

ORDINANCE NUMBER 23 - 53

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK
AND KANE COUNTIES, ILLINOIS GRANTING A SPECIAL USE PERMIT FOR A
RESTAURANT WITH LIVE ENTERTAINMENT FOR THE PROPERTY LOCATED AT
311 BARRINGTON AVENUE, EAST DUNDEE, IL 60118 PIN 03-23-304-015,
LOCATED IN THE B-1 DOWNTOWN BUSINESS DISTRICT
(DUNDEE COBBS, INC. - DC COBB'S)**

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to Section 157.224 of the Village of East Dundee Zoning Ordinance ("Zoning Ordinance") and the Village's home rule authority, the Village President and Board of Trustees of the Village ("Corporate Authorities") may provide for and allow the classification of special uses in its zoning districts; and

WHEREAS, pursuant to the Zoning Ordinance, any person owning or having an interest in property may file an application to use such property for one or more of the special uses provided for in the zoning district in which the land is situated; and

WHEREAS, Dundee Cobbs, Inc./McHenry Cobbs, Inc. ("Applicant") operates the restaurant D.C. Cobb's East Dundee on the property located at 311 Barrington Avenue, East Dundee, IL 60118 ("Property"); and

WHEREAS, Applicant filed an application ("Application") with the Village seeking a special use permit to operate a restaurant with live entertainment at the Property, as more fully described in the Application; and

WHEREAS, public notice of a public hearing was published in the Northwest Suburbs and Fox Valley Daily Heralds on October 18, 2023 regarding the Application before the Village's Planning and Zoning Commission was duly given, and a public hearing was held on the Application on November 2, 2023; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.224 of the Zoning Ordinance for a special use permit and recommended approval of the Application, and related findings of fact; and

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission's findings of fact and recommendations on the Application, and find it to be in the best interests of the health, safety and welfare of its residents to approve the requested special use for a restaurant with live entertainment on the Property, subject to the conditions contained within Section 3 of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

SECTION 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Approval of Special Use Permit. The Corporate Authorities hereby approve the Application and grant a special use permit for the Property (as depicted in Exhibit A) legally described as:

PIN 03-23-304-015

LEGAL DESCRIPTION –The legal description for the Property is attached hereto and incorporated herewith as **Exhibit A**;

Commonly known as 311 Barrington Avenue, East Dundee, Illinois 60118 for a restaurant with live entertainment.

SECTION 3: Conditions of Approval. That the special use permit granted herein shall be constructed, operated and maintained in accordance with any plans and diagrams submitted as part of the Application, and shall be subject to the following terms and conditions:

1. The Property must comply with the requirements of Section 93.11(D) of the Village Code, unless granted approval from village administrator or village board for permission to end the live entertainment at midnight on Friday and Saturday no more than one time per month.
2. The Property must not receive more than three noise ordinance citations within a 12-month period.
3. The Property must comply with all applicable requirements of the Village Code, including without limitation all fire and building codes and standards.

SECTION 4: Failure to Comply with Conditions. The failure of Applicant, or its successors or assigns, to comply with one or more of the conditions listed in Section 3 above shall be grounds for the potential revocation of the Special Use Permit. Upon notice, a hearing will be held. The notice will provide Applicant 14 days in which to respond and answer. A hearing will be held no sooner than 30 days after the service of the notice.

SECTION 5: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 7: Effect. That this Ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

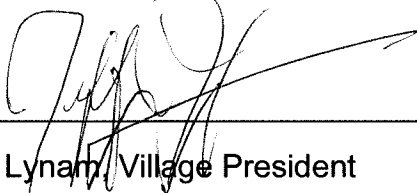
PASSED this 4th day of December 2023 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin and Saviano

NAYES: None

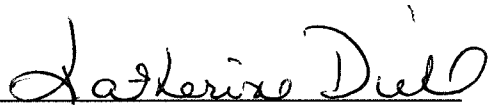
ABSENT: Treiber and Sauder

APPROVED by me this 4th day of December 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 4th day of December 2023, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on December 7, 2023.

The Applicant acknowledges hereby the reasonableness of the above and foregoing terms and conditions in the Ordinance, and hereby accepts the same.

By: _____
Applicant

Date: __, 2023

EXHIBIT A

LEGAL DESCRIPTION

LOT 1 OF PLAT OF SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED MARCH 27, 2017 AS DOCUMENT NUMBER 2017K015223, IN KANE COUNTY, EAST DUNDEE, ILLINOIS