

**ORDINANCE 14-19**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR  
AUTOMOTIVE SERVICES AND ACCESSORY STORAGE  
FOR PROPERTY LOCATED AT 862-890 WEST MAIN STREET,  
WEST DUNDEE, IL (U-Haul)**

WHEREAS, The Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 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, a petition signed by Heather Skelton of U-Haul has been filed with the Village of West Dundee requesting a special use permit for automotive services and accessory storage in the B-2 Regional Business District; and

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on June 23, 2014, 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 said special use permit; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence presented at the public hearing, 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 is hereby granted allowing automotive services on the following described parcel of property.

PARCEL 1 LOTS 1 AND 3 IN SPRING HILL FASHION CORNER, BEING A RESUBDIVISION OF LOTS 5, 6, 7, 8 AND 9 OF THE PLAT OF SPRING HILL SOUTHEAST AND UNSUBDIVIDED LANDS IN THE SOUTHWEST ¼ OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 21, 1984 AS DOCUMENT NO. 1702859 IN KANE COUNTY, ILLINOIS, AND

PARCEL 2 EASEMENT CREATING A MEANS OF DRAINAGE OF SURFACE WATER FOR THE BENEFIT OF PARCEL ONE AS SET FORTH IN EASEMENT AGREEMENT DATED OCTOBER 26, 1984 AND RECORDED OCTOBER 30, 1984 AS DOCUMENT NO. 1700606 GRANTED BY HOMART DEVELOPMENT CO., A DELAWARE CORPORATION IN FAVOR OF SPRING HILL ASSOCIATES, AND OHIO GENERAL PARTNERSHIP OVER THE STORM DRAINAGE ROUTING DESCRIBED AS FOLLOWS: BEGINNING AT A

POINT, DEFINED AS THE INTERSECTION OF THE CENTERLINE OF ENTRANCE ROAD B OF SPRING HILL MALL AND THE NORTHERN R.O.W. LINE OF STATE HIGHWAY 72; THENCE NORTHERLY ALONG SAID CENTERLINE OF ENTRANCE ROAD B, A DISTANCE OF 260.00 FEET TO A POINT; THENCE EASTERLY 40.00 FEET TO AN EXISTING STORM SEWER MANHOLE; THENCE EAST 17.00 FEET ALONG A 36 INCH CMP TO THE WEST PROPERTY LINE OF LOT NUMBER 9 OF SPRING HILL SOUTHEAST SUBDIVISION, TO THE TRUE POINT OF BEGINNING; THENCE WEST 17.00 FEET ALONG THE 30 INCH CMP TO THE AFOREMENTIONED STORM SEWER MANHOLE; THENCE WESTERLY 162.00 FEET ALONG AN EXISTING 36 CMP TO AN OUTFALL STRUCTURE IN THE SPRING HILL MALL DETENTION POND; THENCE TO THE AFOREMENTIONED DETENTION POND, AND

PARCEL 3 ACCESS EASEMENT OVER, ACROSS AND UPON THAT PORTION OF THE SOUTHWEST ¼ SECTION OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN KNOWN AS "RING ROAD" AS DESCRIBED AS DELINEATED ON EXHIBIT "B" ATTACHED TO AND FORMING A PART OF THE OPERATING AGREEMENT RECORDED APRIL 27, 1981 AS DOCUMENT NO. 1575014, IN THE OFFICE OF THE RECORDER OF DEEDS, IN KANE COUNTY, ILLINOIS, AND

PARCEL 4 EASEMENT FOR PARKING AND INGRESS AND EGRESS ON, OVER AND THROUGH LOTS 1, 2, 3, AND 4 OF SPRING HILL FASHION CORNER, AS MORE FULLY DESCRIBED IN PARCEL ONE ABOVE, AS CREATED BY DECLARATION OF COMMON AREA INGRESS-EGRESS AND PARKING EASEMENT RECORDED ON OCTOBER 30, 1984 AS DOCUMENT NO. 1700608, AND AMENDED BY AMENDMENT NO. 1 TO DECLARATION OF COMMON AREA, INGRESS-EGRESS AND PARKING EASEMENT RECORDED FEBRUARY 14, 1986 AS DOCUMENT 1758891 AND AMENDED BY DOCUMENT 1782042 RECORDED MARCH 13, 1986 IN THE OFFICE OF THE RECORDER OF DEEDS, IN KANE COUNTY, ILLINOIS (said property commonly known as SPRING HILL GATEWAY WEST 830-890 Main Street, West Dundee, IL).

Section 2: 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 3: The findings and recommendations of the Planning and Zoning Commission on the issuance of the special use permit for the Subject Property are hereby accepted and the special use is granted subject to the following conditions for approval:

1. Compliance with the applicant's statement and site plans submitted with the application.
2. Approval of exterior elevation and signage changes by Appearance Review Commission.
3. Compliance with all other applicable codes and ordinances.

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

Section 6 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.

AYES: Trustees Hanley, Yuscka, Pflanz, Wilbrandt, Kembitzky and Price

NAYS: None

ABSENT: None

Christopher Nelson




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Village President

ATTEST:

Barbara Traver

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Village Clerk

Passed: July 14, 2014

Approved: July 14, 2014

Published: July 14, 2014

Prepared by:  
Village of West Dundee  
100 Carrington Drive  
West Dundee, IL 60118