

ORDINANCE 2022-03

AN ORDINANCE APPROVING: (1) REZONING TO ADD RETAIL CENTER USE AREA TO EXISTING SD SPECIAL DEVELOPMENT DISTRICT LIGHT INDUSTRIAL PARK USE AREA ZONING; (2) A SPECIAL USE FOR RETAIL GASOLINE SALES/ FUELING CENTER; (3) A SPECIAL USE FOR VEHICLE PARKING/STORAGE; (4) A VARIATION FOR PARKING SETBACK; AND (5) A PRELIMINARY PLAT OF SUBDIVISION FOR THE PURPOSE OF CONSTRUCTING A FUELING CENTER AND SEMI-TRUCK/-TRAILER PARKING/STORAGE ON AIRPORT ROAD WEST OF VOYAGEUR LANDING FOREST PRESERVE (PINs 03-35-300-011 and 03-35-300-012)

WHEREAS, The Village of West Dundee, Kane County, Illinois (the "Village") is a duly organized and validly existing home-rule municipality pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, The Village of West Dundee received a petition from Big Block Investments, LLC, requesting: (1) Rezoning to add Retail Center Use Area to existing SD Special Development District Light Industrial Park Use Area zoning; (2) a Special Use for retail gasoline sales/fueling center; (3) a Special Use for vehicle parking/storage; (4) a Zoning Variation for required parking setback; and, (5) a Preliminary Plat of Subdivision for the purpose of constructing a retail fueling center/convenience store with offices and vehicle (semi-truck/-trailer) parking and storage lot; and

WHEREAS, the subject site is legally described as:

Parcel 1: The West fraction of the Southwest fractional quarter of Section 35, Township 42 North, Range 8 East of the Third Principal Meridian, lying Northerly of the Northerly line of Parcel No. N-4D-671 being an easement acquired by the Illinois State Toll Highway Commissioner through proceedings filed in the Circuit Court of Kane County, Illinois, as Case No. 57-344, (except that part described as follows: Commencing at a point on the West Line of said Section 35, 73.9 feet North of the Southwest corner thereof, said point being on the North line of a permanent roadway easement acquired by the Illinois State Toll Highway Commissioner through proceedings filed in the Circuit Court of Kane County, Illinois, as Case No. 57-344; thence East along the North line of said permanent roadway easement, 932.65 feet for the point of beginning; thence North 15 degrees 00 minutes East 239.0 feet; thence North 7 degrees 49 minutes East 474.48 feet; thence North 6 degrees 52 minutes 20 seconds West 641.35 feet; thence North 40 degrees 11 minutes West 143.50 feet; thence North 5 degrees 18 minutes West 197.00 feet; thence North 21 degrees 20 minutes 40 seconds West 278.42 feet; thence North 11 degrees 28 minutes 40 seconds West 190.65 feet; thence North 78 degrees 31 minutes 20 seconds East 164.0 feet to the Westerly bank of the Fox River; thence Southerly along the meandering Westerly bank of the Fox River, 2225 feet to a point of intersection with the North line of the aforesaid permanent roadway easement; thence West along said North line of said permanent roadway easement, 384.25 feet to the point of beginning, and also excepting therefrom that part described as follows: Commencing at a point on the West line of said Southwest fractional quarter 73.9 feet North of the Southwest corner thereof, said point being on the North line of aforesaid Parcel No. N-4D-671; thence South 89 degrees 05 minutes East along the North line thereof 506.33 feet for a place of beginning; thence continuing South 89 degrees 05 minutes East 426.32 feet; thence North 15 degrees East 239.0 feet; thence North 07 degrees 49 minutes East 474.48 feet; thence North 06 degrees 52 minutes 20 seconds West 641.35 feet then North 40 degrees 11 minutes West 143.50 feet; thence North 05 degrees 18 minutes West 161.75 feet; thence North 90 degrees West 368.44 feet; thence South 0 degrees 1601.94 feet to the place of beginning), in the Township of Dundee, Kane County, Illinois. Containing 37.59 Acres more or less (PIN: 03-35-300-011) and

Parcel 2: That part of the SW fractional quarter of Section 35 Township 42 North Range 8 East of the Third Principal Meridian described as follows: Commencing at a point of the west line of said Southwest Fractional Quarter 73.9 feet North of the Southwest corner thereof, said point beginning on the North line of aforesaid parcel No. N-4D-671; thence South 89 degrees 05 minutes east along the north line thereof 506.33 feet for a place of beginning, thence continuing South 89 degrees 05 minutes East 426.33 feet; thence North 15 degrees East 239.0 feet, thence North 07 degrees 49 minutes East 474.48 feet, thence North 06 degrees 52 minutes 20 seconds West 641.35 feet, thence North 40 degrees 11 minutes West 143.50 feet; thence North 05 degrees 18 minutes West 161.74 feet, thence North 90 degrees West 368.44 feet; thence South 0 degrees 1601.94 feet to the place of beginning, in the Township of Dundee, Kane County, Illinois. (PIN: 03-35-300-012)

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on December 20, 2021 after due notice in the manner provided by law; and

WHEREAS, the West Dundee Planning and Zoning Commission, after deliberation, has made a report and recommended the granting of special use, zoning variations, and preliminary subdivision plat; and

WHEREAS, the Village Board has considered the findings of fact based upon the evidence presented at the public hearing by the petitioners to the West Dundee Planning and Zoning Commission.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1: That Rezoning to add Retail Center Use Area to existing SD Special Development District Light Industrial Park Use Area zoning is hereby approved; and

Section 2: That a Special Use for retail gasoline sales/fueling center is hereby granted; and

Section 3: That a Special Use for vehicle parking/storage (semi-truck/-trailer parking) is hereby granted; and

Section 4: That a Zoning Variation for parking setback from the required 10' to 5' from the east property line of Lot 2 as noted in the Preliminary Plat of Subdivision is hereby granted; and

Section 5: That the Preliminary Plat of Subdivision is hereby approved; and

Section 6: That all requirements set forth in the Zoning Ordinance of the Village of West Dundee, as would be required by any owner of property zoned in the same manner as the Subject Property shall be complied with, except as otherwise provided in this Ordinance.

Section 7: The findings and recommendations of the West Dundee Planning and Zoning Commission on the question of approving Rezoning to add Retail Center Use Area to existing SD Special Development District Light Industrial Park Use Area zoning, granting Special Uses for retail gasoline sales/fueling center and vehicle parking and storage (of semi-trucks/-trailers), granting a Zoning Variation for required parking setback, and approving a Preliminary Subdivision Plat for the Subject Property are hereby accepted and the requests are granted subject to the following

conditions for approval:

1. Compliance with documents including site plan as submitted with the Planning and Zoning Application; and,
2. Review and approval of engineering plans including developer responses to Village Engineer WBK Engineering's plan review letter dated December 16, 2021; and,
3. Mitigation of drainage impacts to adjacent properties with measures as determined and approved by the Village; and,
4. Compliance with all other applicable Village codes and ordinances.

Section 8: 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 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 10: That 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.


PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 7th day of February, 2022.

AYES: _____
NAYS: _____
ABSENT: _____

ATTEST:



Mary Jo Pape
Village Clerk



Christopher Nelson
Village President

Passed: _____
Approved: _____
Published: _____

Prepared by:
Village of West Dundee
Community Development Department
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