

ORDINANCE 2021-24

AN ORDINANCE ISSUING A SPECIAL USE PERMIT TO ALLOW A RESTAURANT WHERE ALCOHOLIC LIQUOR IS SERVED IN AN OUTDOOR AREA IN CONJUNCTION WITH FOOD SERVICE FOR THE PROPERTY COMMONLY KNOWN AS 629 SOUTH EIGHTH STREET (FAT KIDS BAR & GRILL)

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 of 1970 and, as such, may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, a petition signed by Sarah Oberg has been filed with the Village Clerk requesting that a special use permit to allow outdoor dining with alcohol service associated with the existing restaurant, and;

WHEREAS, the special use for outdoor dining with alcohol service is being requested for the property legally defined as follows:

THAT PART OF OUTLOT 2 OF DUNDEE HIGHLAND SUBDIVISION, UNIT NO. 8, BEING A SUBDIVISION OF PART OF SECTION 27, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHERLY MOST POINT OF SAID OUTLOT 2; THENCE SOUTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID OUTLOT 2, 150.0 FEET; THENCE SOUTHWESTERLY AT AN ANGLE OF 10 DEGREES 08 MINUTES MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE AND PARALLEL WITH THE WESTERLY LINE OF SAID OUTLOT 2 150.0 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE FOR A DISTANCE OF 94.0 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 207.0 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 222.04 FEET, TO A POINT IN THE WESTERLY LINE OF SAID OUTLOT 2; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE, BEING A CURVED LINE, CONVEX NORTHWESTERLY HAVING RADIUS OF 1008.96 FEET FOR A DISTANCE OF 197.87 FEET TO A POINT OF TANGENCY; THENCE CONTINUE NORTHEASTERLY ALONG THE SAID WESTERLY LINE OF OUTLOT 2, FOR A DISTANCE OF 39.36 FEET TO A POINT 150.0 FEET SOUTHWESTERLY OF THE POINT OF COMMENCEMENT; THENCE SOUTHEASTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF OUTLOT 2, AFORESAID, 150.0 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS (said property commonly known as 629 S. Eighth St.)

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on July 26, 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 the petitioner's request; and

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

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

Section 1: That a special use for outdoor dining with alcohol service associated with the existing restaurant use is hereby granted;

Section 2 : The Special Use granted in Section 1 of this Ordinance is conditioned on the following:

1. Compliance with documents as submitted with the Planning and Zoning application;
2. Compliance with all other applicable codes and ordinances; and,
3. Addition of Required Class E Liquor License (Outdoor Area)

Section 3: That the findings of fact of the Planning and Zoning Commission on the issuance of the special use permit is hereby accepted.

Section 4: 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 5: 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 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: That this Ordinance shall be in full force and effect upon its passage and approval, 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 16th day of August, 2021.

AYES: Trustees Price, Yuscka, Haley, Alopogianis, Anderley and Wilbrandt
NAYS: None
ABSENT: None
ABSTAIN: None



Christopher Nelson, Village President

ATTEST:


Kim Tibbetts, Deputy Village Clerk

Passed: August 16, 2021
Approved: August 20, 2021
Published: August 20, 2021

Prepared by:
Village of West Dundee
Community Development Department
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