# ORDINANCE NUMBER 21-28

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, APPROVING A SPECIAL USE PERMIT FOR A GAME ROOM (FOR AN AXE THROWING LOUNGE) IN THE B-1 SERVICE BUSINESS DISTRICT FOR THE PROPERTY LOCATED AT 315 4th STREET, 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 315 4<sup>th</sup> Street, East Dundee, Illinois ("Property"), as legally described in Section 2 below, is located in the B-1 Service Business Zoning District, in which a game room (for an axe throwing lounge) 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 game room (for an axe throwing lounge) to be operated at the Property ("Application") from the contract purchaser of the Property, Angelo Douros ("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 game room (for an axe throwing lounge) 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:

<u>SECTION 1</u>: 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:

PARCEL 1: LOTS 10 AND 11 (EXCEPT THE EAST 75 FEET THEREOF) IN BLOCK 11 OF EDWARD'S ADDITION TO DUNDEE IN THE VILLAGE OF EAST DUNDEE, IN KANE COUNTY, ILLINOIS.

PARCEL 2: THE NORTHERLY 19 FEET OF THE WESTERLY HALF OF LOT 7 (EXCEPT THE NORTHERLY 10 FEET OF THE WESTERLY 25 FEET THEREOF) AND THE WESTERLY HALF LOTS OF LOTS 8 AND 9 IN BLOCK 11 OF THE EDWARD'S ADDITION TO DUNDEE, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

commonly known as 315 4<sup>th</sup> Street, East Dundee, Illinois (P.I.N. 03-23-311-001 & P.I.N. 03-23-311-002), for a game room (for an axe throwing lounge, subject to the conditions in Section 3 below.

<u>SECTION 3</u>: 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 Angelo Douros at 315 4<sup>th</sup> Street, East Dundee, IL 60118 ceases operations at this location.
- 2. Axe throwing operations shall cease daily by no later than 11:00 p.m.
- 3. The gravel lot identified as PIN 03-23-311-001 shall not be utilized for parking unless the Village's parking lot requirements have been satisfied. If not utilized for parking, the gravel lot shall be improved by replacing the gravel with grass or a patio.
- 4. The retaining wall located on the east side of the property shall be repaired.

**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 13" day of September 2021 pursuant to a roll call vote as follows:
AYES: Trustees Mahony, Andresen, Runze, Brittin, Saviano and Treiber
NAYES:
ABSENT:
APPROVED by me this 13 <sup>th</sup> day of September 2021.
Jeffrey Lyndon, Village President
Jeffrey Lyplam, Village President  ATTEST:
Katherine Diehl, Village Clerk
Published in pamphlet form this 13 <sup>th</sup> day of September 2021, under the authority of the Village President and Board of Trustees.
Recorded in the Village records on September $22$ , 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 તેમ, 2021



#### 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.

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## PART IL APPLICATION REQUIREMENTS

The following table provides the type and quantity of materials required to be submitted with a special use application. The number associated with each material corresponds with the number used in Part II of the Village of East Dundee Instruction Manual for Application for Development Approval where each material is described in greater detail.

Please note that when two quantities of drawings are required (such as: 5/15), the first number indicates the number of full-size drawings to be submitted (at a scale of at least  $1^{\circ} = 20^{\circ}$  and no larger than  $30^{\circ} \times 42^{\circ}$ ) and the second number indicates the number of reduced ( $11^{\circ} \times 17^{\circ}$ ) copies to be submitted. At least one of the original full-size drawings should be signed and scaled by the preparer. For ease of distribution, please collate into packets all of the materials where multiple copies are required. Packet contents should be assembled in order, except for drawings which should all be collated together at the back of the packet.

The required materials and number of copies shown below are the minimum necessary to submit a complete application. Village staff, consultants, review agencies, commissions, and boards may require additional materials and/or copies as necessary to fully evaluate the proposed project.

Official Use Only

		1	tial cation	Revi	sions		l Set of sions
Hem # <sup>(2)</sup>	Application Material	# Copies Required	# Copies Received	# Copies Required	# Copies Received	# Copies Required	# Copies Received
l.	Completed Development Application AND  a) Agreement to Pay Costs Incurred and Hold the Village Harmless b) Affidavit of Ownership & Control c) Affidavit & Disclosure d) Findings of Fact	1					
2.	Project Narrative •	20					
3.	Basic Application Fee	X					1
4.	Property Owners within 250 feet	X					· ·
7.	Survey / Legal Description	5/15					
9.	Photographs of Existing Property and Area	20					
11.	Site Plan	5/15					
12.	Building Elevations	5/15					
13.	Floor Plans	5/15				1	
14.	Roof Plan	5/15					
15.	Color Rendering	20					
17.	Landscape Plan	20	1				1
20.	Simple Drainage Plan	1/12			1		
23.	Utility-Impact Report <sup>(b)</sup>	20	1		1		1
24.	Utility-Improvement Planthiet	5/15					
25.	Traffie Study (b)	12					

Please see Village of East Dundee Instruction Manual for complete description of item.

Applies only to projects with more than 15,000 sq. ft, of commercial/industrial floor area or more than 25 residential units.

<sup>(</sup>e) Applies only to projects proposing to remove or construct public utilities.

## PART IIL 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:

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?								
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#### 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 preparted 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

Individually and for the Applicant

708-6/2-6255

Address

Phone Number

Project Description: At thousang Lows



## Affidavit of Ownership & Control

I(We), D- Points, LIC	do herby certify or affirm that I am the o
contract purchasers, or beneficiary(s) of the title holding tru application of such.	ist for the aforesaid described property and here
Signature: Van Man	
Owner: Bland Mote	
Address: 106 W Main Shect	
West Vander El 1888	
Phone: 87-428 - 1968	
SUBSCRIBED AND SWORN TO before me this	
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## Affidavit & Disclosure Agreement

To cover the Village expenses relating to applications for site plans, Subdivisions, Amexations, Zoming 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.

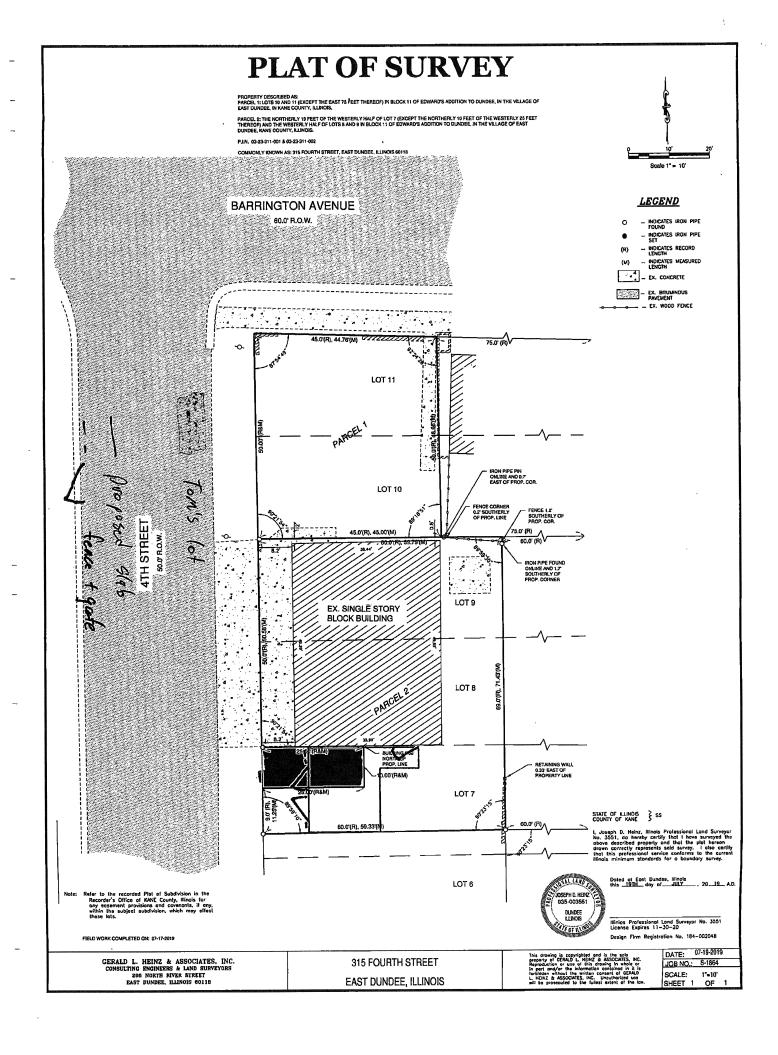
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Project Address:

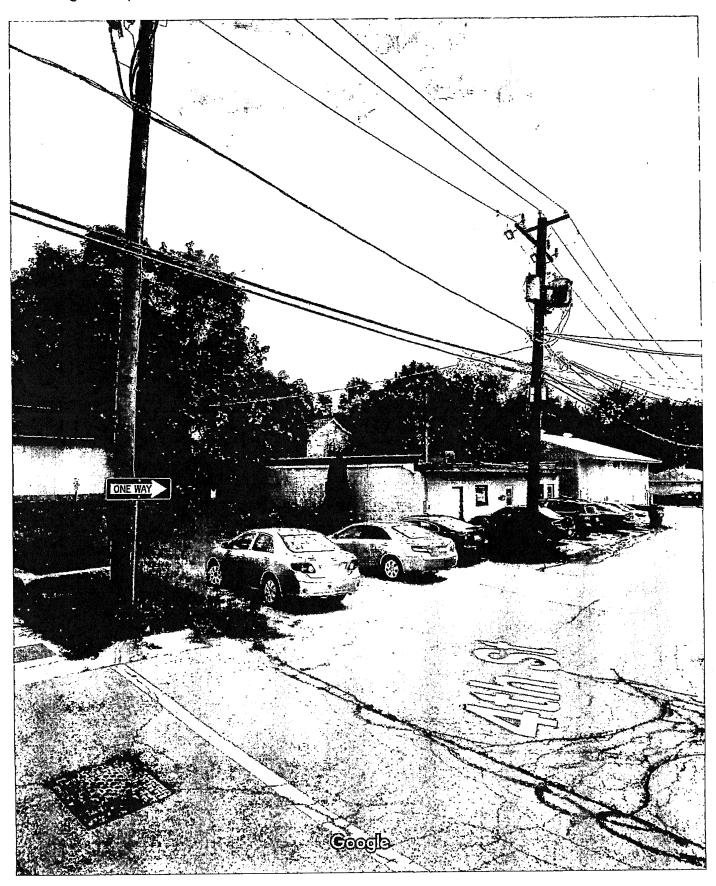
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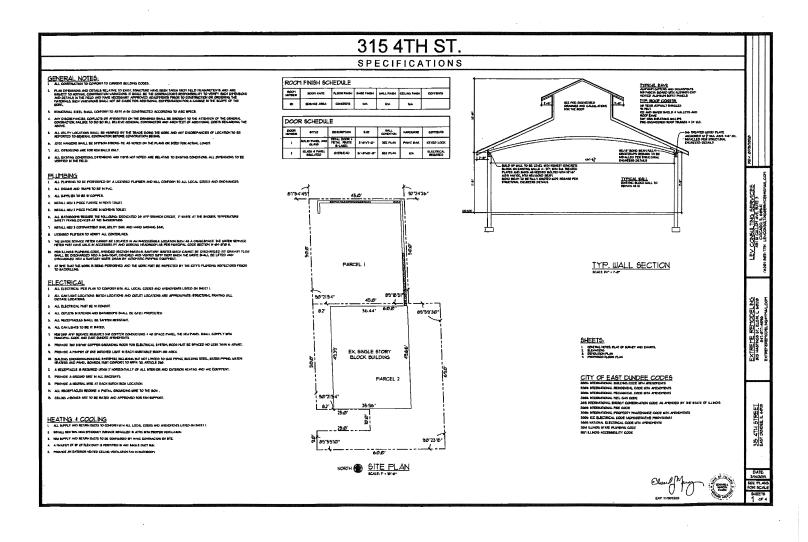


Google Maps 315 4th St

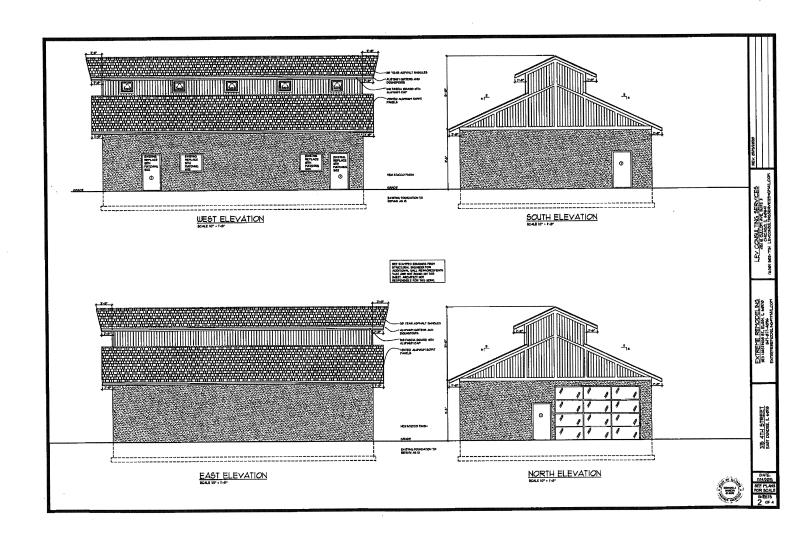


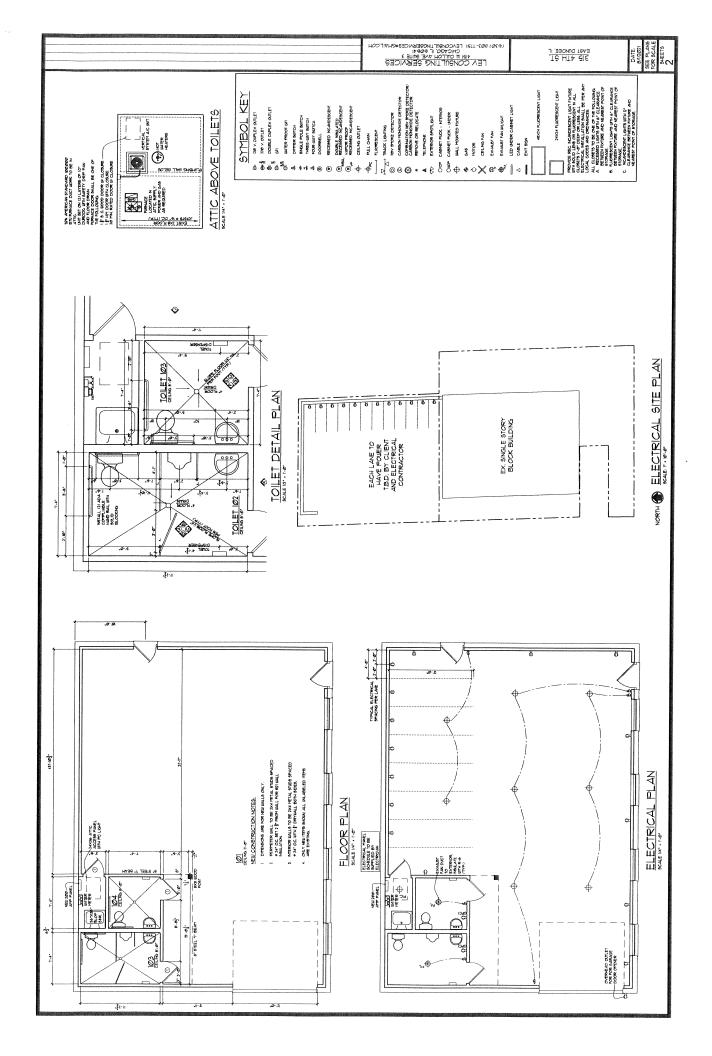
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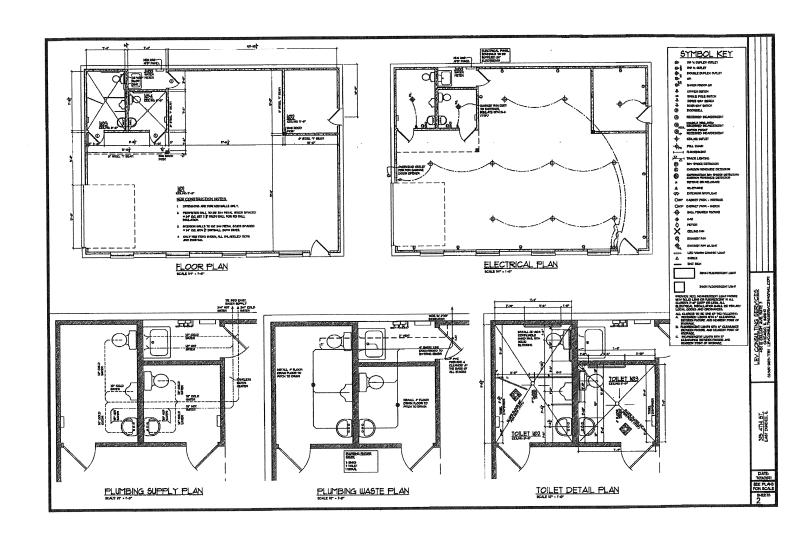




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#### **NOTICE OF PUBLIC HEARING**

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 2<sup>nd</sup> Floor Meeting Room, 115 E. 3<sup>rd</sup> Street, East Dundee, Illinois, to consider the following requests:

1. A request for a Special Use for the operation of an **Axe Throwing Lounge** located at 315 4<sup>th</sup> Street, East Dundee, IL 60118 in the B-1 Service Business District.

#### **Property Legal Description**:

PARCEL 1: LOTS 10 AND 11 (EXCEPT THE EAST 75 FEET THEREOF) IN BLOCK 11 OF EDWARD'S ADDITION TO DUNDEE IN THE VILLAGE OF EAST DUNDEE, IN KANE COUNTY, ILLINOIS.

PARCEL 2: THE NORTHERLY 19 FEET OF THE WESTERLY HALF OF LOT 7 (EXCEPT THE NORTHERLY 10 FEET OF THE WESTERLY 25 FEET THEREOF) AND THE WESTERLY HALF LOTS OF LOTS 8 AND 9 IN BLOCK 11 OF THE EDWARD'S ADDITION TO DUNDEE, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

P.I.N 03-23-311-001 & 03-23-311-002

COMMONLY KNOWN AS 315 FOURTH STREET, EAST DUNDEE, ILLINOIS, 60118

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

# VILLAGE OF EAST DUNDEE, ILLINOIS Findings of Fact – Special Use

315 4th Street, East Dundee, IL 60118

Property Location:

Special Use requested:		A Special Use for the operation of an axe throwing lounge at 315 4 <sup>th</sup> Street, East Dundee, IL 60118 in the B-1 Service Business District with the recommended conditions.
Hearir	ng date:	September 2, 2021
	lanning and Zoning equest:	Commission has made the following findings regarding the special
1.	immediate vicinity	njurious to the use and enjoyment of other property in the for the purposes already permitted, nor substantially diminisherty values within the neighborhood; Circle one; Yes/No/Not Explain:
	No	
2.		npede the normal and orderly development and improvement of roperty for uses permitted in the district; Yes/No/N.A.
	No	
3.	Adequate utilities, be provided; Yes/I	access roads, drainage or necessary facilities have been or will No/N.A.
	Yes	
4.	-	es have been or will be taken to provide ingress and egress so nimize traffic congestion in the public streets; Yes/No/N.A.
	Yes	
presei	nted at the public he	n contained in the application and the testimony and evidence earing, the Planning and Zoning Commission voted on the approval at the requested special use(s) resulting in the following vote:
a	iyesnays	absentabstain
Date:	Chairman Planning	and Zoning Commission