

ORDINANCE NUMBER 21 - 35

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS APPROVING VARIATIONS FOR OFF-STREET PARKING, PARKING AREA SCREENING AND LANDSCAPING, ILLUMINATION OF OFF-SITE PARKING AREA, AND CURB AND GUTTER FOR PLOTE PROPERTIES WITH PINS 03-24-400-006, 03-24-400-007, AND 03-25-200-046 IN THE M-1 MANUFACTURING DISTRICT LOCATED IN EAST DUNDEE, IL 60118

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, Plote ("Applicant") is the owner of the property with PINs 03-24-400-006, 03-24-400-007, and 03-25-200-046 located in East Dundee, Illinois, legally described in Section 2 below ("Subject Property"); and

WHEREAS, the Applicant filed an application with the Village seeking variations from the Zoning Chapter of the East Dundee Village Code as described in the application; 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 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 157.147(B)(2) and 157.149(B) requiring off-street parking areas shall be paved with asphaltic concrete or comparable hard-surfaced, all-weather, dustless material as described in the application; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 157.149(C) requiring screening and landscaping for all open automobile parking areas containing more than four parking spaces on each side adjoining or fronting any residential or institutional property; and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Sections 57.140 and 157.149(D) requiring illumination of an off-site parking area.

WHEREAS, the Applicant filed an application with the Village seeking a variation from Sections 57.101(F) requiring curb and gutter.

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:

PIN 03-25-200-046

PT OF THE E ½ NE ¼ SEC 25-42-8 AS DESC IN DOC 1999K121435 12/28/99
EX THAT PART DESC IN DOC 2001K042571 5/8/01 RANGE CODE: 8 E
TWSHP 42N

Part of PIN 03-25-200-046

THAT PT OF SEC 24-42-8 AS DESC IN DOC 2008K010945 EX AS DIVIDED
PER DOC 2010K069033

Part of PIN 03-24-400-006

THAT PT OF SEC 24-42-8 AS DESC IN DOC 2008K010945 EX AS DIVIDED
PER DOC 2010K069033 EX PT DESC IN DOC 2017K009141

Part of PIN 03-24-400-007

Commonly known as North of Rock Road Drive and Power Drive, East Dundee, IL 60118

Variation 1

A variation from Section 157.147(B)(2) AND 157.149(B) of the Zoning Chapter of the East Dundee Village Code requiring off-street parking areas shall be paved with asphaltic concrete or comparable hard-surfaced, all-weather, dustless material, 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 use of crushed stone base or asphalt shavings.

Variation 2

A variation from Section 157.149(C) of the Zoning Chapter of the East Dundee Village Code requiring screening and landscaping for all open automobile parking areas containing more than four parking spaces on each side of adjoining or fronting any residential or institutional 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 allow that no landscaping be required around the site.

Variation 3

A variation from Sections 57.140 and 157.149(D) of the East Dundee Village Code requiring illumination of off-site parking area, 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 not require parking lot lighting.

Variation 4

A variation from Section 57.101(F) of the East Dundee Village Code requiring curb and gutter, 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 curb and gutter requirement around the parking and storage areas and the access drive.

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 cannot be transferred and shall expire at such time Rock Road Development, LLC ceases outside storage at PIN's 03-25-200-046, 03-24-400-006, and 03-24-400-007.
2. That 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.

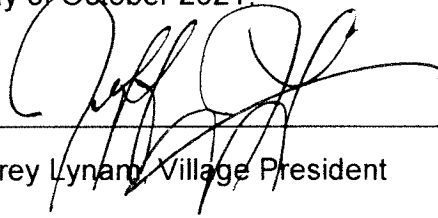
PASSED this 18th day of October 2021 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, Saviano and Treiber

NAYES: 0

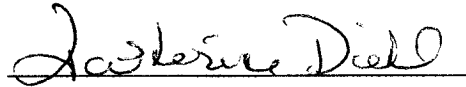
ABSENT: Andresen

APPROVED by me this 18th day of October 2021



Jeffrey Lynam, Village President

ATTEST:

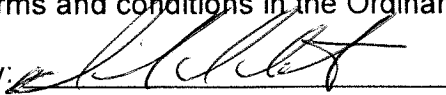


Katherine Diehl, Village Clerk

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 20, 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 __, 2021