

ORDINANCE NUMBER 21- 23

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, APPROVING A SPECIAL USE PERMIT FOR A CHILDCARE CENTER IN THE B-3 GENERAL SERVICE BUSINESS DISTRICT FOR THE PROPERTY LOCATED AT 460 DUNDEE AVENUE, EAST DUNDEE, ILLINOIS WITH THE RECOMMENDED CONDITIONS

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 460 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 childcare center 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 childcare center to be operated at the Property (“Application”) from the contract purchaser of the Property, Annalisa Tuluze, owner of SERENDIPTY Learning, LLC. (“Applicant”); and

WHEREAS, notice of a public hearing on the Application before the Village’s Planning and Zoning Commission was duly given and a public hearing was held on the Application on May 13, 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 childcare center 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 460 Dundee Avenue, East Dundee, Illinois (P.I.N. 03-23-479-006), for a childcare center, 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 Serendipity Learning, LLC at 460 Dundee Avenue, Dundee, IL 60118 ceases operations at this location.
2. The applicant shall establish and maintain a plan for a drop-off and pick-up operations to limited vehicle congestion within the shopping center.
3. The applicant shall remain in compliance with all requirements of the Illinois Department of Children & Family Services (DCFS).

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 7th day of June, 2021 pursuant to a roll call vote as follows:

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

NAYES: Ø


ABSENT: Ø

APPROVED by me this 7th day of June, 2021.



Jeffrey Lynam, Village President

ATTEST:

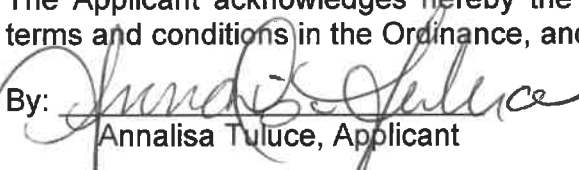


Katherine Diehl, Village Clerk

Published in pamphlet form this 7th day of June, 2021, under the authority of the Village President and Board of Trustees.

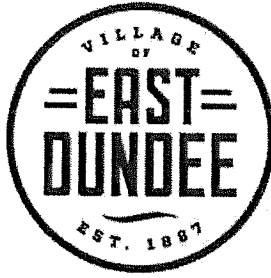
Recorded in the Village records on June 9, 2021.

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

By: 

Annalisa Tuluca, Applicant

Date: June 11, 2021



P&Z File # _____

*C# 1188
40009*

**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: SERENDIPITY LEARNING, LLC
2. Project Location: 460 Dundee Avenue East Dundee, IL. 60118
3. Brief Project Description:
Re-opening the existing daycare facility
4. Project Property Legal Description:
Lot 2 of LPC Subdivision in the Village of East Dundee, Kane Co. IL
Located at Shopping center at Rt 72 and Rt 25
5. Project Property Size in Acres and Square Feet: _____
6. Current Zoning Status: B-3
7. Current Use Status: Vacant
8. Surrounding Land Use Zoning: Commercial and Residential
9. Zoning District Being Requested (if applicable): _____
10. Parcel Index Numbers of Property: 03-23-479-006

B. Owner Information

1. Signature: _____
2. Name: 450 Dundee, LLC
3. Address: 977 N Oaklawn Ave. Suite 109 Elmhurst, IL. 60126
4. Phone Number: 773-983-8552 Fax: _____ Email: etuluce@sevenhillgroup.com

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

1. Name/Company: SERENDIPITY, LEARNING, LLC
2. Address: 460 Dundee Avenue East Dundee, IL. 60118
3. Phone Number: 773-230-6531 Fax: _____ Email: _____

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?

There will be no negative effect on surrounding property values. Our services will add value to surrounding community and will increase demand for the immediate area.

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. Our daycare/childcare services will fit harmoniously with the surrounding properties.

3. Have or will adequate utilities, access roads, drainage or necessary facilities be provided for?

Yes. The existing premise was improved as daycare previously. All roads, drainage utilities and access roads are in place.

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

There won't be any issues with traffic. The center has more than necessary parking and means of ingress and egress in place.

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?

Our services shall improve Village of East Dundee's residences life. Their home / work burden lessen. Providing safe, clean and trustworthy daycare services will help every family who has kids in the area.

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?

Re-opening existing daycare center facility.

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

Village ordinance.

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)
- b. Injurious to surround properties? (Circle)
- c. Impair an adequate supply of light and air to adjacent property? (Circle)
- d. Endanger public health and safety? (Circle)
- e. Substantially diminish property values within the neighborhood? (Circle)
- f. Conformance to the Land Use Plan? (Circle)

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	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.

4/22/2021

Individually and for the Applicant

Date

460 Dundee Ave. East Dundee, IL.

773-230-6531

Address

Phone Number

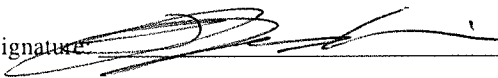
Project Description:

Re-opening existing previously approved daycare facility.



Affidavit of Ownership & Control

I (We), 450 Dundee, LLC do hereby certify or affirm that I am the owner(s), contract purchasers, or beneficiary(s) of the title holding trust for the aforesaid described property and hereby make application of such.

Signature: 

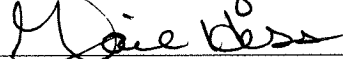
Owner: 450 Dundee, LLC

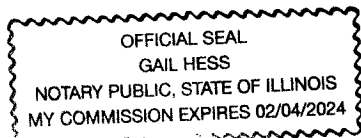
Address: 977 N Oaklawn Ave.

Elmhurst, IL 60126

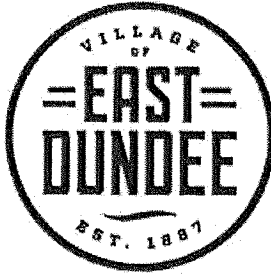
Phone: 773-983-8552

SUBSCRIBED AND SWORN TO before me this 23 day of Friday, 2021.


(NOTARY SIGNATURE)



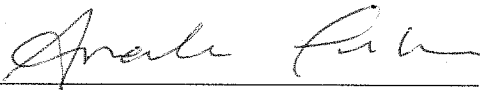
(NOTARY STAMP)



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: Annalisa Tuluce

Project Address: 460 Dundee Ave. East Dundee, IL.

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 May 13, 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 the operation of a child-care center located at 460 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: 460 Dundee Avenue,
East Dundee, IL 60118

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

Published in Daily Herald April 28, 2021 (4562748)

CERTIFICATE OF PUBLICATION
Paddock Publications, Inc.

Fox Valley
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 **Fox Valley DAILY HERALD**. That said **Fox Valley DAILY HERALD** is a secular newspaper, published in Elgin and has been circulated daily in the Village(s) of:

Aurora, Batavia, Burlington, Carpentersville, East Dundee, Elgin,
Elburn, Geneva, Gilberts, Hampshire, Montgomery, North Aurora,
Sleepy Hollow, Saint Charles, South Elgin, Sugar Grove, Wayne,
West Dundee

County(ies) of Kane
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 Fox Valley 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 04/28/2021 in said Fox Valley 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 *Danula Baltz*
Designee of the Publisher and Officer of the Daily Herald

Control # 4562748

VILLAGE OF EAST DUNDEE, ILLINOIS

Findings of Fact – Special Use

Property Location: 460 Dundee Avenue, East Dundee, IL 60118

Special Use requested: A Special Use for the operation of a childcare center located at 460 Dundee Avenue, East Dundee, IL 60118 in the B-3 Service Business District.

Hearing date: May 13, 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.**

This location was previously improved as a childcare center and all utilities and improvements currently exist.

- 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:

6 ayes 0 nays 2 absent abstain 1 Vacant

Date: _____
Chairman Planning and Zoning Commission