

ORDINANCE NUMBER 12 - 72

**ORDINANCE APPROVING THE REZONING OF PARCEL 2
OF THE PROPERTY LOCATED AT 611 EAST MAIN STREET
COMMONLY KNOWN AS SUMMIT SCHOOL FROM O-D, OFFICE
DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, application has been made by Jim Bergman under Petition No. 12-08-01 requesting rezoning from O-D, Office District, to B-2, Community Business District, for Parcel 2 of the property located at or near 611 East Main Street, East Dundee, Illinois, and commonly known as Summit School; and

WHEREAS, Parcel 2 consists of approximately 1.7 acres more or less, is commonly known as the former Summit School at 611 East Main Street, East Dundee Illinois 60118. Parcel index numbers include: 03-26-226-005, 03-26-226-004, 03-26-226-007, and 03-26-227-002.

WHEREAS, the Parcel 1 and 2 of the property is legally described as follows:

Part of the East half of the southeast quarter of section 23, and part of the east half of the northeast quarter of section 20, all in township 42 north range 8 east of the 3rd principal meridian in the Village of East Dundee, Kane County, Illinois.

WHEREAS, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the Village of East Dundee Code of Ordinances, held a hearing on Petition No. P/Z 12-08-01; and

WHEREAS, pursuant to said hearing, the Commission recommended approval of the rezoning by a vote of 5 ayes, 4 nays and, 0 absent; and

WHEREAS, the President and the Board of Trustees of the Village of East Dundee find that it is in the best interest of the Village to rezone the property in accordance with the Village of East Dundee Code, the Village of East Dundee's Comprehensive Plan, and pursuant to the Village's home rule powers; and

WHEREAS, the rezoning of this property and its proposed uses are compatible with the objectives, policies and general land uses set forth in the comprehensive plan, as amended;

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 One. That the application for rezoning Petition No. P/Z _____ from O-D, Office District, to B-2, Community Business District, is approved, and Parcel 2 of the property more specifically described below is hereby rezoned from O-D, Office District to B-2, Community Business District.

PARCEL 1 AND 2

Part of the East half of the southeast quarter of section 23, and part of the east half of the northeast quarter of section 20, all in township 42 north range 8 east of the 3rd principal meridian in the Village of East Dundee, Kane County, Illinois.

Section Two. That the official zoning map of the Village of East Dundee, Illinois be amended to reflect the approved rezoning of the property.

Section Three. Severability. 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 Four. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Five. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 20th day of August, 2012, pursuant to a roll call vote as follows:

AYES: 6- Trustees Gorman, Lynnam, Miller, VanOstenbridge, Skellicorn & Pres. Bartels
NAYES: 0
ABSENT: 1- Trustee Ruffalo

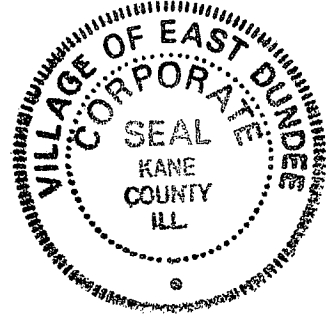
Approved by me this 20th day of August, 2012.

Jew Bart
JERALD BARTELS, President

Published in pamphlet form this 26th day of August, 2012, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
JENNIFER REHBERG, Village Clerk
Recorded in the Village Records on Aug. 26th, 2012.





VANDEWALLE & ASSOCIATES INC.

To: Chairman Swanson and Members of the Planning and Zoning Commission

From: Scott Harrington, AICP, Village Consulting Planner

CC: Bob Skurla, Village Administrator

Date: July 31, 2012

Re: Summit School Reuse Project

Project Summary

Jim Bergman, applicant, has a lease and a purchase option for the former Summit School property located at 611 East Main Street. The property consists of 4.28^{+/-} acres and has been vacant since the school relocated to Elgin in 2008. The project consists of splitting the property into two parcels. Parcel 1 is approximately 2.5 acres and consists of the former athletic fields for the school. Parcel 2 is approximately 1.73 acres and consists of the school building and parking area. The proposed reuses for the two parcels are as follows:

Parcel 1

The applicant is negotiating with the neighboring property owner to the east (Plote) to sell the property so that it may be combined with the neighboring property, which has a similar size and configuration. Together, the two properties would make for a sizable commercial site with significant frontage along Route 72.

Parcel 2

Proposed reuses of the existing building consist of:

- New Dundee Township offices and community meeting space
- A new location for Discount Grocery Store (currently located in River Valley Shopping Center)
- Transitional housing for veterans to be operated by the applicant in conjunction with his recently approved River Haven project that also is targeted toward veterans

Please see the applicant's project narrative for a detailed description of each use.

Required Approvals

The proposed reuse plans require the following Village approvals:

- Amendment to the Comprehensive Plan Future Land Use Map to designate the entire property as General Business

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax
342 North Water Street • Milwaukee, Wisconsin 53202 • 414.421.2001 • 414.732.2035 Fax
www.vandewalle.com

Shaping places, shaping change

- Rezoning of Parcel 1 to B-3
- Rezoning of Parcel 2 to B-2
- Planned Unit Development Preliminary and Final Plans for Parcel 2

Comprehensive Plan Amendment

The Comprehensive Plan Future Land Use Map designates the property as "Institutional" based on its past use as a private school. A change to "General Business" is proposed, which is the same designation given to all of the commercial property fronting the north side of Route 72 to the east and west. The Comprehensive Plan also includes several objectives and policies addressing the proposed project including those that recommend cooperation between local units of government in providing adequate and cost-effective facilities, providing a variety of housing options, and encouraging adaptive reuse of community facilities.

The General Business category is intended to facilitate office and retail development along major arterials. This category does not specifically address residential uses, but it also does not prohibit them. Most areas zoned B-2 in the Village also are designated General Business on the Future Land Use Map, and the B-2 district specifically permits residential development above the first floor.

The Comprehensive Plan has been adopted per Sec. 150.20 of the Village Code of Ordinances; however, no provisions are contained in the Code or the Plan itself for considering amendments. At a minimum, the Commission should ensure that any amendments are internally consistent with all other provisions in the Plan.

Rezoning

The entire property is currently zoned O-D, Office District, based on its previous use as a school. All of the property along the north side of Route 72 to the west is zoned B-2, and all of the property to the east is zoned B-3, neither of which permit schools. The O-D district has a limited list of permitted office and related uses, which the applicant contends has contributed to the property's extended vacancy due to the area office market continuing to be depressed. The mix of uses proposed for the building and the proposal to combine the athletic fields with the neighboring property both necessitate rezonings.

Parcel 1

The Plote property to the east is zoned B-3, as is the shopping center east of that. Combining the two properties would create a sizable commercial site on par with that intended for the B-3 district.

Parcel 2

All of the proposed uses for the former school building are permitted in the B-2 district. However, the B-2 district does not permit residential uses on the first floor. Further, the building does not meet most the B-2 setbacks (nor does it meet those of the O-D district). Accordingly, the applicant has requested approval of a planned unit development to address the ground floor residential and

the setbacks. Nevertheless, the B-2 district provides the best match with the range of uses proposed by the applicant.

Criteria for considering zoning amendments are contain in Sec. 157.223. These include the following:

- Consistency of the proposal with the existing uses of other property in the general area;
- Consistency of the proposal with the zoning of other property in the general area;
- Suitability of the property to the uses permitted under the existing zoning; and
- The development trends in the general area that have taken place since the property was assigned its current zoning.

Planned Unit Development

The request for Parcel 2 is a straight rezoning to B-3. Parcel 2, however, includes a request for a rezoning to B-2 and PUD Preliminary and Final Plans with several modifications to the B-2 standards to address the specific uses and to make the existing building setbacks and various site improvement conforming.

Modifications

The following four modifications are requested:

1. Uses: Allow residential units to be located on the first floor of the building.

2. Yard Requirements:

<u>Yard</u>	<u>Existing/ Requested</u>	<u>B-2 Minimums</u>
a. Front	0'	20' plus the height of the building (40')
b. Rear	13.5'	20'
c. West Side	30'	Same as front (40')

3. Parking and circulation:

- Permit parking and roads within the first ten feet of the front yard
- Permit parking and roads within the minimum rear yard.

4. Landscaping:

- Waive required interior landscape islands and perimeter landscaping.

Under the Village Code, modifications are to be granted only if the project will result in significant community benefits. Benefits identified by the applicant include:

- Re-occupancy of a building that has been vacant for more than four years;
- Adding an exempt property to the tax rolls within a TIF district;
- Providing highly-useable, accessible, and cost-effective space for another unit of local government;
- Providing community meeting space;
- Proving emergency housing for victims of disasters (fire, tornados, etc.)

- Providing transitional housing for veterans that is in very short supply;
- Providing veterans housing in close proximity to other veterans housing, resulting in more efficient delivery of services to veterans;
- Retaining the Village's only independent food retailer;
- Providing an opportunity for the grocery store to work more closely with the Township food bank to the benefit of both; and
- Providing an opportunity to combine two somewhat constrained, vacant parcels to create a highly viable property for significant future commercial development (Parcel 1 and Plote property).

Sec. 157.245(D) contains criteria for considering PUD Preliminary Plans, including those applicable to modifications. These criteria appear as questions in Part III of the PUD application form. Criteria for considering PUD Final Plans are contained in Sec. 157.245(E). In general, the primary criteria for a Final Plan is a finding that it is consistent with the approved Preliminary Plan.

Considerations

At the time this report was prepared the Village Engineer's analysis was not yet available. In addition, certain details about the project were still being determined by the applicant so additional information, particularly about the internal layout of the building, is likely to be presented at the hearing. However, the basic project is not expected to change significantly and I will be present at the hearing to provide additional analysis and/or answer questions.

Should the Planning and Zoning Commission find the project meets all of the applicable standards based on the information provided by the applicant and the relevant testimony presented at the public hearing, it may wish to consider the following motions:

- Move to recommend approval of a Comprehensive Plan amendment to the Future Land Use Map to change the designation of the entire property from "Institutional" to "General Business."
- Move to recommend a rezoning of a Parcel 1 from O-D to B-3.
- Move to recommend a rezoning of Parcel 2 from O-D to B-2.
- Move to recommend approval of PUD Preliminary and Final Plans for Parcel 2 with the modifications as requested by the applicant.

VILLAGE OF EAST DUNDEE



FINDINGS OF FACT
(FACTS RELATED TO PETITION)

Petition: Jim Bergman

Subject Property: 611 East Main Street, Dundee, Illinois 60118

Current Zoning Status: O-D

Current Use Status: Vacant

Requested Action: Jim Bergman, as agent and purchaser on behalf of Summit School, Inc, the owner of Parcels 1 and 2 (as described below), requests:

- 1) An amendment to the Comprehensive Plan Future Land Use Map to designate Parcels 1 and 2 as General Business;
- 2) A rezoning of Parcel 1 from O-D, office district, to B-3, general service business district;
- 3) A rezoning of Parcel 2 from O-D, office district, to B-2, community business district; and
- 4) A special use for a Planned Unit Development for Parcel 2 to permit office, community meeting space, residential and retail uses subject to certain conditions.

Surrounding Land Use and Zoning: R-2, B-2 and B-3

Trend of Development In Area: Vacant

Findings: The request will conform to the Village's Comprehensive Plan and the zoning is consistent with the area.

Suitability of Present Zoning:

Yes

Conformance to the Land Use Plan:

Yes

Recommendation:

Based on the information contained in the application, the testimony and evidence presented at the public hearing, and the findings outlined herein, the Planning and Zoning Commission hereby recommends approval of the following by a vote of ___ ayes to ___ nay.

- 1) To approve the request for the approval of a Comprehensive Plan amendment to the Future Land Use Map to change the designation of the entire property from "Institutional" to "General Business."

6 ayes 3 nays

- 2) To approve the request for a rezoning of a Parcel 1 from O-D to B-3. 5 ayes 4 nays
- 3) To approve the request for a rezoning of Parcel 2 from O-D to B-2. 5 ayes 4 nays
- 4) To approve the request for the PUD Preliminary and Final Plans for Parcel 2 with the modifications as requested by the applicant. 4 ayes 5 nays

August 7, 2012

David Swanson
Chairman Swanson

Paul Meyer
Member

Samuel Baker
Member

Susan Hollman
Member

Stu Stul
Member

[Signature]
Member

[Signature]
Member

Quon Bernstein
Member

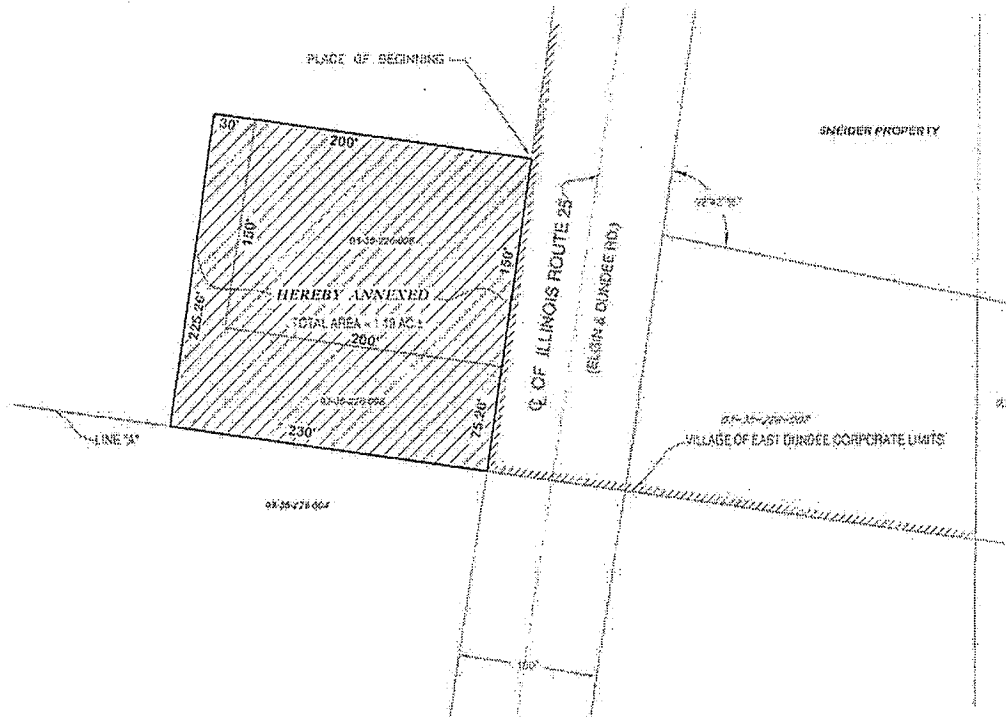
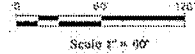
[Signature]
Member

MAP OF TERRITORY ANNEXED TO THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS

BY ORDINANCE NO. 12-62 PASSED August 20, 2012

PARCEL SEVEN:
COMMENCING AT THE INTERSECTION, AS MONUMENTED, OF EASTERLY RIGHT OF WAY LINE OF PARKSIDE AVENUE (NOW VACATED) WITH THE SOUTH LINE, EXTENDED EASTERLY OF LOT 32, AS PLATTED IN FOX RIVER BLUFFS UNIT NO. 5, BEING A SUBDIVISION OF PART OF SAID SECTIONS 28 AND 35, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 28, 1929 AS DOCUMENT NO. 326521, THIS POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTH 07 DEGREES 58 MINUTES 43 SECONDS EAST, ALONG THE EASTERLY LINE OF PARKSIDE AVENUE (NOW VACATED), A DISTANCE OF 560.00 FEET; THENCE SOUTH 82 DEGREES 03 MINUTES 47 SECONDS EAST, A DISTANCE OF 543.00 FEET TO WESTERLY RIGHT OF WAY LINE, AS MONUMENTED, OF A PUBLIC HIGHWAY KNOWN AS STATE ROUTE 26; THENCE SOUTH 08 DEGREES 05 MINUTES 55 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 206.39 FEET TO THE POINT OF BEGINNING; SAID POINT BEING 225.26 FEET NORTH OF, AS MEASURED ALONG SAID WESTERLY RIGHT OF WAY LINE, THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND A LINE DRAWN FROM POINT "A" AFORESAID TO THE SOUTHWEST CORNER OF LOT 33, AS MONUMENTED, OF FOX RIVER BLUFFS UNIT NO. 5, BEING A SUBDIVISION OF PART OF SAID SECTIONS 28 AND 35, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1928 AS DOCUMENT NO. 303348, THIS LINE HEREINAFTER REFERRED TO AS LINE "A"; THENCE CONTINUING SOUTH 08 DEGREES 03 MINUTES 55 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 225.26 FEET TO SAID LINE "A"; THENCE NORTH 82 DEGREES 02 MINUTES 00 SECONDS WEST, ALONG SAID LINE "A", A DISTANCE OF 230.00 FEET; THENCE NORTH 08 DEGREES 03 MINUTES 55 SECONDS EAST PARALLEL WITH SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 225.26 FEET; THENCE SOUTH 82 DEGREES 02 MINUTES 00 SECONDS EAST, PARALLEL WITH SAID LINE "A", A DISTANCE OF 230.00 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL INDEX NUMBER: 03-35-225-009
03-35-225-008



STATE OF ILLINOIS }
COUNTY OF KANE } SS

This is to certify that this accurate map of Territory Annexed is recorded on this date and is a part of the Village of East Dundee Ordinance No. 12-62 adopted by the Village Board of East Dundee on the 20 day of August, 2012.

By: Gerald L. Heinz Village President
Attest: Jennifer K. Kelly Village Clerk

This Plat is being recorded by:
Heather Mairnsch
120 Barrington Ave
East Dundee IL 60118

STATE OF ILLINOIS }
COUNTY OF KANE } SS

I, Joseph D. Heinz, Illinois Professional Land Surveyor No. 3551, do hereby certify that the above is an accurate map of Territory annexed to the Village of East Dundee, by Ordinance No. 12-62 passed "An Ordinance Annexing Certain Territory in Dundee Township, Kane County, Illinois, to the Village of East Dundee, Illinois", passed by the Village of East Dundee, August 20, 2012.

Dated at East Dundee, Illinois this 27 day of August, 2012 A.D.



Joseph D. Heinz
Illinois Professional Land Surveyor No. 3551
License Expires 11-30-2012
Design Firm Registration No. 184-002048

LEGEND
 EXISTING CORPORATE LIMITS OF THE VILLAGE OF EAST DUNDEE.
 AREA TO BE ANNEXED TO THE VILLAGE OF EAST DUNDEE.

GERALD L. HEINZ & ASSOCIATES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
206 NORTH RIVER STREET
EAST DUNDEE, ILLINOIS 60118

PLAT OF ANNEXATION

VILLAGE OF EAST DUNDEE

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DATE: 08/15/2012
JOB NO.: ES-1858
SCALE: 1"=60'
SHEET 1 of 1