001 in the B-1 Business District

Hearing Date: April 6, 2023

Special Use

Requested: Tattooing

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

- 1. The use is not injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; Circle one; Yes/No/Not Applicable (N.A.), Explain:**
Yes.
- 2. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; Yes/No/N.A.**
Yes
- 3. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided; Yes/No/N.A.**
Yes
- 4. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; Yes/No/N.A.**
Yes
- 5. How is the proposed special use in harmony with the purposes, goals, objectives, policies and standards of the Village of East Dundee Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice, by the Village?** The 2002 Commercial Development comp. plan goal states: "To provide for an adequate and attractive commercial base to serve the needs of Village residents". This aligns with the proposed special use.

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

____ ayes ____ naves ____ absent ____ abstain

Date: _____

Signature: _____
Chair, Planning and Zoning & Historic Commission



**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

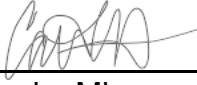
A. Project Information

1. Project/Owner Name: Special Use for Tattooing Decorative Tattoos/Willow & Birch
2. Project Location: 324 N River St. East Dundee, IL 60118
3. Brief Project Description:
Zone 324 N River St. as a Special Use for Tattooing Decorative Tattoos. For clients
looking to cover/disguise scarring or express themselves with artwork.
4. Project Property Legal Description:
LOT 11 BLOCK 5 EDWARDS ADD'N RANGE CODE: 8 E TWSHP 42N

5. Project Property Size in Acres and Square Feet: 600 sq ft (interior tattoo room area)
6. Current Zoning Status: B-1
7. Current Use Status: Permitted Use for Permanent Cosmetics, Microblading, Micropigmentation, and Similar Care Services
8. Surrounding Land Use Zoning: B-1

9. Zoning District Being Requested (if applicable): B-1, B-2, B-3 Districts
10. Parcel Index Numbers of Property: 03-23-310-001

B. Owner Information

1. Signature: 
2. Name: Caitlin Murphy Minoso
3. Address: 324 N River St. East Dundee, IL 60118
4. Phone Number: ██████████ Fax: _____ Email: Wellness@willowandbirch.com

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

1. Name/Company: Caitlin Murphy Minoso/Willow & Birch
2. Address: 324 N River St. East Dundee, IL 60118
3. Phone Number: ██████████ Fax: _____ Email: Wellness@willowandbirch.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?

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?

N/A

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

N/A

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?

It essentially will not affect the Village of East Dundee. It would simply be adding a decorative tattoo option for my clients in a space that is already zoned for pigment implementation into the dermis layer of the skin (permanent cosmetics, microblading, and micropigmentation).

IF YOU ARE APPLYING FOR A VARIANCE COMPLETE THE FOLLOWING:

1. From which specific standard of the Village Code is a Variance requested (include Code section number)?

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

3. What is proposed?

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

5. What specific mitigation measures will be used to ensure that the essential character of the area will not be altered? (Suitability of Present Area)

6. Specifically, how do the particular physical surroundings, shape, or topographical condition of the property result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations are carried out?

7. Specifically, what conditions are present on the property that would not be applicable generally to other property within the same zoning classification? (Suitability of Zoning)

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

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

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

- | | | |
|--|-----|----|
| a. Will the granting of the variation be detrimental to the public welfare? (Circle) | YES | NO |
| b. Injurious to surround properties? (Circle) | YES | NO |
| c. Impair an adequate supply of light and air to adjacent property? (Circle) | YES | NO |
| d. Endanger public health and safety? (Circle) | YES | NO |
| e. Substantially diminish property values within the neighborhood? (Circle) | YES | NO |
| f. Conformance to the Land Use Plan? (Circle) | YES | 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

Date

Address

Phone Number

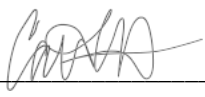
Project Description:



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: 324 N River St. East Dundee, IL 60118



Affidavit of Ownership & Control

I (We), Blair Motl do hereby certify or affirm that I am the owner(s), contract purchaser(s), or beneficiary(s) of the title holding trust for the aforesaid described property and hereby make application of said

Signature: Blair Motl

Owner: Blair Motl

Address: 324 N River St

East Dundee, IL 60118

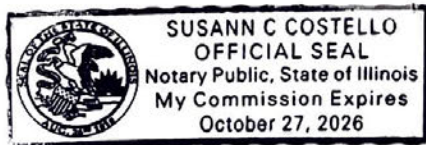
Phone: [REDACTED]

SUBSCRIBED AND SWORN TO before me this

16 day of March, 2023.

Susann C Costello

(NOTARY SIGNATURE)



(NOTARY STAMP)

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Assistant to the Village Administrator
Chris Ranieri, Building Inspector

Subject: Text Amendment to Section 157.050 Business District Allowable Uses Table

Date: April 6, 2023

Action Requested:

Staff recommends the Planning and Zoning & Historic Commission ("PZHC") recommend approval to the Village Board text amendments to Section 157.050 to add "Massage establishments and massage services as defined in Chapter 111" as "S" permitted by special use permit, and to add "Accessory use massage services as defined in Chapter 111" as "P" permitted by-right in the B-1 Downtown Business District, the B-2 Community Business District, and the B-3 Service Business District.

Background and Summary:

Staff received an application for a special use permit from John and Carol Hayes of The Healing Cottage located at 113 Water St. to provide massage services as part of their personal care business at this location. Mrs. Hayes advised that massage services is not her primary use, but it will be an offered service at her business. This has prompted staff to submit a text amendment request to the PZHC to accommodate such services in certain business districts. The Municipal Code currently contains Chapter 111, *Massage Establishments and Services*, which permits massage establishments to be located in M-1 and M-2 as a special use per Section 157.065(A)(1)(f)(1) as follows:

<i>Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit</i>	<i>Limited Manufacturing District (M-1)</i>	<i>Limited Manufacturing District (M-2)</i>

<i>f) Service, contracting, storage and broadcasting uses.</i>		
<i>1. Personal services.</i>		
Massage establishment and massage services; subject to	S	S

the licensure requirements of Chapter 111 of the East Dundee Code of Ordinances		
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Staff is recommending the below text amendments to allow such a use in the B-1, B-2, and the B-3 Business Districts as either a special use for a primary use, or a permitted by-right as an accessory use when not a primary service.

Section 157.050(F)(1)(f)(1):

<i>Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit</i>	<i>Downtown Business District (B-1)</i>	<i>Community Business District (B-2)</i>	<i>Service Business District (B-3)</i>	<i>Automotive Service Business District (B-4)</i>	<i>Office District (O-D)</i>
<i>(f) Service, contracting, storage and broadcasting uses.</i>					
<i>1. Personal Services.</i>					
Barber shop	P	P	P		P
Beauty parlor	P	P	P		P
Permanent cosmetics, microblading, micropigmentation and similar care services	P	P	P		
Tattooing	S	S	S		
Ice cream shop	P	P	P	P	S
<u>Massage establishments and massage services as defined in Chapter 111</u>	<u>S</u>	<u>S</u>	<u>S</u>		
<u>Accessory use massage services as defined in Chapter 111</u>	<u>P</u>	<u>P</u>	<u>P</u>		

Attachments:

Chapter 111

CHAPTER 111: MASSAGE ESTABLISHMENTS AND SERVICES

Section

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- 111.02 Exceptions
- 111.03 Authority to make rules and regulations

Licensing Provisions

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- 111.16 Filing and fee; establishment
- 111.17 Application; establishment
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- 111.19 Masseur or masseuse permit
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GENERAL PROVISIONS

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BONA FIDE NON-PROFIT CLUB. Any fraternal, charitable, religious, benevolent or any other non-profit organization having a regular membership association primarily for mutual social, mental, political and civic welfare to which admission is limited to the members and guests and revenue accruing therefrom to be used exclusively for the benevolent purposes of the organization and which organization or agency is exempt from taxation, under the Internal Revenue Laws of the United States as a bona fide fraternal, charitable, religious, benevolent or non-profit organization.

EMPLOYEE. Any and all persons, other than the masseurs or masseuses, who render any service to the licensee, who receive compensation directly from the licensee and who have no physical contact with the customers or clients.

INSPECTOR. The Village Building Inspector or his or her authorized representative.

MASSAGE. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

MASSAGE ESTABLISHMENT.

(1) Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in this section.

(2) Any establishment engaged in or carrying on or permitting any combination of massage and bath house shall be deemed a **MASSAGE ESTABLISHMENT**.

MASSEUR or MASSEUSE. Any person, including a trainee, who, for any consideration whatsoever, engages in the practice of "massage," as herein defined.

PERMIT. The operator of a massage establishment.

PERSON. Any individual, copartnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

PUBLIC BATH HOUSE. Any place, including a private club or organization, except as provided herein, wherein any person, firm, association, corporation or partnership engages in, conducts or carries on or permits to be engaged in, conducted or carried on, the business of giving or furnishing Russian, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation or electric baths or baths of any kind whatsoever, excluding ordinary tub baths where an attendant is not required.

RECOGNIZED SCHOOL. An educational institution offering degrees and/or certifications in massage therapy and approved or accredited by:

(1) The Commission on Massage Training Accreditation/Approval, hereinafter COMTAA, an independent affiliate of the American Massage Therapy Association; or

(2) The Institutional Massage Somatic Therapies Accreditation Council, hereinafter IMSTAC, a division of the Associated Bodywork and Massage Professionals of Evergreen, Colorado.

(1981 Code, § 50.01)

§ 111.02 EXCEPTIONS.

(A) This chapter shall not include hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts under the laws of the state or persons working under the direction of any such persons or in any such establishments.

(B) This chapter shall not apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked permit or certificate of registration issued by the state.

(1981 Code, § 50.28)

§ 111.03 AUTHORITY TO MAKE RULES AND REGULATIONS.

The Village Board may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this chapter.

(1981 Code, § 50.29)

LICENSING PROVISIONS

§ 111.15 ESTABLISHMENT PERMIT.

It shall be unlawful for any person to engage in, conduct or carry on or to permit to be engaged in, conducted or carried on, in or upon any premises in the village, the operation of a massage establishment, as herein defined, without first having obtained a permit from the Village Clerk after approval of the Building Inspector.

(1981 Code, § 50.02) Penalty, see § 111.99

§ 111.16 FILING AND FEE; ESTABLISHMENT.

Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application with the Village Clerk upon a form provided by the Village Clerk and pay a filing fee as set forth in the village annual fee schedule, which shall not be refundable.

(1981 Code, § 50.03)

§ 111.17 APPLICATION; ESTABLISHMENT.

(A) The application for a permit to operate a massage establishment shall set forth the exact nature of the massage to be administered, the proposed place of business and facilities therefor and the name and address of each applicant.

(B) (1) In addition to the foregoing, any applicant for a permit shall furnish the following information:

(a) The two previous addresses immediately prior to the present address of the applicant;

- (b) Written proof that the applicant is at least 18 years of age;
- (c) Applicant's height, weight, color of eyes and hair;
- (d) Two portrait photographs at least two inches by two inches;
- (e) Business, occupation or employment of the applicant for the three years immediately preceding the date of application;
- (f) The massage or similar business permit history of the applicant; whether the person, in previously operating in the village or another city or state under permit, has had the permit revoked or suspended, the reason therefor and the business activity or occupation subsequent to the action of suspension or revocation;
- (g) All criminal convictions, except minor traffic violations;
- (h) Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught; provided, however, that if the applicant will have no physical contact with his or her customer or clients, he or she need not possess the diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught; and
- (i) Other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

(2) Nothing contained herein shall be construed to deny the Village Clerk the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of the Village Clerk to confirm the height and weight of the applicant.

(3) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors and each stockholder holding more than 10% of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant apply.

(1981 Code, § 50.04)

§ 111.18 CORPORATE APPLICANT; EXEMPTION.

The provisions of § 111.17(B)(1)(a) through (c) and (g) shall not apply to any of the following:

(A) A corporation, the stock of which is listed on a stock exchange in the state or the City of New York, State of New York;

(B) A bank, trust company, financial institution or title company to which application is made or to whom a permit is issued in a fiduciary capacity; and/or

(C) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(1981 Code, § 50.05)

§ 111.19 MASSEUR OR MASSEUSE PERMIT.

It shall be unlawful for any person to engage in the practice of massage as a masseur or masseuse, as herein defined, without first having obtained a permit from the Village Clerk as provided herein.

(1981 Code, § 50.06) Penalty, see § 111.99

§ 111.20 FILING AND FEE; MASSEUR OR MASSEUSE.

Any person who engages in the practice of massage, as herein defined, shall file an application for a permit with the Village Clerk upon a form provided by the Village Clerk and shall pay a filing fee as set forth in the village annual fee schedule, which shall not be refundable.

(1981 Code, § 50.07)

§ 111.21 OPERATOR OF ESTABLISHMENT; EXCEPTION.

A diploma from a recognized school, as defined herein, will not be required by the operator of a massage establishment or for any employee where the operator or employee does not give a massage, as defined herein.

(1981 Code, § 50.08)

§ 111.22 APPLICATION FORM; MASSEUR OR MASSEUSE.

(A) The application for a masseur or masseuse permit shall contain the following:

- (1) Name and residence address;
- (2) Social Security number and driver's license number, if any;
- (3) Applicant's weight, height, color of hair and eyes;
- (4) Written evidence that the applicant is at least 18 years of age;

(5) Business, occupation or employment of the applicant for the three years immediately preceding the date of application;

(6) Whether the person has ever been convicted of any crime, except misdemeanor traffic violations; and (If any person mentioned herein has been so convicted, a statement must be made giving the place and court in which the conviction was had, the specific charge under which the conviction was obtained and the sentence imposed as a result of the conviction.)

(7) The name and address of the recognized school attended, the date attended and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has completed not less than 70 hours of instruction.

(B) The Village Clerk shall have the right to direct the Chief of Police to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

(1981 Code, § 50.09)

§ 111.23 FACILITIES NECESSARY.

No permit to conduct a massage establishment shall be issued unless an inspection by the Inspector reveals that the establishment complies with each of the following minimum requirements.

(A) Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the Building Code. Plumbing fixtures shall be installed in accordance with the Plumbing Code.

(1) For toilet rooms, toilet room vestibules and rooms containing bathtubs, there shall be a waterproof floor covering, which will be carried up all walls to a height of at least six inches. Floor shall be covered up on base with at least three-fourths inch cover. The walls of all toilet rooms and rooms containing bathtubs shall be finished to a height of six feet with a smooth, non-absorbent finish surface of Keene cement, tile or similar material.

(2) Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the Inspector.

(3) Floors of wet and dry heat shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.)

(4) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

(B) Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. All toilet rooms shall be equipped with self-closing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.

(C) (1) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule.

(2) Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

(D) (1) All portions of massage establishments and baths shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than one-eighth of the total floor area or shall be provided with approved artificial light and a mechanical operation ventilating system. When windows or skylights are used for ventilation, at least one-half of the total required window area shall be operable.

(2) To allow for adequate ventilation, cubicles, rooms and areas provided for patrons' use not served directly by a required window, skylight or mechanical system of ventilation shall be constructed so that the height of partitions does not exceed 75% of the floor-to-ceiling height of the area in which they are located.

(E) All electrical equipment shall be installed in accordance with the requirements of the Electrical Code.

(1981 Code, § 50.10)

§ 111.24 VERIFICATION OF APPLICATION.

Every application for a permit under this chapter shall be verified as provided in the Illinois Code of Civil Procedure for the verification of pleadings.

(1981 Code, § 50.12)

§ 111.25 REFERRAL OF APPLICATION TO OTHER DEPARTMENTS.

The Village Clerk, upon receiving an application for a massage establishment permit, shall refer the application to the Building Inspection Department and the Fire Department, which Departments shall make written recommendations to the Village Clerk concerning compliance with the codes that they administer.

(1981 Code, § 50.13)

§ 111.26 PERMIT ISSUANCE; ESTABLISHMENT.

(A) The Village Clerk shall issue a permit within 14 days following application if all requirements for a massage establishment described in this chapter are met and shall issue a permit to all persons who apply to perform massage services unless he or she finds:

(1) Operation, as proposed by the applicant, if permitted, would not have complied with the Building, Health and Fire Codes and regulations of the village; and/or

(2) The applicant and any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of an offense involving the use of force and violence upon the person of another that amounts to a felony or of an offense outside of the state that would have constituted any of the following offenses if committed within the state.

(B) The Village Clerk may issue a permit to any person convicted of any of the crimes described above if he or she finds that the conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this section.

(1981 Code, § 50.14)

§ 111.27 PERMIT ISSUANCE; MASSEUR OR MASSEUSE.

The Village Clerk may issue a masseur or masseuse permit within 21 days following submission of all information required hereunder unless he or she finds that the applicant for a masseur or masseuse permit has been convicted of an offense involving the use of force and violence on the person of another that amounts to a felony.

(1981 Code, § 50.15)

§ 111.28 REVOCATION OR SUSPENSION OF PERMIT.

(A) (1) Any permit issued for a massage establishment may be revoked or suspended by the Village Board, after a hearing, for good cause, or in any case where any of the provisions of this chapter are violated or where any employee of the permittee, including a masseur or masseuse, is engaged in any conduct which violates any of the state or local laws or ordinances at permittee's place of business and the permittee has actual or constructive knowledge by due diligence, or in any case, where the permittee refuses to permit any duly authorized police officer or Building Inspector of the village to inspect the premises or the operations therein.

(2) The permit may also be revoked or suspended by the Village Board, after hearing, upon the recommendations of the Building Inspector, that the business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard for the public health or health of patrons or customers or without due regard to proper sanitation and hygiene.

(1981 Code, § 50.18)

(B) A masseur or masseuse permit issued by the Village Board to any employee may be revoked or suspended after a public hearing on any of the following grounds.

(1) Violation of any of the provisions of this chapter; and/or

(2) Violation of any section of ILCS Chapter 720, Act 5, §§ 11-6 to 11-22.

(1981 Code, § 50.19)

§ 111.29 SALE OR TRANSFER.

Upon sale, transfer or relocation of a massage establishment, the permit therefor shall be null and void; provided, however, that upon the death or incapacity of the permittee the massage establishment

may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

(1981 Code, § 50.21)

§ 111.30 NAME AND PLACE OF BUSINESS; CHANGE.

No person granted a permit pursuant to this chapter shall operate under any name or conduct his or her business under any designation for any location not specified in his or her permit.

(1981 Code, § 50.22) Penalty, see § 111.99

§ 111.31 DISPLAY OF PERMIT.

Every person to whom or for whom a permit shall have been granted pursuant to the provisions of this chapter shall display the permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises.

(1981 Code, § 50.23) Penalty, see § 111.99

§ 111.32 INSPECTION.

The Police Department and the Building Department shall from time to time and at least twice a year make an inspection of each massage establishment in the village for the purposes of determining that the provisions of this chapter are complied with.

(1981 Code, § 50.24)

§ 111.33 PERMIT FEES.

(A) Every permittee under a massage establishment permit or a masseur or masseuse permit, as defined herein, shall pay to the Village Clerk a permit fee as set forth in the village annual fee schedule, payable in advance.

(B) The permit fee prescribed in this section is due and payable upon receipt of the permit and on the anniversary date each year thereafter.

(1981 Code, § 50.25)

OPERATING REQUIREMENTS

§ 111.45 GENERALLY.

(A) Every portion of a massage establishment, including appliances, apparatus and personnel shall be kept clean and operated in a sanitary condition.

(B) (1) All employees shall be clean and shall wear suitable clean outer garments whose use is restricted to the massage establishment.

(2) Provision of a separate dressing room for each sex must be available on the premises with individual lockers available for each employee and for each customer.

(3) The lockers shall be equipped with a key lock or number combination locking device.

(4) Doors to the dressing rooms shall open inward and shall be self-closing.

(C) (1) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in approved, sanitary manner.

(2) No towels or sheets shall be laundered or dried in any massage establishment unless the establishment is provided with approved laundry facilities for the laundry and drying.

(3) Approved receptacles shall be provided for the storage of soiled linens and paper towels.

(D) (1) Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation.

(2) Bathtubs shall be thoroughly cleaned after each use.

(E) No massage establishment granted a permit under the provisions of this chapter shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services, as described in § 111.01, nor shall any massage establishment indicate in the text of the advertising that any service is available other than those services, as described in § 111.01.

(F) No service enumerated in § 111.01 may be carried on within any cubicle, room, booth or any area within a massage establishment, which is fitted with a door capable of being locked.

(1981 Code, § 50.11) Penalty, see § 111.99

§ 111.46 OPERATOR TO MAINTAIN REGISTER OF EMPLOYEES.

(A) The operator of a massage establishment must maintain a register of all persons employed as masseurs or masseuses and their permit numbers.

(B) The register shall be available for inspection at all times during regular business hours.

(1981 Code, § 50.16) Penalty, see § 111.99

§ 111.47 IDENTIFICATION TAG.

The Village Clerk shall provide each masseur and masseuse granted a permit with an identification name tag which shall contain a photograph of the masseur or masseuse and the first name and permit number assigned to the masseur or masseuse, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit pursuant to this chapter.

(1981 Code, § 50.17)

§ 111.48 EMPLOYMENT OF MINORS.

It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment to employ any person who is not at least 18 years of age.

(1981 Code, § 50.20) Penalty, see § 111.99

§ 111.49 UNLAWFUL ACTIVITIES.

It shall be unlawful for any person to massage any other person or give or administer any of the other things mentioned in this chapter which violate the provisions of this chapter or which violate any municipal or state law or ordinance, including any offenses as set forth in ILCS Chapter 720, Act 5, §§ 11-6 to 11-22. Any violation of this provision shall be deemed grounds for revocation of the permit granted hereunder.

(1981 Code, § 50.26) Penalty, see § 111.99

§ 111.50 EMPLOYMENT OF MASSEURS AND MASSEUSES.

It shall be the responsibility of the permittee for the massage establishment or the employer of any persons purporting to act as masseurs and masseuses, to insure that each person employed as a masseur or masseuse shall first have obtained a valid permit pursuant to this chapter.

(1981 Code, § 50.27)

§ 111.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator or acting as a participant or worker in any way, who gives massages or conducts a massage establishment or who in conjunction with the massage establishment give or administers, or practices the giving or administering of baths, as defined herein, or any of the services defined in § 111.01 without first obtaining a permit and paying a permit fee to do so from the village or shall violate any provisions of this chapter shall be subject to a fine in a sum not less than \$25, nor more than \$750, under the power granted the village by ILCS Chapter 65, Act 5, § 1-2-1.

(C) Any owner, operator, manager or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a masseur or masseuse, as defined in this chapter, who is not in possession of a valid unrevoked permit or who allows a masseur or masseuse to perform, operate or practice within a place of business shall be subject to a fine in a sum not less than \$25, nor more than \$750, under the power granted the village by ILCS Chapter 65, Act 5, § 1-2-1.

(1981 Code, § 50.30)

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Assistant to the Village Administrator

Subject: Live Entertainment Discussion

Date: April 6, 2023

Action Requested:

Staff recommends the Planning and Zoning & Historic Commission ("PZHC") review the attached information regarding live entertainment/music and DJ's (both indoor and outdoor) and determine a direction to proceed with that supports the business community and the residential neighbors. This may be a recommendation to staff to bring existing businesses into compliance via the special use process, or requesting that staff work with the Village attorneys to draft proposed amendments to definitions, regulations, and the Zoning Ordinance for the PZHC and/or village board to consider at a future meeting. No official action will be taken at the meeting on April 6, 2023.

Background and Summary:

East Dundee is fortunate to have many restaurant/bar establishments that offer a variety of entertainment to patrons. Some of these businesses have been hosting live bands and/or DJs on various days of the week, inside and outside of their building on their property. This has created some issues with nearby residents who have voiced concerns that this sometimes occurs on weekdays, often times outdoors, or sometimes the level of noise emanating from inside becomes too loud.

The above concerns could be regulated via the special use process which would have been required prior to a business that matches this use commencing operation, but were never put in place. The PZHC should discuss and recommend if the special use process is the preferred path for staff to proceed in bringing the existing businesses into compliance. Alternatively, should the PZHC determine that the special use process is not the preferred path, the PZHC can recommend to the village board of trustees updated definitions, regulations, and text amendments to consider to address the issues.

Staff has asked a representative from the police department and village attorney to be present at the April 6, 2023 PZHC meeting to help guide the PZHC in discussing these matters and drafting recommendations for the village board to consider.

Staff Analysis and Recommendations:

The table from Section 157.050(F)(1) is below, and states that a restaurant with live entertainment or dancing requires a special use permit in B-1, B-2, and B-3. Currently, no restaurant holds a special use permit to allow live entertainment or dancing. The only tool village staff have at regulating this is by referring to Section 93.11, *Noises* - its copy is attached.

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

Definition:

Currently, the Zoning Ordinance does not define what live entertainment can be considered and how it may differ from live music, whether a band or a DJ is present to perform on site. Also, East Dundee's municipal code does not specify a business that is both a restaurant and a tavern; this may be referred to a "bar" at times. In West Dundee's Zoning Regulations, Section 10-2-1 provides the following definition:

NIGHTCLUB: An establishment serving food and/or liquor and providing music and space for dancing by patrons only. A nightclub shall not include an "adult business".

Permitted Hours and Days:

The East Dundee Zoning Ordinance does not specify permitted hours and days or areas of a property where live entertainment can occur. Because live entertainment is part of a special use, it would have been potentially made a condition by the village board of trustees, however there are no operating restaurants at present that have a special use permit for this topic.

Frequency:

The duration of how many times per day or per week to allow such use should be considered in order to preserve a balance between businesses and residential neighbors and to discourage an establishment from become a nuisance to neighboring properties, whether they be commercial or residential.

Special Use vs Permitted Use Designation:

As mentioned above, no restaurant to date has been granted a special use for this. The PZHC can consider either continuing the requirement on a case by case basis when an application is submitted, or can draft regulations on definition and scope of use and not require a special use.

Existing Tools in the Municipal Code:

Two sections in our code exist that help guide staff: One is the noise ordinance which is a reactive solution, the other is similar to a special use permit but only relates to outside dining with respects to live entertainment.

1.) Section 93.11(D) in the East Dundee noise ordinance states the following:

(D) Application for special permit.

(1) Applications for a special permit for relief from the noise restrictions designated in this section on the basis of undue hardship may be made to the

Village Administrator. Any permit granted hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective.

(2) Permit issuance shall be provided if the following conditions are found:

(a) The additional time is necessary for the applicant to alter or modify his or her activity or operation to comply with this section; or

(b) The activity, operation, or noise source will be of temporary duration and cannot be done in a manner that would comply with other divisions of this section; or

(c) No other reasonable alternative is available to the applicant.

(3) The Village Administrator may prescribe any conditions or requirements he or she deems necessary to minimize the adverse effects upon the community or the surrounding community or the surrounding neighborhood.

2.) Section 151.027(A)(9), titled *"Specifications for outside dining area requires a license"*, states the following: *Live entertainment shall be governed by the rules set forth in this chapter.* However, no further guidance on this matter can be interpreted in this Chapter. Attached is a copy of this ordinance for the PZHC's review.

Attachments:

Memo from Chief of Police


Section 93.11 Noise Ordinance

Section 151.027 Specifications for Outside Dining License Ordinance

Memorandum



To: Franco Bottalico, Assistant to the Village Administrator

From: James R Kruger, Chief of Police 

Subject: PZH Commission Music Discussion

Date: February 23, 2023

The Police Department has received a number of loud music complaints over the last several years. The majority of the complaints have been focused on live music rather than recorded music. We have also experienced different levels of concern whether the complaints were emanated from the central business district or in a residential area.

In the past, the Police Department has received calls related to loud live music from Diamond Jim's. These calls precipitated an amendment to Title 93, Section 11.E, Prohibited Noises in 2014. This amendment added the decibel standard. After some enforcement and a change of ownership this business has not experienced any recent complaints.

We have also received complaints from Rosie O'Hare's due to live music. Some of these complaints were from the special event they sponsored last year, but we have also received some complaints from our nearby residents and West Dundee residents due to live music. There are no barriers or any sound baffling at all.

There is some contraction in our ordinance as the original "plainly audible" standard for amplified music is still in the code in Title 93, Section 11.B.3.b.2. It prohibits sound in any zoning district that is heard 50 feet from the property line 10:30 PM to 7:00 AM weekdays, and Midnight to 7:00 AM weekends. This standard states:

"For the purposes of this section, PLAINLY AUDIBLE means any sound which clearly can be heard, by unimpaired auditory senses based upon a direct line of sight of 50 feet or more. However, words or phrases need not be discernable. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound."

While there is an understanding the decibel standard was passed to address the business district, the ordinance text does not limit it to a specific geographic area and it does have a different standard of 25 feet from the property line and allows up to 65 dBA 6:00 PM to 11:00 PM weekdays and 75 dBA on weekends.

Based upon our experience, the Police Department recommends the following for consideration:

- Live music should be contained within four walls for sound baffling. Whether inside a structure, or four opaque walls of an outside garden type facility designed to baffle sound to direct music and other noise upward if there is no roof.
- Live music, in all cases should cease no later than 11:00 PM.
- Recorded music emanating from outside speakers of an establishment should cease by 11:00 PM, such as from a terrace or open patio.
- Building codes should be addressed to require sound baffling between adjacent businesses within the same structure.
- Outside patios that adjoin more than one business should be required to lower the sound level to a mutually compatible level or be required to be a joint or common feed.

If you have any other questions, please let us know.

§ 93.11 NOISE.

(A) *Findings.* It is hereby declared that it is in the interest of the public health and welfare of the people of the village that the hours and days of operation of strip mines, stone quarries, gravel mines, saw mills and all other uses, operations and endeavors which do or are likely to produce loud and disturbing noises need regulation.

(B) *Prohibited noises.*

(1) *Prohibitions generally.*

(a) It is unlawful to make or cause to have made any noise or sounds of such volume or of such nature as to cause annoyance to the residents of the village.

(b) It is unlawful to disturb the peace or quiet by the creating of excessive and unnecessary noise.

(2) *Horns and whistles.* It is unlawful to blow or cause to be sounded any horn, whistle, or other signaling device of any unreasonably loud or harsh sound in the village except as a signal for starting or stopping work or in emergencies as to avoid or to prevent injury to persons or property.

(3) *Audio, musical, and similar equipment.*

(a) It is unlawful to play, use, operate, or permit to be played or operated, in any building or on any public or private premises any radio, phonograph, microphone, musical instrument, television, loudspeaker, sound amplifier, or similar equipment in such a manner as to disturb the peace, quiet, or comfort of neighboring residents, except in conjunction with a village-permitted special event or block party.

(b) 1. In all zoning districts, the operation of any radio, phonograph, microphone, musical instrument, television, loudspeaker, sound amplifier, commercial music amplification or reproduction equipment or similar equipment between the hours of 10:30 p.m. and 7:00 a.m. Sunday through Thursday, and between the hours of midnight and 7:00 a.m. Friday and Saturday, in such a manner as to be plainly audible more than 50 feet beyond the property line of the premises from which the noise is emanating, shall be *prima facie* evidence of a violation of this section.

2. For the purposes of this section, **PLAINLY AUDIBLE** means any sound which clearly can be heard, by unimpaired auditory senses based upon a direct line of sight of 50 feet or more. However, words or phrases need not be discernable. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

(c) No person shall cause or permit to be emanated or emitted from any such device any lewd, obscene, profane, or indecent language or sounds, or any false representation of any matter, product, or project advertised thereby, the sale of which is prohibited by law, ordinance, or statute.

(d) It is prohibited to play, use, operate, or permit to be played, used, or operated any radio, television, musical instrument, phonograph, loudspeaker, sound amplifier, or similar equipment for producing sound which is audible upon the public streets of the village for the purpose of commercial advertising or of attracting the attention of the public to any building or structure except when a permit has been first procured from the Village Administrator as required by this code.

(4) *Engine exhaust.* It is unlawful to discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(5) *Defect in vehicle or load.* It is unlawful to use any automobile, motorcycle, vehicle, wagon, or cart so defective or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling, or other noises.

(6) *Refuse collection.* It is unlawful for any refuse collector or firm to collect, gather, load, remove, empty, haul, or otherwise transport any refuse, recycling, or other waste materials from any container, dumpster, or other storage unit within the village, except between the hours of 6:00 a.m. and 7:00 p.m. on any day.

(7) *Construction activities.* Any activity in the construction of any building or structure (including excavation, demolition, alteration, or repair), or the laying of pavement, including but not limited to the making of an excavation, clearing of surface land, and loading or unloading materials, equipment, or supplies, anywhere in the village shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday; 8:00 a.m. and 8:00 p.m., on Sunday.

(8) *Lawn, garden, and landscape maintenance activities.* Any lawn, garden, or landscape maintenance activities involving the operations of any gasoline or electric powered equipment, including without limitation mowers, tractors, trimmers, vacuums, blowers, tillers, hedge clippers, grinders, shredders, chainsaws, sod cutters, or other equipment the use of which is attended with a noise that is plainly audible at a distance of 50 feet from the boundaries of the premises upon which such equipment is operated or used, shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday; 8:00 a.m. and 8:00 p.m., on Sunday.

(C) *Exemptions.* The following exemptions shall be provided from the terms and restrictions provided in this section:

(1) Street sweeping operations on public right-of-ways, public parking lots, or private parking lots in non-residential zoning districts.

(2) Construction and lawn maintenance operations performed by or on behalf of the village or Dundee Township Park District on publicly owned property.

(3) Construction and/or lawn maintenance activities required as a result of a storm or emergency situation to provide for the protection, safety, and welfare of the village.

(4) Work related to sewer, water, power, or utility interruptions.

(5) Snow removal operations on any public or private property, parking lot, or right-of-way.

(D) *Application for special permit.*

(1) Applications for a special permit for relief from the noise restrictions designated in this section on the basis of undue hardship may be made to the Village Administrator. Any permit granted hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective.

(2) Permit issuance shall be provided if the following conditions are found:

(a) The additional time is necessary for the applicant to alter or modify his or her activity or operation to comply with this section; or

(b) The activity, operation, or noise source will be of temporary duration and cannot be done in a manner that would comply with other divisions of this section; or

(c) No other reasonable alternative is available to the applicant.

(3) The Village Administrator may prescribe any conditions or requirements he or she deems necessary to minimize the adverse effects upon the community or the surrounding community or the surrounding neighborhood.

(E) *Prohibited noises.*

(1) *Noise measurement.* Sound level measurements for this division (E) shall be made with a properly calibrated sound level meter Type 2 or better using the A-weighted network in accordance and conforming with the noise measurement standards, promulgated by the American National Standards Institute and Testing Procedures (ANSI) for measurement of sound levels on an averaged A-weighted sound pressure level which is exceeded 10% of the time in any measurement period designated as dBA.

(2) *Noise limitation.* No person or business shall cause, allow or permit the emission of sound within the village that exceeds 65 dBA, except between 6:00 p.m. and 11:00 p.m. on Friday and Saturday that exceeds 75dBA, when measured 25 feet or more from the property line of private property or noise source if not on private property.

(1981 Code, § 12.11) (Am. Ord. 00-29, passed 12-18-2000; Am. Ord. 12-53, passed 7-16-2012; Am. Ord. 14-39, passed 11-17-2014) Penalty, see § 93.99

§ 151.027 SPECIFICATIONS FOR OUTSIDE DINING AREA REQUIRES A LICENSE.

(A) Outside dining areas are a privilege provided pursuant to a license. Said license may be granted by the Village Board upon recommendation from the Liquor Commission. If no alcohol is to be served, the license may be granted by the Village Board in its sole and exclusive discretion at their regular board meeting or any special board meeting. Outside dining areas permitted in this section are defined as those areas on private property. The issuance of this license does not waive any other ordinance requirements. The intent is to provide outside dining areas that are beneficial to patrons, residents, and businesses in East Dundee, as determined by:

(1) The outside dining area shall be enclosed by a minimum three-foot high wall, fence, or structure designed to be decorative and to prevent unauthorized entry. The maximum height of such fence or wall shall be eight feet.

(2) At least five feet of public right-of-way must be provided and maintained at all times for pedestrian traffic.

(3) At least ten feet of public right-of-way traffic must be provided between the outdoor dining area and vehicular traffic.

(4) The outside dining area shall have ingress and egress for emergency purposes and for handicap accessibility.

(5) The outside dining area shall not have a covered roof, although umbrellas, awnings, screening, and the like may be allowed, and a limited roof structure may be permitted over any service bar.

(6) No signs shall be attached to any furniture, umbrellas, awnings, or other structure related to the operation of the outdoor dining area.

(7) No permanent fixtures are to be installed and only those fixtures authorized by the permit and shown in the diagram may be stored in the public right-of-way when the outdoor dining area is not in operation. Should the licensee not utilize the sidewalk as authorized for a period of 48 hours or more, all the tables and materials must be removed.

(8) A service bar or service window for the service of alcoholic beverages may be permitted in the outside dining area. Permission for the sale of alcoholic beverages must be secured from the Liquor Commission prior to issuance of an Outdoor Dining/Sidewalk Café Permit.

(9) Live entertainment shall be governed by the rules set forth in this chapter.

(10) Outside meal seating will be permitted; however, no alcohol shall be served or consumed in the outside seating area no later than 12:00 a.m. Sunday through Thursday, and 1:00 a.m. Friday and Saturday.

(11) The outside dining area seating shall not be used in division (A) above for calculating the required number of seats for this liquor license classification.

(12) Seating for the outdoor dining area is to be restricted to the right-of-way approved by the village.

(13) The outside dining area seating capacity when combined with the indoor seating capacity shall meet the requirements of the State Plumbing Code and village plumbing ordinances with regard to restroom facilities.

(14) Persons issued a permit for an outdoor dining area/sidewalk café shall maintain the sidewalk area in a clean and safe condition. The permit holder shall clean said area at the end of each business day, so as not to have any food or drink leftovers remaining. The permit holder shall wash daily the sidewalk area approved by the village for the outdoor dining area/sidewalk café removing any food or drink residue.

(15) If the outdoor dining area interferes with a public event planned on the public right-of-way, the public event shall take precedence. The village will endeavor to notify the licensee 30 days in advance of the scheduled event.

(16) Such other requirements as may reasonably be imposed by the Liquor Commission taking into account the unique circumstances of the licensee's premises and location.

(B) Every applicant for a permit to maintain, operate or conduct an outdoor seating area shall file an application with the Village Clerk upon a form provided by the Village Clerk and pay a filing fee as set forth in the Village Annual Fee Schedule, which shall not be refundable.

(C) Application/policy requirements.

(1) Permits for operation of an outdoor dining area will be issued for operation between May 1 and November 1.

(2) The application for a permit to operate an outdoor dining area must include the following:

(a) A certificate of insurance in the amount of \$1,000,000 naming the Village of East Dundee as an additional insured, which must be renewed each year the outdoor dining area is in operation.

(b) A signed hold harmless agreement.

(c) A diagram of the proposed layout of the outdoor dining area, including sizes of fixtures and their location. A layout is to be submitted for approval should the layout change in any way from the layout originally approved by the village. The village may reduce the requested number of tables to provide for safe pedestrian passage.

(d) A formal letter requesting permission including information such as dates and right-of-way requested is required for first-time applicants.

(D) The permit is not transferable in any manner.

(E) Periodic inspections and response to complaints will be conducted by the Building Official.

(F) Any violation of the requirements set forth herein will result in the following:

(1) First notice of violation will result in a written notice of correction.

(2) Second notice of violation will result in a suspension of the permit for a two week period.

(3) Third notice of violation will result in revocation of the permit for the remainder of the calendar year.

(G) All licenses issued in accordance with this section shall be governed by the General Licensing Provisions as contained within Title XI, Business Regulations, Chapter 110, of the Village Code.

(Ord. 2001-17, passed 9-17-2001; Am. Ord. 04-22, passed 6-21-2004; Am. Ord. 06-17, passed 6-5-2006; Am. Ord. 06-33, passed 8-21-2006; Am. Ord. 16-13, passed 4-25-2016)

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Assistant to the Village Administrator
Chris Ranieri, Building Inspector

Subject: Banquet Facilities Discussion

Date: April 6, 2023

Action Requested:

Staff recommends the Planning and Zoning & Historic Commission (“PZHC”) review the below information regarding banquet facilities/banquet halls and determine a direction to proceed with. This may be a recommendation that staff work with the Village attorneys to draft proposed amendments to definitions, regulations, and the Zoning Ordinance for the PZHC and/or village board to consider at a future meeting. No official action will be taken at the meeting on April 6, 2023.

Background and Summary:

The Village was recently approached by a business owner who is considering a banquet facility on a property in the M-1 zoning district as a Special Use, if the village code is amended to allow such special use. This has sparked a discussion internally with staff as it reviewed the Village’s current banquet facility ordinances. Banquet facilities / banquet halls are not explicitly listed in the Zoning Ordinance and have been determined on a case-by-case basis, which is not a best practice. The Village Board most recently granted approval in 2021 for a banquet facility located at 485 Dundee Ave. for Infinity Banquet Hall under Ordinance 21-29 which is attached to this memo. Additionally, in 2011, the Village Board granted Club Copa Cabana, located at 940 Dundee Ave., with a special use permit via Ordinance 11-42 which is also attached to this memo. The following is a table that outlines the three current banquet facilities within East Dundee:

Name	Zoning District	Approval Method
Copa Cabana	B-3	Special Use Ordinance #11-42
Gallery 611	B-2	Village Board approval, no special use
Infinity Banquet	B-3	Special Use Ordinance #21-29

Further, within Chapter 116, *Alcoholic Beverages*, the Village does have a definition for a Banquet Hall use and has a Class G banquet liquor license available; however, Chapter 157, *Zoning Ordinance*, does not list which zoning district(s) this use can be allowed. The Village's definition from Chapter 116 is as follows:

BANQUET HALL. A business conducted on premises at which the exclusive activity is the catering of private parties where there is service for consumption at tables of a full multiple course meal at a prearranged, fixed unit price, hors d'oeuvres, buffet or smorgasbord, and at which alcoholic liquor may be served or sold incidental to such food services, provided that each of such private parties is prearranged under the sponsorship of a particular person or organization.

For comparison, the Village of West Dundee allows banquet halls/event facilities as a special use in their B-1 Downtown Business District, B-2 Regional Business, and B-3 Business-service district.

Staff does not recommend allowing banquet halls in the M-1 districts as the two uses are not cohesive or synergistic. Input should be gathered from the police department if there is an interest in allowing this type of use in any districts other than the B districts.

The village attorney will be present at the April 6, 2023 PZHC meeting to help guide the PZHC in discussing these matters and drafting any recommendations the PZHC might have for the Village Board to consider.

Attachments:

Ordinance 11-42

Ordinance 21-29

ORDINANCE NUMBER - 11-42
An Ordinance Zoning and Granting Certain Special Uses
for Property Commonly Known as Pima Illinois, LLC,
With an Address of 14N963 Illinois Route 25

WHEREAS, the Village of East Dundee, an Illinois home rule municipal corporation located in Kane and Cook counties (the "Village"), has been requested in a written petition signed by Pima Illinois, LLC, (the "Owner") that upon annexation, certain property located on the east side of Illinois Route 25 and legally described in Section 1 of this Ordinance (the "Property"), be zoned B-3, General Service Business District, and grant certain special use permits; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission, after due notice as provided by law; and

WHEREAS, the Board of Trustees has considered the evidence, including but not limited to that presented at the public hearing to the Planning and Zoning Commission by the Owner and believe the zoning classification and the special use permits will be in the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee as follows:

SECTION 1: The following legally described territory (the "Property") shall be zoned B-3, General Service Business District, pursuant to the terms of the East Dundee Zoning Chapter:

Parcel One: The northerly half of that part of Sections 25, 26, 35 and 36, Township 42 north, Range 8 east of the Third Principal Meridian, described as follows: commencing at the southwest corner of Section 25; thence north along the west line of said Section 9.7 feet; thence westerly 124.15 feet on a line making an angle of 80 degrees, 51 minutes, 0 seconds to the northwest, with said west line of Section 25, to the center line of the Elgin and Dundee Road for a point of beginning; thence easterly along said last course, 380 feet on a line making an angle of 89 degrees, 58 minutes 0 seconds to the southeast with the centerline of the Elgin and Dundee Road; thence southerly parallel with the centerline of said road, 343.9 feet; thence westerly 380 feet on a line making an angle of 89 degrees, 58 minutes 0 seconds to the northwest with said center line to the center line of the Elgin and Dundee Road; thence northerly along the center line of said road, 343.9 feet to the point of beginning, in Dundee Township, Kane County, Illinois; and

Parcel Two: That part of the southwest quarter of Section 25, of the southeast quarter of Section 26 and of the northwest quarter of Section 36, all in Township 42 north, Range 8 east of the Third Principal Meridian, described as follows: commencing at the southwest corner of the southwest quarter of said Section 25; thence north along the west line of said southwest quarter 9.7 feet; thence westerly along a line forming an angle of 80 degrees, 51 minutes, 0 seconds to the northwest with said west line,

124.15 feet to the center line of State Route 25 for the point of beginning; thence easterly along the last described course and said course extended on a line forming an angle of 89 degrees, 58 minutes, 0 seconds to the southeast with said center line 380 feet; thence southerly parallel with said center line, 171.95 feet; thence easterly along a line forming an angle of 89 degrees, 58 minutes 0 seconds to the southeast with said center line 370 feet; thence northerly parallel with said center line, 340.95 feet; thence westerly along a line forming an angle of 80 degrees, 51 minutes, 0 seconds to the northwest with the west line of the southwest quarter of Section 25, 750 feet to the center line of said State Route 25; thence southerly along said center line 169 feet to the point of beginning, in Dundee Township, Kane County, Illinois (together, the "Property").

SECTION 2: The Board of Trustees hereby makes the following findings of fact with respect to the requested special use permits:

1. The uses permitted by the exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;

Each of the proposed indoor commercial sports and entertainment facility, banquet hall, and auto repair and servicing center special uses on the Property will be consistent with existing uses in the area insofar as the trend of growth and development on the relevant portion of Illinois Route 25 is retail and serving the public with services. These proposed special uses are consistent with the Village's Comprehensive Plan. An indoor commercial sports and entertainment facility will serve sports enthusiasts, including but not limited to, youths interested in soccer leagues, and which is not presently well served by open, outdoor parks during winter months. It is also desirable to have an entertainment venue which would tend to utilize the facilities in the evening after athletic leagues or games have been completed. It is the Board of Trustees belief that the Village and surrounding community is underserved with respect to entertainment venues. The banquet hall is desirable and would serve the community and would fit well with an indoor commercial sport use for team banquets and dinners and appears to be a natural fit and an amenity to the community. The proposed auto repair and servicing center use is appropriately located on a state route utilized by commuters and is reasonably proximate to residential neighborhoods to enable them to utilize such auto repair services as well.

2. The uses permitted by the exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;

Due to development around the Property in the past decade, an indoor commercial sports and entertainment facility, banquet hall, and auto repair and servicing center special uses on the Property are appropriate for the commercial corridor on Illinois Route 25, which would be utilized by patrons of these special uses rather than access coming through residential neighborhoods which would avoid excessive traffic coming through any residential neighborhood to the Property and will not have an adverse or detrimental influence or impact on the surrounding neighborhoods.

The Property is a former car dealership which was desirable and appropriate and any auto repair is a natural extension of this one time use of the Property as a dealership.

3. Not more than 20% of the ground area or of the gross floor area of the development shall be devoted to the uses permitted by the exception;

The Board of Trustees is of the opinion that this standard has been met. The proposed special uses are subject to final plans to be approved by the Village to enable the Village to insure that this requirement is met. Based on witness testimony, it is anticipated that the proposed uses will not exceed 20% of the ground area of the development.

4. In an industrial planned development, the additional uses allowed by exception shall conform with the performance standards of the district in which the development is located;

This criteria is inapplicable insofar as there is no request for an industrial planned development.

5. The use exceptions so allowed are reflected by the appropriate zoning district symbols and so recorded on the zoning district map;

The Village's zoning map will be amended to reflect such uses upon any approval by the Board of Trustees.

6. The special uses will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

While the special uses are of a more intense nature than permitted uses, the anticipated distance between the buildings and the property lines lead this Board of Trustees to believe that the proposed special uses will not be injurious to the use and enjoyment of other property in the nearby vicinity. This belief is reinforced by Village ordinances in effect for entertainment venues which place limitations thereon and the banquet facility and auto repair uses would remain subject to general Village ordinances. No convincing testimony was provided which would demonstrate that property values in any neighborhood proximate to the Property would be impaired or substantially diminished.

7. The establishment of the special uses will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

Insofar as some of the anticipated structures and facilities are already on the Property, with direct access from Illinois Route 25, the testimony reflects that in no way will the normal, orderly development and improvement of surrounding property be impeded.

8. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided;

The plans for the Property on which the special uses are requested have or will provide for the extension of sanitary sewer and potable water mains to the Property. Insofar as the Property is si-

tuated on Illinois Route 25, an adequate access road is in place for each of the special uses. The Board of Trustees believes that the testimony reflects that drainage will be handled in accordance with all applicable standards. No testimony was provided that any of the proposed utilities, means of access or drainage facilities will be deficient in any manner.

9. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

Judging from the evidence provided by the petitioner at the hearing and the personal knowledge of the Board of Trustees relative to the Property, it is our conclusion that adequate measures are in place to minimize traffic congestion by the use of proposed turn in lanes on Illinois Route 25 and that the highest level of activity will be in the evenings or on the weekends so as to minimize any increase of traffic during weekday "rush hours" when commuter traffic is at its peak.

10. The special uses shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the President and Board of Trustees at such time a final plan is submitted to the Village.

SECTION 3: The following special uses, subject to the conditions and restrictions imposed herein and in the Annexation Agreement, including the conditions of submission of a final plan by the Owner for each special use as well as approval of same by the Village, between the Village and the Owner, are hereby granted for the Property:

- a. Indoor commercial sports and entertainment establishment as provided in Chapter 157.053 in the East Dundee Zoning Chapter; and
- b. Banquet hall as provided in Chapter 157.053 in the East Dundee Zoning Chapter; and
- c. Auto repair and servicing, provided all such activity is within an enclosed building and as provided in Chapter 157.053 in the East Dundee Zoning Chapter.

SECTION 4: All other requirements set forth in the East Dundee Zoning Chapter, as would be required by any owner of property zoned in the same manner as the Property, shall be complied with, except as otherwise provided in the Annexation Agreement between the Village and the Owner.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes: 6 - Justices Gorman, Lynam, Miller, Van Osten bridge, Skillecorn
& President Bartels

Nays: 0

Absent: 1 - Justice Ruffalo

Abstain: 0

APPROVED:

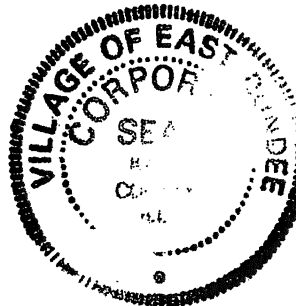
Jerald Bartels
Village President Jerald Bartels

(SEAL)
ATTEST: Jennifer Rehberg
Village Clerk Jennifer Rehberg

Passed: September 19, 2011

Approved: September 19, 2011

Published: September 21, 2011



Prepared by/Mail to:

Michael J. Smoron

Zukowski Rogers Flood & McArdle

50 Virginia Street

Crystal Lake, IL 60014

815.459.2050

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CERTIFICATION

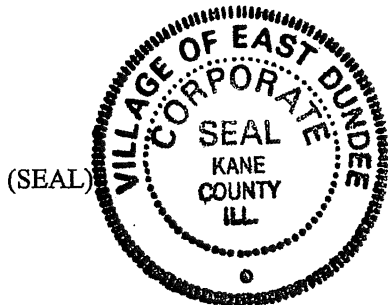
I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.


I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of East Dundee, held on the 19th day of September, 2011, the foregoing Ordinance entitled *An Ordinance Zoning and Granting Certain Special Uses for Property Commonly Known as Pima Illinois, LLC, With an Address of 14N963 Illinois Route 25*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 11-42, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the East Dundee Village Hall, 120 Barrington Avenue, East Dundee, IL, commencing on the 19th day of September 2011, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 19th day of September, 2011.




Jennifer Rehberg, Village Clerk
Village of East Dundee,
Kane County, Illinois

COMMERCIAL SPORTS AND ENTERTAINMENT ESTABLISHMENT, INDOOR.

A fully enclosed facility with a capacity of 100 or more people, with or without seating for spectators, the primary purpose of which is providing accommodations for a fee for a variety of individual or organized sports, recreation, and competition activities as well as a variety of sales or entertainment events, either passive or active, for the pleasure of the patrons including performances, exhibitions, educational programs, religious services, flea markets, collector shows, and other forms of public gathering. This use includes accessory food services facilities but does not include adult uses as defined in Chapter 117 of this code, or any of the regulated activities included within said chapter.

ORDINANCE NUMBER 21- 29

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, APPROVING A SPECIAL USE PERMIT FOR A BANQUET HALL IN THE B-3 GENERAL SERVICE BUSINESS DISTRICT FOR THE PROPERTY LOCATED AT 485 DUNDEE AVENUE, EAST DUNDEE, ILLINOIS

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 157.224 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, the property at 485 Dundee Avenue, East Dundee, Illinois ("Property"), as legally described in Section 2 below, is located in the B-3 General Service Business Zoning District, in which a banquet hall is allowed if the Corporate Authorities first grant a special use permit, per to Section 157.050(F)(1)(g)(4) of the Zoning Ordinance; 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 a banquet hall to be operated at the Property ("Application") from the contract purchaser of the Property, Infinity Banquet Hall and Event Planners ("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 September 2, 2021; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.224 of the Zoning Ordinance for a special use permit and recommended approval of the Application, subject to the conditions in Section 3 below, which recommendation and related findings of fact are incorporated herein; and

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission's findings of fact and recommendations on the Application, and hereby approve the proposed special use of a banquet hall on the Property, subject to the conditions in Section 3 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 and grant a special use permit for the Property legally described as:

LOT 2 OF LPC SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 23, AND PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRICIPAL MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

commonly known as 485 Dundee Avenue, East Dundee, Illinois (P.I.N. 03-23-479-006), for a banquet hall, subject to the conditions in Section 3 below.

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. The Special Use Permit cannot be transferred and shall expire at such time the Infinity Banquet Hall and Event Planners at 485 Dundee Avenue, Dundee, IL 60118 ceases operations at this location.
2. Banquet activities shall not occur between the hours of 12:00 a.m. to 9:00 a.m.
3. All entertainment must be confined to inside the building.
4. Size of the events cannot exceed the maximum occupancy of the space dedicated to the banquet venue as determined by the Building Code.
5. Does not provide carry-out service to individuals.
6. The venue shall comply with all Village noise regulations and requirements.
7. Repairs to the parking lot are adequately addressed.

SECTION 4: 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 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 6: 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.

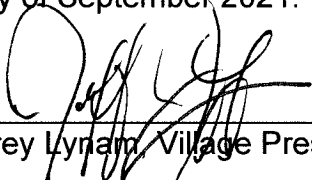
PASSED this 13th day of September 2021 pursuant to a roll call vote as follows:

AYES: Trustees Mahony, Andresen, Kunze, Britton, Saviano
and Treiben

NAYES: Ø


ABSENT: Ø

APPROVED by me this 13th day of September 2021.



Jeffrey Lynam, Village President

ATTEST:

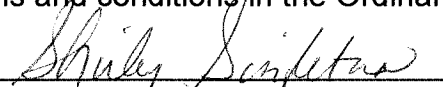


Katherine Diehl, Village Clerk

Published in pamphlet form this 13th day of September 2021, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on September 21, 2021.

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: September 23 2021

Infinity Banquet Hall and Event Planners Inc.

Business Plan

Shirley Singleton, Owner

Business Established 2010 as Event Planners

6/14/2021

Executive Summary

Product

Our Company has provided service to our customers in the form of events. Such as, weddings, birthday parties, anniversaries, business meetings, kids' parties, conferences, workshops, trainings, Christmas parties, New Year Eve parties, graduation parties, baby showers, bridal showers, engagement parties, church meetings and dinners, etc.

Over the past 11 years, we have provided services for our customers. We provide the set-up for weddings, anniversaries, corporate events, church functions, holiday events, birthday parties, etc.

As a banquet hall and event planner, we also provide outside services in the form of event planning at other venues, if the event is outside of our limit of the number of guests within Infinity Banquet Hall. Providing the outside service will ensure that we reach as many families, friends, and businesses as possible to help them celebrate those special moments, and contribute to the overall revenue for the company.

Our company will follow all CDC, State and County Covid-19 guidelines to ensure the safety of all employees, guests, and the community.

Customers

The target audiences are business owners, churches, sport teams, townships, senior; services, teachers, families, local agencies, couples, local colleges for training events, and employers who want to host meetings, training, and workshops for their employees. Our goal is to provide a safe and comfortable environment for our customers to create everlasting memories for years to come.

Service Line

Product/Service

Services Include:

- Small Weddings

- Anniversary Celebrations
- Outside Catering (we will not provide the food to for the client)
- Birthday Parties
- Graduation Parties
- Business Meetings
- Corporate Events
- Church Functions
- Employer Workshops
- Kids Parties
- Bridal Showers
- Engagement Parties
- Baby Showers
- Repasts

Growth Strategy/Marketing

Our growth strategy includes the following:

- Networking with local business and local agencies in the area
- Develop Websites, Social Media sites such as Instagram, Facebook, You Tube, Twitter, LinkedIn, Face to Face visits with other business owners, and other social media sites
- The company's foresees promising growth within the next 5 years that will allow us to expand the company and open a second banquet hall.

SAFETY AND COMMUNITY DEVELOPMENT IS OUR MISSION AND GOAL

Shirley Singleton, Owner
815-329-1839

Infinity Banquet Hall and Event Planners Inc.

Liquor Service Business Plan

6/14/2021

The contract between the customer and Infinity will include rules and regulation regarding alcohol consumption and unacceptable behavior during each event. Infinity Banquet Hall is committed to ensuring the safety of all customers, employees, vendors, contractors, guests and surrounding businesses, and the community.

Rules and Regulation:

1. All consumption of Alcohol must be consumed within the confines of the banquet hall.
2. Not every event will require Alcohol on the premises.
3. No loitering will be permitted outside of the hall under any circumstances unless there is an emergency, and the authorities ask everyone to vacate the premises. (Guided by emergency personnel).
4. At no time will the customers/guests engage in unruly behavior with other guests, employees, vendors, other customers, neighboring or, businesses.
5. The employees of Infinity Banquet Hall will monitor the consumption of all Alcohol by the guests/customers.
6. There will be an Illinois State certified Alcohol server for each event to serve the Alcohol.
7. All employees 21 years and older will be Basset Trained and Certified to serve Alcohol.
8. The Alcohol Bar will only be opened for 2-3 hours total per event. There will be a closing of the bar during the dinner hour of the event. The Alcohol Bar will close 1 hour before the event ends depending on the scheduled hours of the event. The Alcohol Bar hours will be based on the number of hours each event is scheduled and will be adjusted accordingly. Example: If the event is only for 4hrs, the bar hours will be reduced. This will be communicated to the customers within the contract, as well.
9. No customers/guests will be allowed to walk around the premise with opened bottles of Alcohol. Alcohol will be served in the appropriate glassware or plastic ware provided by the Banquet Hall.
10. All guest I.D.s will be check before being served alcohol.
11. No alcohol will be served to anyone under 21 years of age.
12. No alcohol will be served to anyone who comes to the Banquet Hall intoxicated or appears to be under the influence of drugs.
13. The sane regulations and standards apply to any catering company that is contract/hires by Infinity Banquet or by the Client. Must be approved by the owner of Infinity Banquet Hall.

14. All consumption of Alcohol must be consumed within the confines of the banquet hall.
15. In the event the guest/customer does not comply with the safety guidelines as part of the contract, they will be asked to remove themselves and all guest from the premises immediately. If they fail to comply with evacuating the premises, the local authorities will be called to assist. We will utilize all options before engaging the local authorities.
16. There will be security during each event that will help to ensure the safety of everyone.
17. I will reach out to the local authorities to introduce the business and myself. I want to build a business rapport with the agency.

Measure put in place to help mitigate the need to loiter outside of the Banquet Hall.

1. As the business owner, I will build a transitioning/lobby area to ensure safety during covid-19 as a safety checkpoint for employees, customers, vendors, and guests.
2. The Lobby area will also serve as a short respite area for customers/guests to step away from the event for a moment, if needed. This area will help to avoid the need to go outside for a break.
3. The objective is to keep the guest inside the Banquet Hall and not loiter outside.
4. There will be no smoking inside the hall or outside the front of the building. This will also be included in the contract. If a customer/guest must smoke, they must go to their car and not drop cigarette ends on the ground.
5. There will be a seating area provided. There will also be an employee stationed at the front desk to always assist the customers/guests.
6. The lobby area will be inviting and comfortable for the customer and guest.

Alcohol Licensing and Distribution:

The Licensing process and distribution according to The Village of East Dundee, IL.

1. Option 1: I can apply for a liquor license that will allow me to serve the Alcohol as an entity. This will require me to apply for a license and go through the approval process with the village. If approved this will allow me to distribute Alcohol and monitor the consumption of the Alcohol and follow all regulations and safety guidelines.
2. Options 2: Caterer License will allow me to utilize a catering service to serve the food and Alcohol with the appropriate guidelines put in place to keep everyone safe. This will also help to minimize the liability for the business.

Insurance

1. We will obtain liability insurance to cover any accident/incident within the property as renter. This will include coverage for all customers/guests, vendors, and contractors.
2. We will obtain Dram Shop insurance to cover the liability of customers/guests leaving the premises. This will laminate the possibility of the customers/guests holding the property owners or the tenant liable for any injury that may occur after leaving the Banquet Hall.

Conclusion

We are committed to providing service to our customers and the East Dundee community with integrity, dignity, and safety. We will work hard to ensure that Infinity Banquet Hall becomes the entity that East Dundee would be proud to have as a part of the business community.

I hope this Alcohol Service Business Plan gives you the understanding of how dedicated we are to our customers, neighboring businesses, vendors, and the community.

Please do not hesitate to call if you have any additional questions.

Respectfully,

Shirley Singleton
224-633-8867

Infinity Banquet Hall and Event Planners Inc.

Rental Guidelines Agreement

Infinity Banquet Hall's Covid-19 Mitigation is based on State, County and Local Guidelines and is Subject to Change.

Infinity Banquet Hall requires a reservation deposit (as detailed in your contract) at time of signing the contract in order to hold your reservation.

Infinity Banquet Hall's rental fees and full damage deposit (minus booking fee already paid) are due 30 days prior to the event. All payments are to be made by check, debit, credit card, and cash.

Checks returned for NSF will be charge an additional \$35.00 fee. Additionally, the rental coast must be paid by credit card, debit, or cash for all expenses of the event.

Client who wishes to schedule multiple reservations is required to pay fees and full damage deposit at the beginning of each month, 30days in advance.

Infinity Banquet Hall rental fees, or portion thereof, shall be nonrefundable as follows:

- A full refund will be given less \$50.00 administration fee if notice cancellation is received 6 weeks prior to event date.
- If cancellation notice is received **less** than 6 weeks prior to the event, a refund will only be given if that date is taken by another renter.
- The deposit refund is refundable by mail after **Hall Inspection** post the event.
- Cost of clean-up or repairs, if required, will be deducted.

All set-up and décor will be provided by the banquet hall for each event that we plan and execute for the client. The needs, preferences, and cost of the set-up will be discussed at the time of consultation.

We will provide a basic set-up that includes tables, chairs, white table clothes, warmers, and food storage, rectangle tables, for the food head table, sweetheart table, and cake or sweets table for the clients who chooses to bring their own decorations to the banquet hall and complete the set-up themselves. They will be allowed 1hour before the event to set-up and 1hour after the event for clean-up. Set-up is included in the rental time. The client is responsible for removing any notice/decorations that was provided by the client. The client must complete all cleaning of the hall within the rental time.

Items used for the client choice of set-up must be safe. The client is allowed to use their own table covers, chair covers, and center pieces. Live candles can be used as décor. However, the liability will be on the client if the candles cause a fire or any damage to the equipment or the banquet hall due to the use of candles.

For social events, a signature on behalf of the client is required on this contract. Noise Control and Alcohol By-Law from the village of East Dundee.

- Music must be kept at a reasonable level in consideration of neighbors and business.
- No event shall continue beyond the time of set by the Village of East Dundee ordinance.
- **ID CHECKS WILL BE CONDUCT AT ALL EVENTS**
- Alcohol will only be served or 2-3 hrs. during any event. 2 hours before the food is served and 1 hour after the food is served. The alcohol bar hours will be based on the number of hours each event is scheduled and will be adjusted accordingly. Example: If the event is only for 4hrs, the bar hours will be reduced.
- No Alcohol will be served to anyone under 21years of age.
- Everyone must present an I. D. before alcohol will be served to the individual.
- Any guest, visitor, vendor observed serving Alcohol to anyone under 21 years of age will be asked to immediately exit the banquet hall.
- We have a zero-tolerance policy for serving alcohol to a minor. **IT IS AGAINST THE LAW.**
- No Alcohol will be served to anyone who come to the Banquet Hall/Event intoxicated or appears to be under the influence of drugs.
- All consumption of Alcohol must be consumed within the confines of the banquet hall.
- The same regulations and standards apply to any catering company that is contract/hired by Infinity Banquets or by the client.
- All Employees of Infinity Banquet will be CPR/First Aid certified upon hire.
- The Bar will close 1 hour before the event ends. If all alcohol has been served that bar will close at that time. Closing times will be adjusted accordingly.

Infinity Banquet Hall Guidelines, Expectations and Standards of Client and Guest:

- **SAFTETY OF OUR QUEST AND THE COMMUNITY IS OUR PRIORITY**
- No loitering will be permitted outside of the hall under any circumstances unless there is an emergency, and everyone is asked to evacuate the premises by the banquet hall employees or by emergency personnel.
- There is **ZERO TOLERANCE FOR UNRULY BEHAVIOR**
- At no time will the client or their guest engage in unruly behavior with other guests, employees, vendors, other customers, neighbors, or businesses.
- In the event the client or their guest does not comply with the safety guidelines as part of the signed contract, they will be asked to remove themselves and all guest from the premises immediately. If the client or their guest fail to comply

with evacuating the premises, the local authorities will be called to assist the employees of Infinity Banquet Hall.

- If the client or their guest fail to comply with evacuating the premises immediately the client will forfeit the entire security deposit and could be held liable for the cost of the assistance from the local authorities, and the extra time that employees must spend managing the situation.
- We will utilize all options in safe manner before engaging the local authorities.
- There will be no smoking inside the banquet hall or in front of the banquet hall. If a client or guest must smoke, we ask that you do so in your vehicle. Please keep all cigarette ends off the ground.

Cleaning of Banquet Hall Consist of:

- Sweeping all floors.
- Shaking out entry mats.
- Cleaning counters in kitchen and bathrooms
- Emptying bathroom garbage into kitchen garbage can
- Washing and putting away coffee makers and any dishes used
- Wiping sinks and basins
- Please make sure all garbage bags are tied up tight and placed by back door (inside) employees will dispose of garbage bags.

Other:

- No signs or decorations are to be placed in locations other than the above window height railing. PLEASE DO NOT affix things to the paneling to leave holes.
- ABSOLUTELY NO NAILS, TACKS, STAPLES, OR TAPE ON THE WALLS.
- COMMAND STRIPS CAN BE USED
- Please do not drag tables or chairs across the floor and wipe up any spills immediately.
- Failure to comply with the above will result in the loss of your damage deposit.
- The agreement is subject to reconsideration should the Banquet Hall get a long term committed tenant who requires the space at the time(s) covered by this agreement or for a special event (e.g., Polling Station for Elections, special community meetings)

Infinity Banquet Hall Rental Guidelines and Agreement

Hall and Event Planners Inc. business, its executives, directors, trustees, representatives, property owner, its employees against and from all claims, including claims of personal injury or property loss or damage; and against and from all costs, counsel fees or all expenses incurred as a result of any such claim or any action or proceeding brought therein, whether the claim arises from the claimant's activities on or off Infinity Banquet Hall Premises.

The said signatory further agrees to make known the terms and conditions herein to every member of the group before their use of the Infinity Banquet Hall.

The client and each one of their guests agree to use the hall at his or her own risk and accepts this responsibility by entering the Hall.

THE HALL IS LOCATED IN A COMMUNITY SHOPPING MALL
PLEASE BE COURTEOUS AND RESPECTFUL TO LOCAL BUSINESSES AND THEIR CUSTOMERS

THANK YOU FROM THE INFINITY BANQUET HALL TEAM

Client's Authorized Signature

Date

Client's Authorized Signature

Date

President/Owner Infinity Banquet

Date

Infinity Representative Title

Date

Infinity Banquet Hall and Event Planners Inc.

Rental Guidelines Agreement

Infinity Banquet Hall's Covid-19 Mitigation is based on State, County and Local Guidelines and is Subject to Change.

Infinity Banquet Hall requires a reservation deposit (as detailed in your contract) at time of signing the contract in order to hold your reservation.

Infinity Banquet Hall's rental fees and full damage deposit of \$250.00 (minus booking fee of \$50.00 already paid) are due 30 days and paid in full including Bar Tabs prior to the event. There is a \$100 cleaning fee taking out of the \$250.00 deposit, if the hall is not cleaned and left the way it was found. The refund of the Deposit would be \$150.00. All payments are to be made by check, debit, credit card, and cash.

Checks returned for NSF will be charge an additional \$35.00 fee and your event may be in jeopardy of being cancelled if balance is not cleared within 3 days. Additionally, the rental cost must be paid by credit card, debit, or cash for all expenses of the event.

CREDIT CARD PAYMENTS ARE SUBJECT TO A PROCESSING FEE DETERMINED BY THE BANK

Clients who wish to schedule multiple reservations is required to pay fees and full damage deposit at the beginning of each month, 30days in advance.

Infinity Banquet Hall rental fees, or portion thereof, shall be nonrefundable as follows:

- A full refund will be given less \$50.00 administration fee separate from the \$50.00 booking fee if notice cancellation is received 6 weeks prior to event date.
- If cancellation notice is received **less** than 6 weeks prior to the event, a refund will only be given if that date is taken by another renter.
- The deposit refund is refundable by mail after **Hall Inspection** post the event.
- Cost of clean-up, repairs, staying over rented hours, and disregarding policies, if required, will be deducted from the deposit.

What we Offer

Our Relaxing Rustic Glam Interior Design will complement your eve

All set-up and décor will be provided by the banquet hall for each event that we plan and execute for the client at their request. The needs, preferences, and cost of the set-up will be discussed at the time of consultation.

- ❖ We will provide a basic set-up that includes:
 - Brides Suite (Additional Cost)

- Round tables, chairs, white or black table clothes
 - Warmers, and food storage
 - Rectangle tables, for food, or guest set-up (discussed at time of consultation)
 - Sweetheart table and Head Table
 - Cake or sweets table for the clients who chooses to bring their own decorations to the banquet hall and complete the set-up themselves. We can decorate the tables at a charge along with any drapery if needed.
- ❖ Plenty of parking spaces in shopping mall
 - ❖ Seating up to (WAITING FOR CAPACITY NUMBER FROM FIRE MARSHALL)
 - ❖ Relaxing setting
 - ❖ We have affordable bar options for our clients. You can choose to have a Cash Bar (where guest pay) or and Open Bar (where the client pays upfront for all guests) Limited Tab Bar (the client pays upfront for a limited number of drinks) This can be done on a prepaid basis. When the pre-paid account has reached its limit, it becomes a cash bar at that time. The Minimum for all cash bars is \$250.00 in drinks.
 - ❖ Bring own Food or we will recommend a catering service
 - ❖ Microwave
 - ❖ Kitchen for prepping food
 - ❖ Refrigerator
 - ❖ DJ/Live Music Area
 - ❖ Dance Floor with lighting effects
 - ❖ Ladies and Gentlemen Bathrooms
 - ❖ They will be allowed 1hour before the event to set-up for all events 6 hours and longer, (Example: Event starts at 12:00pm, set-up time starts at 11:00am), and 30 minutes after the event for clean-up time- must start 30 minutes prior to the event ending. (Example: If the event ends at 12pm the cleaning must start at 11:30 and completed by 12am. Client, host, vendor, and guests must be out of the Banquet Hall at that 12am time (No Exceptions). The client is responsible for removing any notice/decorations that was provided by the client. The client must complete all cleaning of the hall within the rental time.

Items used for the client choice of set-up must be safe. The client is allowed to use their own table covers, chair covers, and center pieces. Live candles can be used as décor. However, the liability will be on the client if the candles cause a fire or any damage to the equipment or the banquet hall due to the use of candles.

For social events, a signature on behalf of the client is required on this contract. Noise Control and Alcohol By-Law from the village of East Dundee.

- Music must be kept at a reasonable level in consideration of neighbors and business.
- No LOUD MUSIC entering the parking lot of the Banquet Hall or while in the parking lot.
- No event shall continue beyond the time of set by the Village of East Dundee ordinance. All Events will end at 12am and everyone must clear the premises at that time and the parking must be cleared no later than 12:15am.
- **ID CHECKS WILL BE CONDUCT AT ALL EVENTS**
- **NO ALCOHOL CAN BE BROUGHT INTO THE BANQUET HALL (NO EXECPTION). YOUR EVENT WILL BE IMMEDIATELY SHUT DOWN AND ALL GUEST MUST EXIT THE BUILDING.**
- **NON-ALCOHOL BEVERAGES AND BOTTLED WATER MAY BE BROUGHT INTO THE BANQUET HALL.**
- Alcohol will only be served by a certified bartender for all events. The alcohol bar hours will be based on the number of hours each event is scheduled and will be adjusted accordingly. Example: If the event is only for 4hrs, the bar hours will be reduced. A schedule of the bar hours will be provided at time of consultation
- Alcohol service will stop 30 minutes before the event ends. If the prepaid bar tab is depleted and no cash bar is requested the bar will close at that time.
- No Alcohol will be served to anyone under 21years of age.
- Everyone must present an I. D. before alcohol will be served to the individual.
- Any guest, visitor, vendor observed serving Alcohol to anyone under 21 years of age will be asked to immediately exit the banquet hall.
- We have a zero-tolerance policy for serving alcohol to a minor. **IT IS AGAINST THE LAW.**
- No Alcohol will be served to anyone who come to the Banquet Hall/Event intoxicated or appears to be under the influence of drugs.
- All consumption of Alcohol must be consumed within the confines of the banquet hall.
- The same regulations and standards apply to any catering company that is contract/hired by Infinity Banquets or by the client.
- All Employees of Infinity Banquet will be CPR/First Aid certified upon hire.
- The Bar will close 30 minutes before the event ends. If all alcohol has been served the bar will close at that time. Closing times will be adjusted accordingly.

Infinity Banquet Hall Guidelines, Expectations and Standards of Client and Guest:

- **SAFTETY OF OUR QUEST AND THE COMMUNITY IS OUR PRIORITY**
- **NO WEAPONS ARE ALLOWED IN THE BUILDING AT ANYTIME (CONCEAL AND CARRY WEAPONS MUST BE LEFT IN YOUR VEHICLE)**
- No loitering will be permitted outside of the hall under any circumstances unless there is an emergency, and everyone is asked to evacuate the premises by the banquet hall employees or by emergency personnel.
- There is **ZERO TOLERANCE FOR UNRULY BEHAVIOR**
- At no time will the client or their guest engage in unruly behavior with other guests, employees, vendors, other customers, neighbors, or businesses.
- In the event the client or their guest does not comply with the safety guidelines as part of the signed contract, they will be asked to remove themselves and all guest from the premises immediately. If the client or their guest fail to comply with evacuating the premises, the local authorities will be called to assist the employees of Infinity Banquet Hall.
- If the client or their guest fail to comply with evacuating the premises immediately the client will forfeit the entire security deposit and could be held liable for the cost of the assistance from the local authorities, and the extra time that employees must spend managing the situation.
- We will utilize all options in safe manner before engaging the local authorities.
- There will be no smoking inside the banquet hall or in front of the banquet hall. If a client or guest must smoke, we ask that you do so in your vehicle. Please keep all cigarette ends off the ground.
- All events will be planned with dignity and respect for all parties. We will not allow any unsupervised minor parties, no gambling parties, unclothing events. No offensive language or music will be allowed within the Banquet Hall.

Cleaning of Banquet Hall Consist of:

- Sweeping all floors.
- Shaking out entry mats.
- Cleaning counters in kitchen and bathrooms
- Emptying bathroom garbage into kitchen garbage can
- Washing and putting away coffee makers and any dishes used
- Wiping sinks and basins
- Disposing of all food brought in by the client or catering service
- Please make sure all garbage bags are tied up tight and placed by back door (inside) employees will dispose of garbage bags.
- We will provide the garbage cans for disposal of items. There will be \$50.00 charge for garbage not being bagged.

- All décor, gifts, gift wrappings, signs and all other décor must be removed from the hall
- All Linens, chair covers, center pieces that are provided by the Banquet Hall must be left on the tables.
- Food must be removed from the Banquet Hall. No exceptions! There will be an additional charge of \$50.00 if food is left behind by the client or quest.

Other:

- No signs or decorations are to be placed in locations other than the above window height railing. PLEASE DO NOT affix things to the paneling to leave holes.
- ABSOLUTELY NO NAILS, TACKS, STAPLES, OR TAPE ON THE WALLS.
- COMMAND STRIPS CAN BE USED
- Please do not drag tables or chairs across the floor and wipe up any spills immediately.
- Failure to comply with the above will result in the loss of your damage deposit.
- The agreement is subject to reconsideration should the Banquet Hall get a long term committed tenant who requires the space at the time(s) covered by this agreement or for a special event (e.g., Polling Station for Elections, special community meetings)

Infinity Banquet Hall Rental Guidelines and Agreement

Hall and Event Planners Inc. business, its executives, directors, trustees, representatives, property owner, its employees against and from all claims, including claims of personal injury or property loss or damage; and against and from all costs, counsel fees or all expenses incurred as a result of any such claim or any action or proceeding brought therein, whether the claim arises from the claimant's activities on or off Infinity Banquet Hall Premises.

The said signatory further agrees to make known the terms and conditions herein to every member of the group before their use of the Infinity Banquet Hall.

The client and each one of their guests agree to use the hall at his or her own risk and accepts this responsibility by entering the Hall.

**INFINITY BANQUET HALL IS LOCATED IN A COMMUNITY SHOPPING MALL
PLEASE BY COURTEOUS AND REPECTFULL TO LOCAL BUSINESSES AND THEIR CUSTOMERS**

THANK YOU FROM THE INFINITY BANQUET HALL TEAM

Client's Authorized Signature

Date

Client's Authorized Signature

Date

President/Owner Infinity Banquet

Date

Infinity Representative Title

Date

Infinity Banquet Hall and Event Planners Inc. May 31, 2021

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 September 2, 2021 at 7:00 P.M. at the East Dundee Police Station 2nd Floor Meeting Room, 115 E. 3rd Street, East Dundee, Illinois, to consider the following requests:

1. A request for a Special Use for the operation of a banquet hall located at 485 Dundee Avenue, East Dundee, IL 60118 in the B-3 Service Business District.

Property Legal Description:

LOT 2 OF LPC SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 23, AND PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRICIPAL MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

PIN: 03-23-479-006

Common Address: 485 Dundee Avenue, East Dundee, IL 60118

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

VILLAGE OF EAST DUNDEE, ILLINOIS

Findings of Fact – Special Use

Property Location: 485 Dundee Avenue, East Dundee, IL 60118

Special Use requested: A Special Use for the operation of a banquet hall located at 485 Dundee Avenue, East Dundee, IL 60118 in the B-3 Service Business District with the recommended conditions.

Hearing date: September 2, 2021

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

- 1. The use is not injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; Circle one; Yes/No/Not Applicable(N.A.), Explain:**

The proposed use is consistent with existing uses on the property and surrounding area and is not expected to diminish the value of adjacent and nearby properties.

- 2. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; Yes/No/N.A.**

The proposed use will not affect the development of other nearby properties.

- 3. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided; Yes/No/N.A.**

Yes

- 4. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; Yes/No/N.A.**

The proposed use is located within the shopping center, which provides adequate ingress and egress to minimize potential vehicle conflicts and congestion in public streets. There is adequate parking within the shopping center. The proposed use may increase traffic into the site off Route 25 and Route 72 but is not expected to create traffic congestion or unduly increase traffic.

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 special use(s) resulting in the following vote:

____ ayes ____ nays ____ absent ____ abstain

Date: _____
Chairman Planning and Zoning Commission