

## **ORDINANCE NUMBER 21-22**

### **AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, APPROVING A SPECIAL USE PERMIT FOR A USED MOTOR VEHICLE DEALER IN THE B-3 GENERAL SERVICE BUSINESS DISTRICT FOR THE PROPERTY LOCATED AT 212 – 214 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 212 – 214 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 used motor vehicle dealer 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 used car dealership to be operated at the Property (“Application”) from the contract purchaser of the Property, Zumar A. Latifi (“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 April 15, 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 used motor vehicle dealer 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:

That part of the Southwest 1/4 of Section 24, Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Northwest 1/4; thence North along the West line of said Quarter Section 1 163.25 feet for the Point of Beginning; thence South along the West line of said Quarter Section 343 feet; thence North 89 degrees 40 minutes 0 seconds East 377.98 feet; thence North 0 degrees 20 minutes 0 seconds East 340.80 feet to a point East of the Point of Beginning; thence West 379.95 feet to the Point of beginning, (Except the Southerly 200 feet measured along the Westerly line and except that part falling in State Route 25), in the Village of East Dundee, Kane County, Illinois.

commonly known as 212 – 214 Dundee Avenue, East Dundee, Illinois (P.I.N. 03-24-302-020), for a used motor vehicle dealership, 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: (i) shall not run with title to the Property, (ii) shall not be transferrable, and (iii) shall expire at such time as the Applicant ceases operating a used motor vehicle dealership at the Property.
2. The special use permit granted herein shall not take effective until eighty (80) linear feet of six foot (6') tall solid fence is installed by the Applicant on the Property along the common boundary with the residential property to the north of the Property. This new fence shall replace the old five foot (5') tall fence.
3. No more than eighteen (18) vehicles shall be offered for sale at the Property at a given time.
4. Every vehicle on the Property must be in a parking space.

5. Vehicles shall not be parked on the grass on or around the Property.
6. Security cameras shall be installed on the Property.
7. Damaged or wrecked vehicles shall not be allowed on the Property.
8. Body work or mechanical repairs shall not be performed on the Property.
9. Outside lighting shall not be permitted on the Property between the hours of 9 p.m. to 6 a.m.
10. Vehicle loading and unloading shall occur entirely on the Property and shall not occur on Dundee Avenue or any local roads.
11. Test driving on local roads is prohibited.
12. Sealcoat and stripe the parking lot.
13. Repair or replace the 2 existing light poles in the parking lot.

**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 17th day of May, 2021 pursuant to a roll call vote as follows:

AYES: Trustees Mahony, Andresen, Kunze, Brittin, Saviano and Treiber

NAYES: None

ABSENT: None

**APPROVED** by me this 17th day of May, 2021.



Jeffrey Lynam, Village President

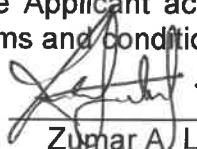
**ATTEST:**

  
Katherine Diehl, Village Clerk

Published in pamphlet form this 17th day of May, 2021, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on May 18th, 2021.

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

By:   
Zumar A. Latifi, Applicant

Date: May 18<sup>th</sup>, 2021

## Dealership information

Hello, I would like to start with expressing my excitement about becoming a part of the East Dundee growing community. Our goal is to grow with the community as a family.

## Village Required Upgrades

- Fence in the rear of the property needs height increased. We will get a new fence put in.
- The sign will remain the same with no modifications.
- Parking lot will be sealcoated to make a better appearance.
- No reconstruction will be done on current property.
- The landscape in the rear of the property will be intact. The trees will remain.

## Vehicles

- Dealer cars will be parked on premises of the property.
- We are expecting to sell cars ranging from \$10,000 - \$20,000
- Our goal is to have high end luxury cars within 1 year of operations. Such as Bentley, Lamborghini, and etc.
- No mechanical work will be done on our property. Any car that will require any mechanical work will be sent out to a mechanic shop.
- No vehicles shall be parked in the grass.
- We are focused on online sales. Office will be used only for a transaction site. Customers will come on an appointment basis.

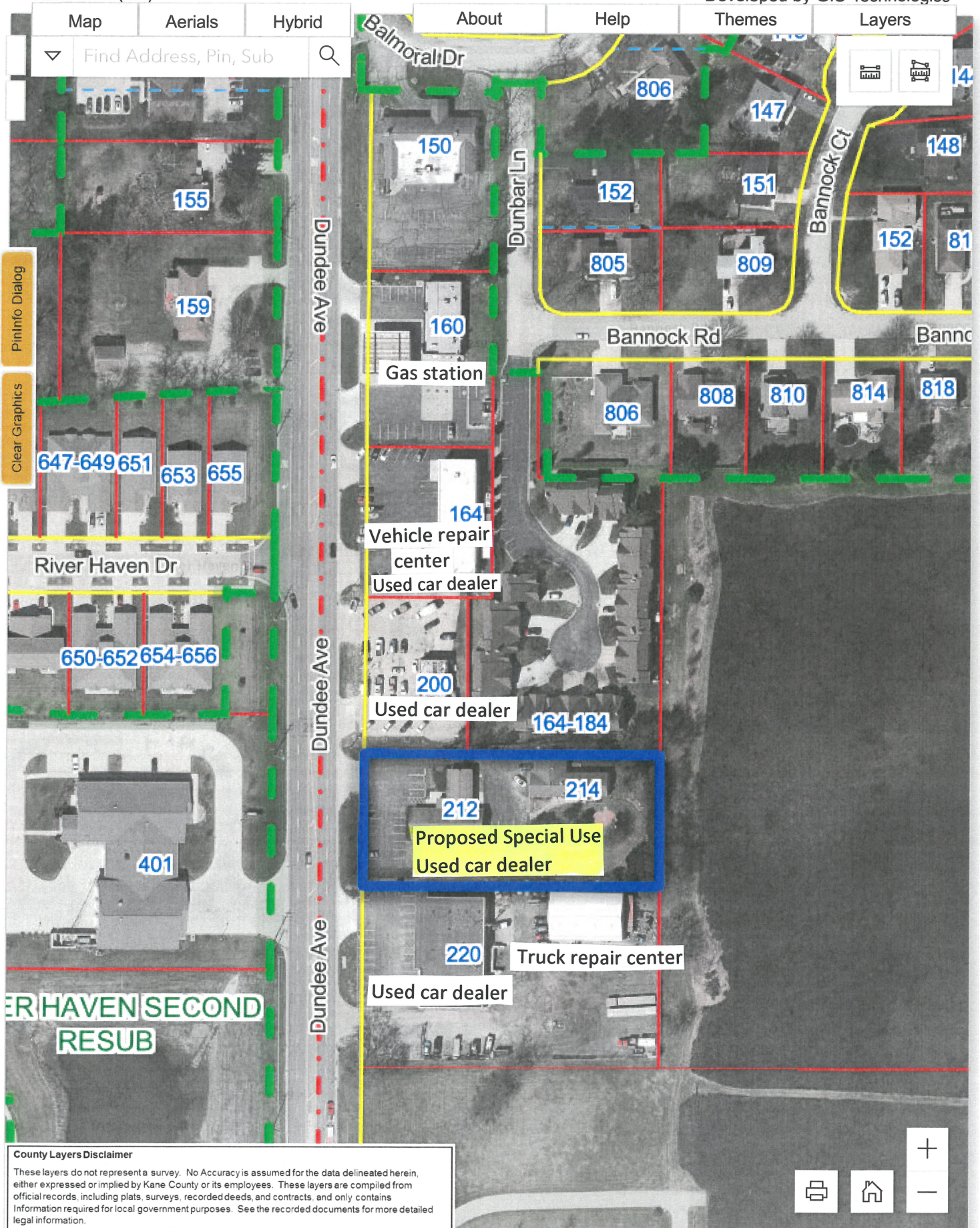
## Property Income

- Half of the existing building will be rented out as office space.
- Eventually we could utilize the left half of the space to open a retail shop.

## Future Upgrades

- If sales at the dealership bring profit we might like to do landscaping and make the property more appealing to customers.
- If sales at the dealership bring profit we would like to possibly add a new sign.
- If sales at the dealership bring profit we would possibly get the parking lot up to date.
- These upgrades will have to be determined based on the profits we bring in. Potentially after 1 or 2 years of being in business.







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 April 15, 2021 at 7:00 P.M. via teleconference call by authorization of Gov. Pritzker waiving a portion of the Illinois Open Meetings Act to allow local governments to hold "remote" meetings to help control the spread of COVID-19.

1. A request for a Special Use for a Motor Vehicle Dealer - Used Only located at 212-214 Dundee Avenue, East Dundee, IL 60118 in the B-3 Service Business District.

**Property Legal Description:**

That part of the Southwest 1/4 of Section 24, Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Northwest 1/4; thence North along the West line of said Quarter Section 1163.25 feet to the Point of Beginning; thence South along the West line of said Quarter Section 343 feet; thence North 89 degrees 40 minutes 0 seconds East 377.98 feet; thence North 0 degrees 20 minutes 0 seconds East 340.80 feet to a point East of the Point of Beginning; thence West 379.95 feet to the Point of beginning, (Except the Southerly 200 feet measured along the Westerly line and except that part falling in State Route 25), in the Village of East Dundee, Kane County, Illinois.

**PIN:** 03-24-302-020

**Common Address:** 212-214 Dundee Avenue, East Dundee, IL 60118

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

Published in Daily Herald April 1, 2021 (4561173)

**CERTIFICATE OF PUBLICATION**

**Paddock Publications, Inc.**

**Daily Herald**

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of

Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 04/01/2021 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.  
DAILY HERALD NEWSPAPERS

BY

Danila Baltz  
Authorized Agent

Control # 4561173

## **VILLAGE OF EAST DUNDEE, ILLINOIS**

### **Findings of Fact – Special Use**

Property Location: 212-214 Dundee Avenue, East Dundee, IL 60118

Special Use requested: A Special Use for a motor vehicle dealer – used only located at 212-214 Dundee Avenue, East Dundee, IL 60118 in the B-3 Service Business District.

Hearing date: April 15, 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:**
- 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.**
- 3. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided; Yes/No/N.A.**
- 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.**

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:

  4   ayes   3   nays   1   absent        abstain   1   Vacant

Date: \_\_\_\_\_  
Chairman Planning and Zoning Commission