

Ordinance No. 17-18

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS,
GRANTING VARIANCES FOR THE PROPOSED SPEEDWAY
TO BE LOCATED AT CHRISTINA DRIVE AND ROUTE 72 AND
APPROVING THE SITE PLAN AS PRESENTED**

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, Speedway LLC (“the Applicant”) is seeking to acquire certain property in the Village (“the Subject Property”) and desires to develop the Subject Property as a Speedway fueling center; and,

WHEREAS, in order to develop the Subject Property, the applicant desires that the Village grant certain waivers and approve the site plan as presented; and ,

WHEREAS, pursuant to Section 157.206 of the Village Code, the President and Board of Trustees of the Village (the “Corporate Authorities”) may provide for and allow variances to provide relief from the requirements of the East Dundee Zoning Chapter (the “Zoning Code”) where there are practical difficulties or a particular hardship in the way of carrying out the strict letter of the regulations of the Zoning Code; and,

WHEREAS, an application was filed by the Applicant, requesting a variance from Section 157.066(A)(3) of the Zoning Code, the minimum required building floor area and a variance from Sections 157.065 (G) and 157.147(B)(2), the maximum width of a driveway across public property for the real property described in Section 2 herein (the “Subject Property”); and,

WHEREAS, notice of a public hearing on said application was published in a newspaper having general circulation within the Village, all as required by the ordinances of the Village; and,

WHEREAS, pursuant to said notice, the Planning and Zoning Commission of the Village conducted a public hearing on said application in accordance with the ordinances of the Village; and,

WHEREAS, the Planning and Zoning Commission made the required written Findings of Fact, as set forth in the attached Exhibit B, finding that the variation did meet the standards in Section 157.207(C) of the Zoning Ordinance and recommended that the variance be approved; and,

WHEREAS, the Planning and Zoning Commission recommended that the site plan be approved contingent upon final engineering approval by the Village Engineer; and

WHEREAS, the Corporate Authorities of the Village of East Dundee have received and considered the recommendations of the Planning and Zoning Commission.

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 herein and made a part of this Ordinance.

Section 2: That this Ordinance shall apply to the Subject Property legally described on Exhibit A attached hereto and made a part hereof.

Section 3: That a variation from Section 157.066(A)(3) of the Zoning Code to not require a minimum building floor area of 5,000 square feet is hereby granted for the Subject Property.

Section 4: That a variation from Section 157.065(G) and Section 157.147(B)(2) of the Zoning Code to allow the width of the driveways crossing public property to exceed 24 feet is hereby granted for the Subject Property.

Section 5: That the site plan as presented for the Speedway fueling center for the Subject Property, attached hereto and made a part hereof as Exhibit C, is hereby approved contingent upon final engineering approval by the Village Engineer.

Section 6: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed this 10th day of April, 2017.

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

NAYS: Ø

ABSENT: Trustee Wood and President Miller

Approved this 10th day of April, 2017.

[Signature]
Village President

Attest: [Signature]
Village Clerk

Published in pamphlet form:

April 11, 2017

EXHIBIT A

Property Legal Description:

THAT PART OF LOT 5 IN TERRA BUSINESS PARK SUBDIVISION BEING A SUBDIVISION OF PART OF SECTION 24 AND 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 26th, 2007 AS DOCUMENT NUMBER 2007K124883, DESCRIBED AS FOLLOWS: BEGINNING AT A SOUTHEAST CORNER OF SAID LOT 5 BEING A POINT ON THE NORTHERLY LINE OF ILLINOIS ROUTE 72; THENCE NORTH 61 DEGREES 46 MINUTES 06 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 5 ALSO BEING THE NORTHERLY LINE OF ILLINOIS ROUTE 72, A DISTANCE OF 357.00 FEET; THENCE NORTH 28 DEGREES 13 MINUTES 54 SECONDS EAST, 449.15 FEET; THENCE SOUTH 61 DEGREES 46 MINUTES 06 SECONDS EAST, 363.93 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 5 ALSO BEING THE WESTERLY LINE OF CHRISTINA DRIVE; THENCE SOUTHWESTERLY 10.73 FEET ALONG SAID LINE ALSO BEING A CURVE TO THE LEFT HAVING A RADIUS OF 537.50 FEET (CHORD BEARS SOUTH 13 DEGREES 56 MINUTES 03 SECONDS WEST, 10.73 FEET); THENCE SOUTH 13 DEGREES 22 MINUTES 02 SECONDS WEST ALONG SAID LINE, 111.81 FEET; THENCE SOUTHWESTERLY 98.51 FEET ALONG SAID LINE ALSO BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 379.50 FEET (CHORD BEARS SOUTH 20 DEGREES 48 MINUTES 12 SECONDS WEST, 98.23 FEET); THENCE SOUTH 28 DEGREES 14 MINUTES 21 SECONDS WEST ALONG SAID LINE, 180.37 FEET; THENCE SOUTH 72 DEGREES 08 MINUTES 23 SECONDS WEST ALONG SAID LINE, 73.45 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

CONTAINING 4.089 ACRES (178,112 SQUARE FEET)

EXHIBIT B

VILLAGE OF EAST DUNDEE, ILLINOIS
Findings of Fact – Variance

Property Location: Portion of Lot 5 in the Terra Business Park at the northwest corner of the Christina Drive and Route 72 intersection.

Variance(s) requested: A variance from Section 157.066(A)(3), the required building floor area, and a variation from Sections 157.065 (G) and 157.147(B)(2), the maximum width of a driveway across public property.

Hearing date: April 6, 2017

The Planning and Zoning Commission has made the following findings regarding the variation request:

- 1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district; Circle one; Yes/No/Not Applicable(N.A.), Explain:**

The Speedway building is a prototypical building and it may be cost prohibitive to design and build a building with approximately 400 square feet more floor area to satisfy the Village's regulations.

A driveway access of larger than 24' is required to allow for diesel fuel lanes on the site to accommodate the turning radii of the trucks.

- 2. The plight of the owner is due to unique circumstances; Yes/No/N.A. and**

The circumstances are not unique but as a fueling center is a permitted use in an M-1 District, it is not unreasonable to expect smaller building footprints and wider driveway access for fueling centers. The driveway access for the nearby Shell station exceeds 24'.

- 3. The variation, if granted, will not alter the essential character of the locality. Yes/No/N.A.**

The project will enhance the essential character of the locality.

For the purpose of supplementing the above standards, the Planning and Zoning Commission, in making its decision whenever they are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts favorable to the applicant, have been established by the evidence that:

EXHIBIT B

- 4. The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the regulations were strictly enforced; Yes/No/N.A.**

The property requires larger driveway access in order to accommodate the diesel fuel lanes.

- 5. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification; Yes/No/N.A.**

The conditions could be applicable to a future petitioner of the M-1 Limited Manufacturing District if the petition is a corporation or franchisee with a prototypical building and/or the petition requires driveway access for regular use by incoming and outgoing semi-trucks.

- 6. The purpose of the variation is not based exclusively upon a desire to make more money out of the property; Yes/No/N.A.**

Speedway has indicated that designing a new building is cost prohibitive as the additional 400 square feet would not generate additional return on investment.

The driveway access was designed to provide a safe circulation plan.

- 7. The alleged difficulty or hardship has not been created by any person presently having an interest in the property; Yes/No/N.A.**

Speedway has an interest in the property and has designed the site according to Speedway's standards.

- 8. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; Yes/No/N.A.**

No. The Speedway project will enhance the public welfare as it will include signalization and intersection improvements at Christina Drive and Route 72.

- 9. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood. Yes/No/N.A.**

No. The driveway access variation and the proposed signalization and intersection improvements will enhance public safety.

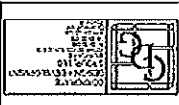
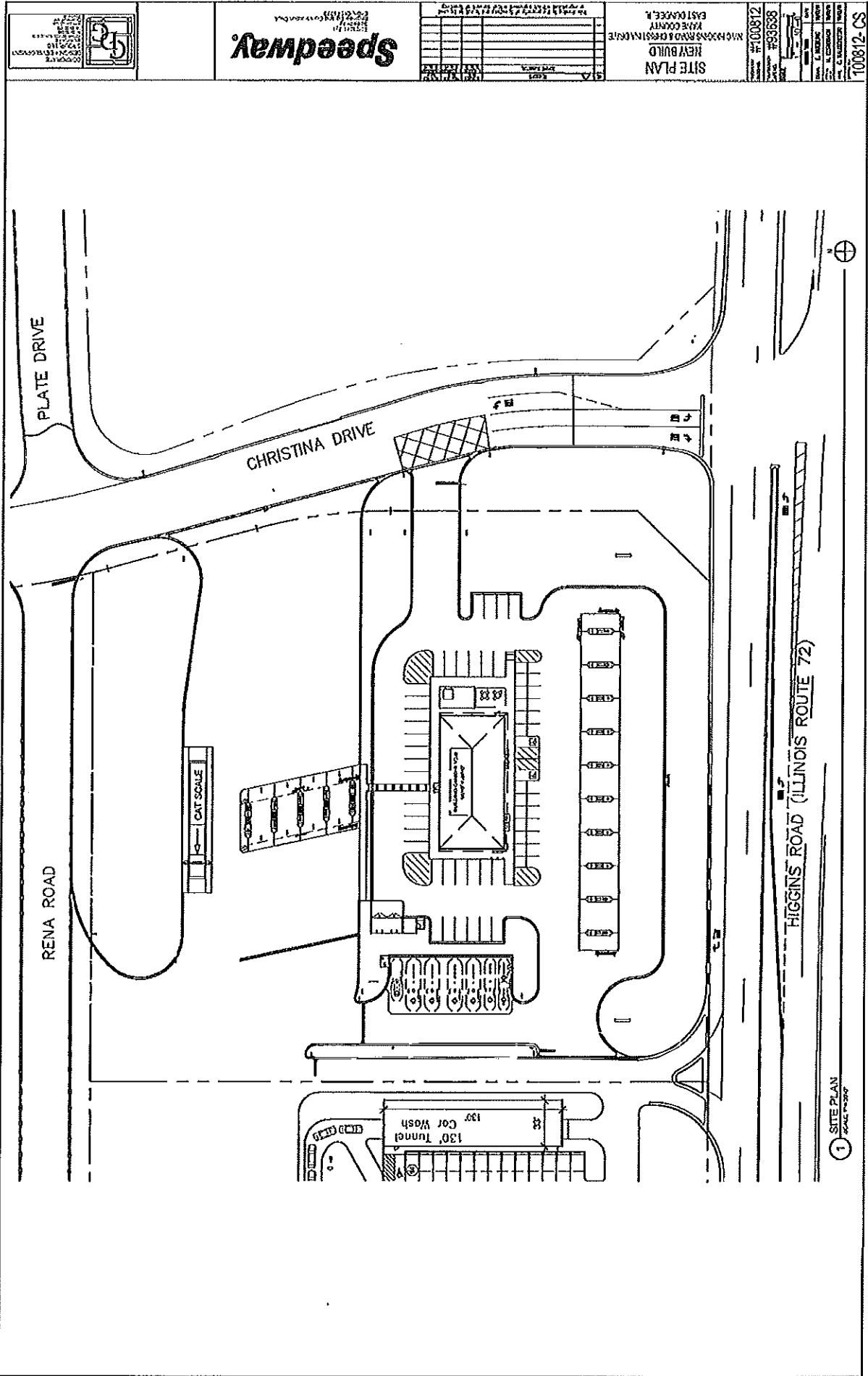
EXHIBIT B

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the Planning and Zoning Commission voted on the approval of these findings of fact and the requested variation(s) resulting in the following vote:

6 ayes 0 nays 3 absent 0 abstain

Date: 4/6/17 JOHN D BREWER
Planning and Zoning Commission Chairman

EXHIBIT C



STATE OF ILLINOIS
 CIVIL ENGINEER
 LICENSE NO. 123456789
 EXPIRES 12/31/2024

Speedway
 123456789
 123456789
 123456789

NO.	DATE	DESCRIPTION
1	12/31/2024	ISSUED FOR PERMIT
2	12/31/2024	ISSUED FOR PERMIT
3	12/31/2024	ISSUED FOR PERMIT
4	12/31/2024	ISSUED FOR PERMIT
5	12/31/2024	ISSUED FOR PERMIT
6	12/31/2024	ISSUED FOR PERMIT
7	12/31/2024	ISSUED FOR PERMIT
8	12/31/2024	ISSUED FOR PERMIT
9	12/31/2024	ISSUED FOR PERMIT
10	12/31/2024	ISSUED FOR PERMIT

SITE PLAN
 REVISED
 EAST DUNDEE, ILL.
 #00812
 #93638

1 SITE PLAN
 SCALE 1"=200'

100812-CS