

ORDINANCE NUMBER 21 - 33

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS APPROVING VARIATIONS FOR FRONT YARD, SIDE YARDS, BUILDING HEIGHT, DRIVEWAY, LANDSCAPING, INTERIOR PARKWAY, AND PARKING ISLANDS FOR LOT 10 AND LOT 11 IN THE ROCK ROAD BUSINESS PARK, EAST DUNDEE, IL 60118 IN THE M-1 MANUFACTURING DISTRICT

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, High Street Logistics ("Applicant") is the contract purchaser of the property, Lot 10 and Lot 11 in the Rock Road Business Park located in East Dundee, Illinois, 60118 legally described in Section 2 below ("Subject Property"); and

WHEREAS, the Applicant filed an application with the Village seeking variations from the Zoning Chapter and Landscaping Chapter of the East Dundee Village Code as described in the application; and

WHEREAS, pursuant to Sections 157.207 and 158.04 of the Village Code, 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 Village Code when there are practical difficulties or a particular hardship with the strict compliance with the Village Code; and

WHEREAS, the Planning and Zoning Commission of the Village convened and held a public hearing on October 7, 2021 to consider the Application pursuant to the variances; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.207 of the Zoning Ordinance for variations and recommended approval of the Application, subject to the conditions in Section 3 below and related findings of fact; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Sections 157.066(A)(6)(a) and 157.148 requiring the front yard to be not less than 40 feet as described in the application; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 157.066(A)(6)(b) requiring side yards to be not less than 25 feet in width as described in the application; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 157.066(A)(5) requiring building height to be less than 35 feet in height as described in the application; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Sections 157.147(B)(2) and 57.101(B) requiring no driveway across the public property shall have a width exceeding 24 feet as described in the application; and

WHEREAS, pursuant to Section 158.04 of the Village Code, 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 landscaping requirements of Chapter 158 of the Village Code as long as the intent of specified requirements are met; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 158.04(D)(2)(a) requiring the interior parkway to be 10 feet as described in the application; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 158.04(D)(2)(b)(4)(b) requiring Type 2 screening along the westerly side of the property as described in the application; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 158.04(D)(2)(d)(2) requiring a maximum allowable parking stalls in a row to be 10 stall between parking islands as described in 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 requested variations subject to the conditions contained within Section 3 of this Ordinance;

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 10 IN ROCK ROAD BUSINESS PARK , BEING A SUBDIVISION IN THE EAST HALF OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 2004 AS DOCUMENT NUMBER 2004K059306, IN KANE COUNTY, ILLINOIS.

Being a portion of the following described tract:

THAT PART OF THE FOLLOWING DESCRIBED PARCEL LYING NORTHERLY OF THE NORTH RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE 72, AND COMMONLY KNOWN AS NEW HIGGINS ROAD; THAT PART OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT OF ON THE SOUTH LINE OF SAID SECTION 25, SAID POINT BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36 IN TOWNSHIP AND RANGE AS AFORESAID; THENCE NORTH 80 DEGREES 23 MINUTES WEST 948.50 FEET; THENCE NORTH 00 DEGREES 14 MINUTES WEST 925.90 FEET; THENCE SOUTH 81 DEGREES 12 MINUTES EAST 1,447.30 FEET; THENCE NORTH 04 DEGREES 22 MINUTES EAST 2,365.00 FEET; THENCE SOUTH 80 DEGREES 19 MINUTES EAST 667.90 FEET TO THE EAST LINE OF SAID SECTION 25; THENCE SOUTH ON SAID SECTION LINE, 3,085.30 FEET TO THE SOUTH LINE OF SAID SECTION 25; THENCE WEST ON SAID SECTION LINE TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, IN KANE COUNTY, ILLINOIS.

AND

LEGAL DESCRIPTION OF THE THAT PART OF PROPOSED LOT 11 FALLING WITHIN LOT 6 OF ROCK ROAD INDUSTRIAL SUBDIVISION UNIT NO. 3 THAT PART OF LOT 6 IN ROCK ROAD INDUSTRIAL SUBDIVISION UNIT NO. 3, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 6; THENCE NORTH 58 DEGREES 49 MINUTES 51 SECONDS WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 6, A DISTANCE OF 246.06 FEET; THENCE NORTH 31 DEGREES 10 MINUTES 09 SECONDS EAST, PERPENDICULAR TO THE SOUTHWESTERLY LINE OF SAID LOT 6, A DISTANCE OF 263.00 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 6; THENCE SOUTH 58 DEGREES 49 MINUTES 51 SECONDS EAST ALONG SAID NORTHEASTERLY LINE, 114.50 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 04 DEGREES 35 MINUTES 38 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 6, A DISTANCE OF 294.07 FEET TO THE POINT OF BEGINNING , IN KANE COUNTY, ILLINOIS.

ALSO DESCRIBED AS:

LOT 11 IN ROCK ROAD BUSINESS PARK , BEING A SUBDIVISION IN THE EAST HALF OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 2004 AS DOCUMENT NUMBER 2004K059306, IN KANE COUNTY, ILLINOIS.

Part of PIN 03-25-426-009 and PIN 03-25-426-010

Commonly known as Lot 10 and Lot 11 Rock Road Business Park, East Dundee, IL 60118

Variation 1

A variation from Section 157.066(A)(6)(a) and 157.148 of the Zoning Chapter of the East Dundee Village Code requiring the front yard to not be less than 40 feet, as described 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. The variation will allow parking in the front yard.

Variation 2

A variation from Section 157.066(A)(6)(b) of the Zoning Chapter of the East Dundee Village Code requiring side yards to be not less than 25 feet in width, as described 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. The variation will reduce the required 25 feet side yard to 10 feet along the westerly side of the property.

Variation 3

A variation from Section 157.066(A)(5) of the Zoning Chapter of the East Dundee Village Code requiring building height to be less than 35 feet in height, as described 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. The variation will increase the maximum allowable building height from 35 feet to 40 feet.

Variation 4

A variation from Sections 157.147(B)(2) and 57.101(B) of the Zoning Chapter of the East Dundee Village Code requiring no driveway across the public property shall have a width exceeding 24 feet, as described 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. The variation will increase the maximum driveway width across the public property from 24 feet to 35 feet.

Variation 5

A variation from Section 158.04(D)(2)(a) landscaping requirements of Chapter 158 of the East Dundee Village Code requiring the interior parkway requirement to be 10 feet, as described 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. The variation will reduce the interior parkway requirement from 10 feet to 8.5 feet along Heinz Drive.

Variation 6

A variation from Section 158.04(D)(2)(b)(4)(b) landscaping requirements of Chapter 158 of the East Dundee Village Code requiring Type 2 screening along

the westerly side of the property, as described 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. The variation will waive the landscaping screening requirement on the westerly side of the property.

Variation 7

A variation from Section 158.04(D)(2)(d)(2) landscaping requirements of Chapter 158 of the East Dundee Village Code requiring a maximum allowable parking stalls in a row to be 10 stalls between parking islands, as described 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. The variation will waive the requirement of parking islands being provided every 10 stalls.

SECTION 3: Conditions of Approval. That the variances 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 Variances will automatically expire if the High Street Logistics Development Project approved by Ordinance 21-30 is not completed or the terms of the Development Agreement, approved by Ordinance 21-30, are not fulfilled by the Seller or the Developer.

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 18th day of October 2021 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, Saviano and Treiber

NAYES: Ø

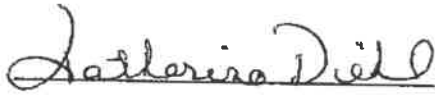
ABSENT: Andresen

APPROVED by me this 18th day of October 2021.



Jeffrey Lynagh, Village President

ATTEST:


Katherine Diehl, Village Clerk

Published in pamphlet form this 18th day of October 2021, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on October 19, 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: October 26, 2021