

**ORDINANCE NUMBER 22 - 57**

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS GRANTING VARIATIONS FROM SECTIONS 157.147(B)(2), 157.149(B), AND 157.140(D) REQUIRING OFF-STREET PARKING PAVING AND REQUIRED LIGHTING ILLUMINATION LOCATED AT 590 HEALY ROAD, EAST DUNDEE, IL 60118 (PIN 01-30-300-009-0000) LOCATED 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**, 590 Healy, LLC (“Applicant”) is the owner of the property with PIN 01-30-300-009-0000 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 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(D) requiring lighting illumination of an off-street parking area shall be arranged so as not to reflect rays of light into adjacent residential districts and street; and

**WHEREAS**, the Planning and Zoning Commission of the Village convened and held a public hearing on November 3, 2022 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 denial of the Application, and related findings of fact; 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:

PIN 01-30-300-009-0000

LOT 2 IN FINAL PLAT OF SUBDIVISION OF VCNA PRAIRIE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 13, 2014 AS DOCUMENT 1404429095

**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(D) of the Zoning Chapter of the East Dundee Village Code requiring lighting illumination of an off-street parking area shall be arranged so as not to reflect rays of light into adjacent residential districts and street, 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 existing lighting on site to be sufficient or at the discretion of the Building Inspector and Village Administrator.

**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 590 Healy, LLC ceases outside storage at PIN 01-30-300-009-0000.
2. The variances will automatically expire after 10 years. The petitioner can then reapply at that time.
3. The secured gated access to the north lot of Heinz Road at the two access points is functioning within ninety (90) days of Heinz Road opening.

**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 19<sup>th</sup> day of December 2022 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, Saviano, Treiber and Sauder

NAYES: None


ABSENT: None

**APPROVED** by me this 19<sup>th</sup> day of December 2022.



Jeffrey Lynam, Village President

**ATTEST:**



Katherine Diehl, Village Clerk

Published in pamphlet form this 19<sup>th</sup> day of December 2022, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on December 20, 2022.

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: December \_\_, 2022

Exhibit A

**Special Use 1 - Vehicle Parking**

**10 Year Sunset**

**1 Year Sunset**

COMMONWEALTH DRIVE

PROPOSED HEINZ ROAD

HEALY ROAD

ROUTE

