

ORDINANCE 18-11

**AN ORDINANCE GRANTING A SPECIAL USE FOR RETAIL GASOLINE SALES AND
A ZONING VARIATION FOR RELIEF FROM THE REQUIRED SETBACK OF AN
ACCESSORY STRUCTURE FOR THE PROPOSED CASEY'S GENERAL STORE
LOCATED AT 700 SOUTH EIGHTH STREET
WEST DUNDEE, ILLINOIS**

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, The Village of West Dundee has been requested by a petition signed by Arc Design Resources representing Casey's Retail Company, requesting: (1) a special use for retail gasoline sales and (2) a zoning variation from the required setback of an accessory structure for the proposed Casey's General Store; and

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on April 23, 2018 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 and zoning variation; 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 special use for retail gasoline sales and zoning variation granting relief from Section 10-5D-5: ACCESSORY BUILDINGS related to required setback of an accessory structure for Casey's General Store are hereby granted for the property located at 700 South Eighth Street, West Dundee, IL 60118, legally described as:

LOT 1 OF ROSE WEST DUNDEE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 28, 2003 AS DOCUMENT 2003K088638, IN KANE COUNTY, ILLINOIS.

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 West Dundee Planning and Zoning

Commission on the question of granting the special use for the Subject Property are hereby accepted and the special use is 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; and,
3. Compliance with all other applicable Village codes and ordinances.
4. Installation of measures to prevent run-off into the canopy area.
5. Addition of procedures to their spill manual to require pumping out of catch basins to remove fuel captured in the event of a spill.
6. Addition of bio-skirts or similar to absorb fuels and other contaminants.

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.

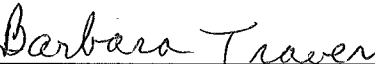
PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 7th day of May, 2018.


AYES: Price, Yuscka, Anderley, Wilbrandt and Kemitzky

NAYS: None

ABSENT: Trustee Hanley

ATTEST:


Barbara Traver
Village Clerk


Christopher Nelson
Village President

Passed: May 7, 2018

Approved: May 7, 2018

Published: May 8, 2018

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