

ORDINANCE No. 2019-14

AN ORDINANCE APPROVING REZONING FROM FARMING (UNINCORPORATED) TO SDD SPECIAL DEVELOPMENT DISTRICT AND VARIATIONS FROM THE MINIMUM DEVELOPMENT PARCEL AREA OF THE APPLICABLE LAND USE AREAS OF THE SDD SPECIAL DEVELOPMENT DISTRICT

WHEREAS, The Village of West Dundee, Kane County, Illinois (the "Village"), is a home rule municipality pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois, and as such, may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, Kurt W. Anstaett, as Successor Trustee of the Eleanor Heuser Anstaett Declaration of Trust, dated January 14, 1997; Rosemary H. Bentley, as Trustee of the Bentley Family Trust, dated June 9, 1978; H. Frederick Heuser and Judith Surrige Heuser Revocable Living Trust under Trust Agreement dated January 14, 1995; and Richard R. Heuser, individually (collectively, the "Owners") filed a petition with the Village to consider upon annexation of the territory: (1) rezoning from Farming (Unincorporated) to SDD Special Development District and (2) variations from the minimum development parcel area standard of the applicable land use areas of the SDD Special Development District (office park, light industrial, single-family, and multi-family); and,

WHEREAS, the approximately 13-acre territory (the "Subject Property") is legally described as:

THAT PART OF THE NORTHEAST 1/4, SECTION 19, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5 IN THE FIRST ADDITION TO COUNTRY VIEW HIGHLANDS SUBDIVISION, RECORDED JULY 30, 1956 PER DOCUMENT 813223; THENCE NORTH 01 DEGREES 19 MINUTES 06 SECONDS WEST ALONG THE NORTHERLY EXTENSION OF SAID LOT 5, A DISTANCE OF 237.43 FEET TO A LINE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE NORTH 88 DEGREES 59 MINUTES 26 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 711.26 FEET TO A LINE PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE SOUTH 00 DEGREES 14 MINUTES 50 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 807.68 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF HIGGINS ROAD/IL ROUTE 72 AS DEDICATED PER DOCUMENT 339017; THENCE NORTH 89 DEGREES 35 MINUTES 11 SECONDS EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 151.04 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE AS WIDENED PER CONDEMNATION CASE 2011 ED 37; THENCE ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING 4 COURSES: 1) THENCE NORTH 00 DEGREES 25 MINUTES 43 SECONDS WEST, A DISTANCE OF 9.73 FEET; 2) THENCE NORTH 89 DEGREES 34 MINUTES 17 SECONDS EAST, A DISTANCE OF 350.02 FEET; 3) THENCE NORTH 00 DEGREES 25 MINUTES 43 SECONDS WEST, A DISTANCE OF 10.00 FEET; 4) THENCE NORTH 89 DEGREES 34 MINUTES 17 SECONDS EAST, A DISTANCE OF 224.50 FEET TO THE WEST LINE OF COUNTRY VIEW HIGHLANDS SUBDIVISION, RECORDED JANUARY 24, 1956 PER DOCUMENT 799543; THENCE NORTH 01 DEGREES 19 MINUTES 06 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 532.80 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS; and,

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on May 20, 2019 after due notice in the manner provided by law; and,

WHEREAS, the West Dundee Planning and Zoning Commission, after deliberation of the Developer's application, made findings of fact and a unanimous recommendation of approval that the granting of said rezoning and variations from the minimum development parcel standard of the SDD Special Development District for the Subject Property meets the requirements of the West Dundee Municipal Code; and,

WHEREAS, the Village President and Board of Trustees (the "Corporate Authorities") have considered the recommendations and findings of fact of the West Dundee Planning and Zoning Commission.

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

Section 1: The Property is hereby rezoned from Farming (Unincorporated) to SDD Special Development District; and

Section 2: The variations granting relief of an area of 6.826 acres from the 20-acre minimum development parcel area of the office park [Section 10-7-5-1C(1)], light industrial [Section 10-7-5-2C(1)], single-family [Section 10-7-5-5C(1)] and multi-family [Section 10-7-5-6C(1)] land use areas of the SDD Special Development District are hereby approved.

Section 3: That all requirements set forth in the Zoning Ordinance of the Village of West Dundee, shall be complied with, except as otherwise provided in this Ordinance.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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 22nd day of July, 2019.

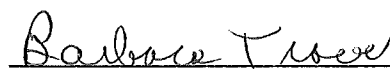
AYES: Trustees Price, Yuscka, Anderley, Wilbrandt and Kembitzky
NAYS: None
ABSENT: Trustee Hanley

APPROVED:



Christopher Nelson, Village President

ATTEST:


Barbara Traver, Village Clerk

Passed: July 22, 2019
Approved: July 22, 2019
Published: July 23, 2019

Prepared by:
Village of West Dundee
Community Development Department
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West Dundee, IL 60118