

ORDINANCE NUMBER 19- 02

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, APPROVING A SPECIAL USE PERMIT FOR A CHILD CARE CENTER IN THE B-3 GENERAL SERVICE BUSINESS DISTRICT IN THE PROPERTY LOCATED AT 460 DUNDEE AVENUE, EAST DUNDEE, ILLINOIS

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, pursuant to Section 157.224 of the Village of East Dundee Zoning Ordinance ("Zoning Ordinance") and the Village's home rule authority, the Village President and Board of Trustees of the Village ("Corporate Authorities") may provide for and allow the classification of special uses in its zoning ordinances; and

WHEREAS, under the authority of the Zoning Ordinance, the property at 460 Dundee Avenue, East Dundee, Illinois ("Subject Property"), as legally described in Section 2 below, is located in the B-3 General Service Business Zoning District, in which a child care center is allowed if the Corporate Authorities first grant a special use permit, per to Section 157.050(F)(1)(k)(3) of the Zoning Ordinance; and

WHEREAS, pursuant to the Zoning Ordinance, any person owning or having an interest in property may file an application to use such property for one or more of the special uses provided for in the zoning district in which the land is situated; and

WHEREAS, the Corporate Authorities have received a request for a special use permit for a child care center to be operated at the Subject Property ("Application") from the tenant of the Subject Property, Ideabox Childcare, Inc. ("Applicant"); and

WHEREAS, notice of a public hearing on the Application before the Village's Planning and Zoning Commission was duly given and a public hearing was held on the Application on December 13, 2018; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.224 of the Zoning Ordinance for a special use permit and recommended approval of the Application, subject to the conditions in Section 3 below; and

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission's findings of fact and recommendations on the Application, and hereby approve the proposed special use of a child care center on the Subject Property, subject to the conditions in Section 3 below;

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: 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: Approval of Special Use Permit. The Corporate Authorities hereby approve the Application and grant a special use permit for the Subject Property legally described as:

LOT 2 OF LPC SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 23, AND PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRICIPAL MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS,

commonly known as 460 Dundee Avenue, East Dundee, Illinois (P.I.N. 03-23-479-006), for a child care center, subject to the conditions in Section 3 below.

SECTION 3: Conditions of Approval. That the special use permit granted herein shall be constructed, operated and maintained in accordance with the plans and diagrams submitted as part of the Application, and subject to the following terms and conditions:

1. The special use permit: (i) shall not run with title to the Subject Property, (ii) shall not be transferrable, and (iii) shall expire at such time as the Applicant ceases operating a child care center at the Subject Property.
2. The Applicant shall establish and maintain a plan for drop-off and pick-up operations to limit vehicle congestion within the shopping center in which the Subject Property is located, as approved and modified by the Village's Chief of Police.
3. The Applicant shall comply with all of the applicable regulations, conditions, and requirements of the Village prior to obtaining a building permit issued by the Village to complete the improvements to the Subject Property needed to establish the child care center therein.
4. The Applicant shall operate the child care center in compliance with all applicable requirements of Federal, State, County and Village laws, ordinances, and regulations, and the requirements of the Illinois Department of Children and Family Services.

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.

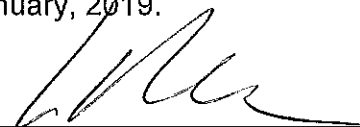
PASSED this 7th day of January, 2019 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Hall, Mahony and Andresen

NAYES: 0

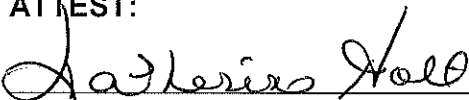
ABSENT: Trustee Wood

APPROVED by me this 7th day of January, 2019.



Lael Miller, Village President


ATTEST:


Katherine Holt, Village Clerk

Published in pamphlet form this 8th day of January, 2019, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on January 8, 2019.

The Applicant acknowledges hereby the reasonableness of the above and foregoing terms and conditions in the Ordinance, and hereby accepts the same.

By: 

Ideabox Childcare, Inc.
Applicant

Date: January 11, 2019