

ORDINANCE NUMBER 08 - 74

ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE VILLAGE, PUD AND PRELIMINARY PLAN APPROVAL FOR CERTAIN PROPERTY LOCATED NORTH OF ROUTE 72, EAST OF ROUTE 25

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, on March 9, 2007, applicant submitted a request to the Village, under petition number P/Z 07-04-02 for rezoning, an amendment to the comprehensive plan of the Village, PUD and Preliminary Plan approval, and for approval of its Preliminary Plat of Subdivision for certain property located north of Route 72, east of Route 25; and

WHEREAS, the Planning and Zoning commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the East Dundee Code of Ordinances, Chapter 156.05(B)(3) held a hearing on April 12, 2007, on Petition No. P/Z 07-04-02; and

WHEREAS, following the publication of the Finding of Fact, recommendations from the Commission, the Village Board, on December 18, 2007, did approve a series of ordinances, including:

07-50: Ordinance Granting Request for Re-Zoning for the Property Generally Known as the 119.0 Acre Property Located on the North Side of Route 72, East of Route 25 in the Village of East Dundee, Illinois;

07-51: Ordinance Granting Approval of a Planned Unit Development/ Preliminary Development Plan for the Property Generally Known as the 119.0 Acre Property Located on the North Side of Route 72, East of Route 25, in the Village of East Dundee, Illinois;

07-52: Ordinance Granting Approval of an Amendment to the Text of the Future Land Use Plan and the Text and Map of the Eastern Growth Specific Area Plan of the Village of East Dundee, Illinois;

07-53: Ordinance Approving the Final Engineering Plans and Preliminary Plat for the Terra Business Park at Dundee Crossings, East Dundee, Illinois.

All of these ordinances(together with the Report of Finds of Fact and Recommendation adopted on March 10, 2008) are incorporated herein by reference; and

WHEREAS, the Village feels it would be beneficial to incorporate into one document all of the salient facts and decisions as contained in the above referenced ordinances and findings of fact.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. Comprehensive Plan.

Recommended Land Use for Development Area A (page 49), which presently reads:

“Development Area A” represents the majority of the undeveloped land in the eastern portion of the Eastern Growth Area (EGA) north of Route 72. At du/acres, this 105 acre area will produce roughly 340 dwelling units, the greatest number within the EGA. The location of this Development Area represents an attempt to maximize the locational benefit of the lake as an amenity, while relating to the surrounding land uses.

To be amended as follows:

Recommended as Planned Development Residential, that portion of "Development Area A" generally located to the north of the Township Cemetery represents an opportunity for development as single family residential.

Recommended Land Use for Development Area H (page 50), which presently reads:

"This 28 acre site, located just south of the lake, can be expected to yield roughly 225 dwelling unites. This development area also enjoys quick access to the lakes, parks and elementary school, and provides transition between the higher intensity industrial uses to the east and the single family residential uses to the west."

To be amended to read as follows:

This site, generally located to the south of the lake, may be expected to yield dwelling units. This development area also potentially enjoys access to lakes, parks and elementary schools, and provides transition from the higher industrial and business uses to the south and southwest.

Recommended Modification to Conservation Area (page 52), which presently reads:

"This plan calls for the conservation and improvement of over 32 acres of park space that will surround the lake. This open space should be tied to bicycle trails though greenways, and safe on-street routes."

To be amended to read as follows:

This plan calls for conservation and improvement of substantial acreage that will surround the lake. This area will not extend toward the higher industrial and business uses to the south, and will be utilized primarily by the neighboring residential communities.

Deletion of Development Area K (page 51), which presently reads:

"Located east of the Dundee Township Cemetery and north of Route 72, this 17 acre site has the potential to yield as much as 180,700 square feet of commercial space. This scale is equivalent to that of a typical big box (such as Wal-Mart). However, the site is better suited for a series of smaller clusters of commercial office uses."

Creation of new Development Area T, consisting of approximately 119 acres, located north of Higgins Road (otherwise known as Route 72 or Main Street) to the east of Dundee Avenue (otherwise known as Route 215) to the south of Dundee Road (otherwise known as Route 68) and encompassing the existing road, all within the Village of East Dundee, Illinois. Suggested land use to read as follows:

This approximately 119 acre site will be developed with a multitude of business, industrial, retail or similar uses. This site will utilize the existing traffic pattern along Illinois Route 72.

Section Two. Re-Zoning. The subject property, as indicated in the applicant's petition for P/Z Case No. 07-04-02, is, pursuant to the above referenced ordinances, re-zoned from R-1 Single Family Residential and B-2 Commercial to **M-1 Limited Manufacturing**.

Section Three. Modifications. In accordance with Section 157.241(E), the following modifications to the standards shall be permitted:

- (1) *USE MODIFICATIONS:* A full range of light industrial and commercial uses is permitted throughout the property. This includes most all uses permitted in the M-1 and B-2 districts, as well as others from B-4 including without limitation, (a) a Motor Truck Terminal; (b) Gas Station & Retail; and (c) Automotive Retail and Service.
- (2) *PERMITTED USES ALONG IL HIGHWAY 72 FRONTAGE:* The 300-foot deep strip along IL Highway 72 restricted to those uses permitted in the B-2 district for a period of three years beginning on December 18, 2007 (i.e. the date the above-referenced ordinances were adopted by the Village). Beginning on December 18, 2010, permitted uses of the 300-foot strip shall include B-2 uses described herein and all uses authorized within the M-1 Limited Manufacturing District as well as other uses including without limitation, (a) a Motor Truck Terminal; (b) Gas Station & Retail; and (c) Automotive Retail and Service.
- (3) *BUILDING SETBACKS:* A 40-foot minimum front yard setback and a 20-foot minimum setback on the sides and rear of lots within the subdivision.

- (4) *PARKING SETBACK*: Parking is permitted in the required front yard setback within a setback of ten feet.
- (5) *BUSINESS DISTRICT SIGNAGE*: The signage standards that are applicable to business districts (as provided in the East Dundee Code of Ordinances, Chapter 156) shall apply to all lots within the subdivision regardless of use.
- (6) *FREESTANDING SIGNAGE*: The standards for freestanding signs included in Ordinance 06-46 shall apply to all lots within the subdivision with the exception that electronic signs shall be prohibited except as permitted in said ordinance.

Section Four. Utilities, Landscape and Open Space. In accordance with East Dundee Code of Ordinances, Chapter 157.246, the following variations to the standards shall be permitted:

- (1) *LOCATION OF UTILITIES* (Chapter 157.240(F)(3)): All utility connections are permitted (including electric, telephone, gas and cable) to lots and buildings located east of Christina Drive, to be installed above-ground in lieu of the requirement that all such overhead connections shall be made in the rear (east side) of said lots and buildings.
- (2) *LANDSCAPE COVERAGE* (Chapter 157.240(I)(9)): The landscape standards of East Dundee Code of Ordinances Chapter 158.04(D) shall apply to all lots within the subdivision.
- (3) *MINIMUM OPEN SPACES AREA* (Chapter 157.240(J)(2)): The minimum open space area for the Subject Property is to be reduced to 5%.
- (4) *TRASH RECEPTACLES AND STORAGE FACILITIES*. Applicant's requested variation with regard to Section 157.240(f)(5) (as detailed in Section 8.1(d) of Applicant's Development Binder is hereby granted. Applicant shall be permitted to screen trash receptacles and storage facilities with landscaping as opposed to masonry structures. Trash receptacles, vehicle storage or storage of materials and containers shall be located only in rear or interior side yards. Where visible from residential

areas or public rights of way, landscaping shall be in accordance with 158.05 (D).

- (5) *MECHANICAL EQUIPMENT, REFUSE CONTAINERS.* Applicant's requested variation with regard to Section 157.240(I)(2) (as detailed in Section 8.1(e) of Applicant's Development Binder) is hereby granted. Applicant shall be permitted to install appropriate screening for mechanical equipment and refuse containers located on the ground utilizing landscaping materials (as opposed to masonry or building materials similar to the building façade). The Applicant shall further be permitted to place mechanical equipment on the side of the building, to the rear of the building or alternatively on the roof of the building.
- (6) *LOADING AREAS.* Applicant's requested variation with regard to Section 157.240(I)(5) (as detailed in Section 8.1(f) of Applicant's Development Binder) is hereby granted. Applicant shall be permitted to install appropriate screening utilizing landscaping as opposed to masonry or building materials similar to the building façade. Loading areas shall be screened from surrounding roads, residential, office and commercial properties. Said screening may be through internal loading areas, screening walls that match the building exterior in materials and design, landscaping in accordance with 158.04 (D), or combination of the above. Gates and fencing may be used for security purposes, and shall be of high aesthetic quality.
- (7) *PARKING LOT ISLANDS.* Applicant's requested variation with regard to Section 157.240(I)(7) (as detailed in Section 8.1(g) of Applicant's Development Binder) is hereby granted. Parking lot design shall employ interior landscaped islands with a minimum of four hundred (400) square feet areas at all parking aisle ends and in addition, shall provide a minimum of one landscaped island of a minimum of four hundred (400) square feet in each parking aisle for every forty (40) cars in that aisle. Aisle end islands shall count toward meeting this requirement. Landscaped

medians shall be used to break large parking areas into distinct pods, with a maximum of two hundred (200) spaces in any one pod.

Section Five. Use Variances. In addition to the uses as contained in the Village's M-1 Limited Manufacturing District, the following additional uses shall be permitted:

- (1) B-2 Uses
- (2) Motor Truck Terminals
- (3) Gas Station and Retail
- (4) Automotive Retail and Services

Section Six. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Seven. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Eight. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 17th day of Nov, 2008 pursuant to a roll call vote as follows:

AYES: Ruffalo, Gorman, Lynam, Cichowski,

Mahony, Pres. O'Leary

NAYES: _____


ABSENT: _____

Approved by me this 17th day of Nov, 2008.

Daniel O'Leary
DANIEL O'LEARY, President

Published in pamphlet form this 19th day of Nov, 2008, under the authority of the President and Board of Trustees.

ATTEST:


SUSAN NORTON, Village Clerk

Recorded in the Village Records on Nov. 19, 2008.

