

ORDINANCE NUMBER 20-18

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS APPROVING VARIATIONS FOR LOT SIZE, FLOOR AREA RATIO, AND BUILDING HEIGHT FOR THE PROPERTY AT 855 E. MAIN STREET

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, Billitteri Enterprises (“Applicant”) is the contract purchaser of the property located at 855 E. Main Street, East Dundee, Illinois, legally described in Section 2 below (“Subject Property”); and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 157.036(A)(1) of the Village of East Dundee Zoning Ordinance (“Zoning Ordinance”) that requires a minimum lot size for the multifamily dwellings proposed by the Applicant of three and thirty-nine hundredths (3.39) acres (“Application”), to allow for the redevelopment of the Subject Property with the Project as depicted and described in the Application, which Subject Property is approximately two (2.0) acres; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 157.036(A)(4) of the Village of East Dundee Zoning Ordinance (“Zoning Ordinance”) that requires the maximum floor area ratio (FAR) not to exceed 0.4 proposed by the Applicant (“Application”) to allow for the redevelopment of the Subject Property with the Project as depicted and described in the Application, which Subject building development is approximately 0.43; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 157.036(A)(5) of the Village of East Dundee Zoning Ordinance (“Zoning Ordinance”) that requires buildings within the R-5 Multiple Dwelling Residential District be no higher than the lower of two and one-half stories or thirty feet (30’) with regard to the Subject Property (“Application”) to allow for the redevelopment of the Subject Property with multifamily dwellings in three (3) story buildings up to thirty two and forty-eight hundredths feet (32.48’), as depicted and described in the Application (“Project”); and

WHEREAS, pursuant to Section 157.207 of the Zoning Ordinance, and the Village’s home rule authority, the President and Board of Trustees of the Village (collectively the “Corporate Authorities”) may provide for and allow variances to the requirements of the Zoning Ordinance when there are practical difficulties or a particular hardship with the strict compliance with the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the Village convened and held a public hearing on May 7, 2020 to consider the Application pursuant to notice; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.207 of the Zoning Ordinance and made a recommendation to approve the Application; and

WHEREAS, the Corporate Authorities have received and considered the recommendation of the Planning and Zoning Commission and find it to be in the best interests of the health, safety and welfare of its residents to approve the Application and to allow the requested variation relative to the Project;

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

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

SECTION 2: Variations. That the Corporate Authorities hereby grant the Application for the Subject Property, legally described as:

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

with Property Index Number 03-26-227-012,

Variation 1

A variation from Section 157.036(A)(1) of the Zoning Ordinance is approved for the Project on the Subject Property and the lot size on the Subject Property may be 2.0 acres, as depicted in the Application. The variation granted in this Ordinance is specific to the Project as proposed in the Application and shall not apply to any other development of the Subject Property.

Variation 2

A variation from Section 157.036(A)(4) of the Zoning Ordinance is approved for the Project on the Subject Property and the buildings on the Subject Property may have floor area ratio (FAR) that is 0.43, as depicted in the Application. The variation granted in this Ordinance is specific to the Project as proposed in the Application and shall not apply to any other development of the Subject Property.

Variation 3

A variation from Section 157.036(A)(5) of the Zoning Ordinance is approved for the Project on the Subject Property and the buildings on the Subject Property may have a height up to the lower of three (3) stories or thirty two and forty-eight hundredths feet (32.48'), as depicted in the Application. The variation granted in this Ordinance is specific to the Project as proposed in the Application and shall not apply to any other development of the Subject Property.

SECTION 3: Conditions. The variances are herein granted with the following conditions:

1. Landscape buffering should be included for east and north side, as approved by the Village Administrator.
2. The construction of this development will create a parking deficiency at 811 E. Main Street. The Developer agrees to build out four (4) new parking spaces at 811 E. Main Street.
3. Variances apply only if constructed as shown on the attached site plan and with the materials submitted and as described in the Development Agreement Ordinance 20-05.
4. The developer is not in breach of Development Agreement Ordinance 20-05.

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.

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PASSED by vote of the Board of Trustees this 18th day of May, 2020 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Wood, Mahony, Andresen and Kunze

NAYES: NONE

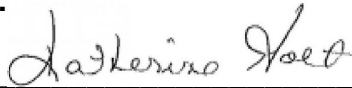
ABSENT: NONE

APPROVED by me this 18th day of May, 2020.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 19th day of May, 2020, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on May 19, 2020.