

Ordinance No. 18-15

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS, APPROVING A VARIANCE FROM THE SUBDIVISION CHAPTER OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE REQUIRING PARKWAY TREES FOR LOT 5 OF THE TERRA BUSINESS PARK**

**WHEREAS**, the Village of East Dundee, Kane and Cook Counties, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, pursuant to Section 155.006 of the Village of East Dundee Village Code (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 when there are practical difficulties or a particular hardship with the strict compliance with the subdivision requirements in the Village Code; and,

**WHEREAS**, an application was filed by Joe Palumbo, owner of Pal Land, LLC, and Chris Starke, of WT Group (collectively the "Applicant"), requesting a variance for Lot 5 of the Terra Business Park (the "Subject Property"), legally described in Section 2 below, to remove the requirement for parkway trees on the Subject Property; and,

**WHEREAS**, Sections 57.123(C) and 155.049(C) of the Village Code require parkway trees to be spaced every 40 to 60 feet; and,

**WHEREAS**, Section 158.04(D)(2)(a)2.a of the Village Code also includes a requirement for interior trees to be placed every 30 feet, which the Subject Property shall comply with; and,

**WHEREAS**, notice of a public hearing before the Planning and Zoning Commission on the request for a variation was duly published in a newspaper of general circulation in the Village and a hearing held June 14, 2018; and,

**WHEREAS**, the Planning and Zoning Commission reviewed the standards set forth in Section 157.207(C) of the Zoning Code and adopted findings of fact; and,

**WHEREAS**, the Corporate Authorities have reviewed the Planning and Zoning Commission's findings of fact and recommendations, and hereby approve the variance request to remove the requirement for parkway trees on the Subject Property.

**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:

**Section 1:** The above recitals are incorporated and made a part of this Ordinance.

**Section 2:** The Corporate Authorities hereby approve the variation requested for the Subject Property legally described as:

LOT-5 IN TERRA BUSINESS PARK SUBDIVISION, BEING A RESUBDIVISION OF PART OF SECTIONS 24 & 25, TOWNSHIP 42 NORTH, RANGE 8 EAST, OF THE THIRD PRINCIPAL MERIDIAN IN KANE COUNTY, ILLINOIS

commonly known as Lot 5 in the Terra Business Park Subdivision located at the northwest corner of Higgins Road (Route 72) and Christina Drive, East Dundee, Illinois (PIN 03-25-126-004), and the parkway tree requirements in Sections 57.123(C) and 159.049(C) of the Village Code are hereby varied and waived for the Subject Property.

**Section 3:** This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Adopted this 9<sup>th</sup> day of July, 2018

AYES: Trustees Lynam, Selep, Wood, Hall and Andresen  
NAYS: Ø

ABSENT: Trustee Mahony

Approved this 12<sup>th</sup> day of July, 2018

[Signature]  
Village President

Attest:

[Signature]  
Village Clerk