

ORDINANCE NO. 2019 - O - 43

*An Ordinance Denying an Amendment to the
2005 Esplanade Phase 1 Planned Unit Development to
Re-zone from B-2, Business PUD to R-5, Multi-Family PUD
Property Commonly Known as Lots 1 and 2 of Esplanade 2nd Resubdivision*

WHEREAS, Synergy Property Holdings, LLC (“Petitioner”), as owner and applicant, filed a petition with the Village of Algonquin (“Village”) requesting an amendment to the 2005 Esplanade Phase 1 Planned Unit Development to re-zone from B-2, Business PUD to R-5, Multi-Family PUD (“Submittal”) for property commonly known as Lots 1 and 2 of Esplanade Second Resubdivision (“Property”) located at 2330 and 2500 Esplanade Drive; and

WHEREAS, on November 11, 2019, a public hearing was held by the Algonquin Planning and Zoning Commission, after due notice in the manner provided by law, and reviewed the Submittals for the Property; and

WHEREAS, after deliberation the Algonquin Planning and Zoning Commission has made a recommendation to the President and Board of Trustees of the Village, by a vote of 5-2 to approve the re-zoning request; and

WHEREAS, the President and Board of Trustees have considered the Petitioner’s Submittal, and Planning and Zoning Commission recommendation, and determined the Submittal is not in compliance with the Village Ordinances, including its Comprehensive Plan and Algonquin Business Park Plan; and

WHEREAS, the Village of Algonquin, McHenry and Kane counties, 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.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane counties, Illinois, as follows:

SECTION 1: The amendment to the 2005 Esplanade Phase 1 Planned Unit Development to re-zone the subject property to R-5, Multi-Family PUD submitted by the Petitioner is hereby denied.

SECTION 2: The findings of fact, as delineated below, are hereby accepted and adopted as the Village Board’s findings. Those findings of fact are:

1. The existing B-2, Business PUD commercial zoning is appropriate and desirable in this location, and compatible both with the Comprehensive Plan designation for Business Park, 1998 Algonquin Corporate Campus Master Plan designation for commercial office, as well as existing surrounding commercial uses.
2. The existing zoning and allowable uses on the site are not detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values. Development of the subject property to include commercial business uses would be most appropriate given similar commercial zoning of adjacent properties on all four sides of the parcels in question.

3. The existing B-2, Business zoning of the subject property which includes a Special Use Permit for the construction of residential units above commercial uses is complementary to actual development patterns existing to the north and east, as well as commercially zoned land available for development directly to the south and west.
4. The subject property is not appropriate for solely residential development as parcels immediately adjacent are all currently developed for commercial purposes or have a zoning designation stipulating future development as commercial or mixed-use with commercial component.
5. The proposed amendment to re-zone the property would not serve a unique or unmet need in the community as there exist elsewhere in the Village other properties similarly developed or zoned for multi-family residential and senior housing.
6. The current B-2, Business PUD zoning was established prior to the Petitioner taking ownership of the subject property, and the Village has not imposed any new or particular hardships on the current owner. Residential units in fact would be allowed to be constructed on the subject property above commercial uses, pursuant to a Special Use Permit that was granted as part of the Village's 2005 Esplanade Phase 1 PUD approval ordinance.

SECTION 3: 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 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: 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.


Voting Aye: Steigert, Jasper, Glogowski, Sosine, Brehmer, Spella

Voting Nay: None

Abstain: None

Absent: None

APPROVED:


 Village President John C. Schmitt

(SEAL)

ATTEST: 
 Village Clerk Gerald S. Kautz

by: 
 Michelle Weber, Deputy Village Clerk

Passed: December 17, 2019

Approved: December 17, 2019

Published: December 18, 2019