

ORDINANCE NUMBER - 11-42
*An Ordinance Zoning and Granting Certain Special Uses
for Property Commonly Known as Pima Illinois, LLC,
With an Address of 14N963 Illinois Route 25*

WHEREAS, the Village of East Dundee, an Illinois home rule municipal corporation located in Kane and Cook counties (the "Village"), has been requested in a written petition signed by Pima Illinois, LLC, (the "Owner") that upon annexation, certain property located on the east side of Illinois Route 25 and legally described in Section 1 of this Ordinance (the "Property"), be zoned B-3, General Service Business District, and grant certain special use permits; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission, after due notice as provided by law; and

WHEREAS, the Board of Trustees has considered the evidence, including but not limited to that presented at the public hearing to the Planning and Zoning Commission by the Owner and believe the zoning classification and the special use permits will be in the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee as follows:

SECTION 1: The following legally described territory (the "Property) shall be zoned B-3, General Service Business District, pursuant to the terms of the East Dundee Zoning Chapter:

Parcel One: The northerly half of that part of Sections 25, 26, 35 and 36, Township 42 north, Range 8 east of the Third Principal Meridian, described as follows: commencing at the southwest corner of Section 25; thence north along the west line of said Section 9.7 feet; thence westerly 124.15 feet on a line making an angle of 80 degrees, 51 minutes, 0 seconds to the northwest, with said west line of Section 25, to the center line of the Elgin and Dundee Road for a point of beginning; thence easterly along said last course, 380 feet on a line making an angle of 89 degrees, 58 minutes 0 seconds to the southeast with the centerline of the Elgin and Dundee Road; thence southerly parallel with the centerline of said road, 343.9 feet; thence westerly 380 feet on a line making an angle of 89 degrees, 58 minutes 0 seconds to the northwest with said center line to the center line of the Elgin and Dundee Road; thence northerly along the center line of said road, 343.9 feet to the point of beginning, in Dundee Township, Kane County, Illinois; and

Parcel Two: That part of the southwest quarter of Section 25, of the southeast quarter of Section 26 and of the northwest quarter of Section 36, all in Township 42 north, Range 8 east of the Third Principal Meridian, described as follows: commencing at the southwest corner of the southwest quarter of said Section 25; thence north along the west line of said southwest quarter 9.7 feet; thence westerly along a line forming an angle of 80 degrees, 51 minutes, 0 seconds to the northwest with said west line,

124.15 feet to the center line of State Route 25 for the point of beginning; thence easterly along the last described course and said course extended on a line forming an angle of 89 degrees, 58 minutes, 0 seconds to the southeast with said center line 380 feet; thence southerly parallel with said center line, 171.95 feet; thence easterly along a line forming an angle of 89 degrees, 58 minutes 0 seconds to the southeast with said center line 370 feet; thence northerly parallel with said center line, 340.95 feet; thence westerly along a line forming an angle of 80 degrees, 51 minutes, 0 seconds to the northwest with the west line of the southwest quarter of Section 25, 750 feet to the center line of said State Route 25; thence southerly along said center line 169 feet to the point of beginning, in Dundee Township, Kane County, Illinois (together, the "Property").

SECTION 2: The Board of Trustees hereby makes the following findings of fact with respect to the requested special use permits:

1. The uses permitted by the exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;

Each of the proposed indoor commercial sports and entertainment facility, banquet hall, and auto repair and servicing center special uses on the Property will be consistent with existing uses in the area insofar as the trend of growth and development on the relevant portion of Illinois Route 25 is retail and serving the public with services. These proposed special uses are consistent with the Village's Comprehensive Plan. An indoor commercial sports and entertainment facility will serve sports enthusiasts, including but not limited to, youths interested in soccer leagues, and which is not presently well served by open, outdoor parks during winter months. It is also desirable to have an entertainment venue which would tend to utilize the facilities in the evening after athletic leagues or games have been completed. It is the Board of Trustees belief that the Village and surrounding community is underserved with respect to entertainment venues. The banquet hall is desirable and would serve the community and would fit well with an indoor commercial sport use for team banquets and dinners and appears to be a natural fit and an amenity to the community. The proposed auto repair and servicing center use is appropriately located on a state route utilized by commuters and is reasonably proximate to residential neighborhoods to enable them to utilize such auto repair services as well.

2. The uses permitted by the exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;

Due to development around the Property in the past decade, an indoor commercial sports and entertainment facility, banquet hall, and auto repair and servicing center special uses on the Property are appropriate for the commercial corridor on Illinois Route 25, which would be utilized by patrons of these special uses rather than access coming through residential neighborhoods which would avoid excessive traffic coming through any residential neighborhood to the Property and will not have an adverse or detrimental influence or impact on the surrounding neighborhoods.

The Property is a former car dealership which was desirable and appropriate and any auto repair is a natural extension of this one time use of the Property as a dealership.

3. Not more than 20% of the ground area or of the gross floor area of the development shall be devoted to the uses permitted by the exception;

The Board of Trustees is of the opinion that this standard has been met. The proposed special uses are subject to final plans to be approved by the Village to enable the Village to insure that this requirement is met. Based on witness testimony, it is anticipated that the proposed uses will not exceed 20% of the ground area of the development.

4. In an industrial planned development, the additional uses allowed by exception shall conform with the performance standards of the district in which the development is located;

This criteria is inapplicable insofar as there is no request for an industrial planned development.

5. The use exceptions so allowed are reflected by the appropriate zoning district symbols and so recorded on the zoning district map;

The Village's zoning map will be amended to reflect such uses upon any approval by the Board of Trustees.

6. The special uses will not be 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;

While the special uses are of a more intense nature than permitted uses, the anticipated distance between the buildings and the property lines lead this Board of Trustees to believe that the proposed special uses will not be injurious to the use and enjoyment of other property in the nearby vicinity. This belief is reinforced by Village ordinances in effect for entertainment venues which place limitations thereon and the banquet facility and auto repair uses would remain subject to general Village ordinances. No convincing testimony was provided which would demonstrate that property values in any neighborhood proximate to the Property would be impaired or substantially diminished.

7. The establishment of the special uses will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

Insofar as some of the anticipated structures and facilities are already on the Property, with direct access from Illinois Route 25, the testimony reflects that in no way will the normal, orderly development and improvement of surrounding property be impeded.

8. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided;

The plans for the Property on which the special uses are requested have or will provide for the extension of sanitary sewer and potable water mains to the Property. Insofar as the Property is si-

uated on Illinois Route 25, an adequate access road is in place for each of the special uses. The Board of Trustees believes that the testimony reflects that drainage will be handled in accordance with all applicable standards. No testimony was provided that any of the proposed utilities, means of access or drainage facilities will be deficient in any manner.

9. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

Judging from the evidence provided by the petitioner at the hearing and the personal knowledge of the Board of Trustees relative to the Property, it is our conclusion that adequate measures are in place to minimize traffic congestion by the use of proposed turn in lanes on Illinois Route 25 and that the highest level of activity will be in the evenings or on the weekends so as to minimize any increase of traffic during weekday "rush hours" when commuter traffic is at its peak.

10. The special uses shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the President and Board of Trustees at such time a final plan is submitted to the Village.

SECTION 3: The following special uses, subject to the conditions and restrictions imposed herein and in the Annexation Agreement, including the conditions of submission of a final plan by the Owner for each special use as well as approval of same by the Village, between the Village and the Owner, are hereby granted for the Property:

- a. Indoor commercial sports and entertainment establishment as provided in Chapter 157.053 in the East Dundee Zoning Chapter; and
- b. Banquet hall as provided in Chapter 157.053 in the East Dundee Zoning Chapter; and
- c. Auto repair and servicing, provided all such activity is within an enclosed building and as provided in Chapter 157.053 in the East Dundee Zoning Chapter.

SECTION 4: All other requirements set forth in the East Dundee Zoning Chapter, as would be required by any owner of property zoned in the same manner as the Property, shall be complied with, except as otherwise provided in the Annexation Agreement between the Village and the Owner.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

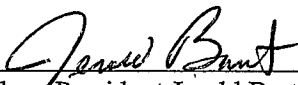
Ayes: 6 - Justices Gorman, Lynam, Miller, VanOstenbridge, Skillicorn
& President Bartels

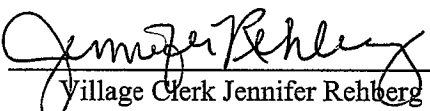
Nays: 0

Absent: 1 - Justice Ruffalo

Abstain: 0

APPROVED:

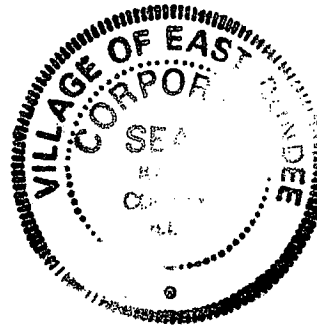

Village President Jerald Bartels

(SEAL)
ATTEST: 
Village Clerk Jennifer Rehberg

Passed: September 19, 2011

Approved: September 19, 2011

Published: September 21, 2011



Prepared by/Mail to:
Michael J. Smoron
Zukowski Rogers Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014
815.459.2050
Z:\E\East Dundee\Pima Illinois LLC\Ordinance.zoning.doc

CERTIFICATION

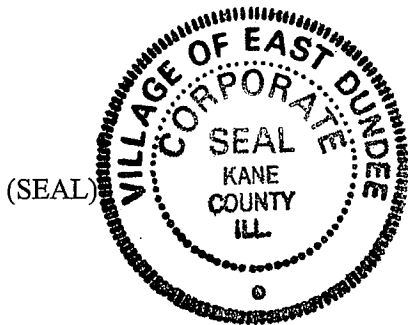
I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.

I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of East Dundee, held on the 19th day of September, 2011, the foregoing Ordinance entitled *An Ordinance Zoning and Granting Certain Special Uses for Property Commonly Known as Pima Illinois, LLC, With an Address of 14N963 Illinois Route 25*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 11-42, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the East Dundee Village Hall, 120 Barrington Avenue, East Dundee, IL, commencing on the 19th day of September 2011, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 19th day of September, 2011.



Jennifer Rehberg
Jennifer Rehberg, Village Clerk
Village of East Dundee,
Kane County, Illinois