

CERTIFICATION

I, Kelly Mastera, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

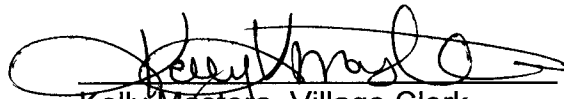
I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 5th day of October, 2021, the foregoing Ordinance entitled, **AN ORDINANCE AMENDING TITLE 16 OF THE "CARPENTERSVILLE MUNICIPAL CODE" REGARDING C-2 GENERAL COMMERCIAL ZONING DISTRICT PERMITTED USES AND SUPPLEMENTAL STANDARDS, AND GRANTING A VARIATION FOR SUBDIVIDED LOTS THAT DO NOT ABUT A PUBLIC STREET AND APPROVING PRELIMINARY AND FINAL PLAT OF SUBDIVISION**, as duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 21-32, including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 26th day of October, 2021, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this 26th day of October, 2021.




Kelly Mastera, Village Clerk
Village of Carpentersville,
Kane County, Illinois



ORDINANCE NO. 21 - 32

**An Ordinance Amending Title 16 of the “Carpentersville Municipal Code”
Regarding C-2 General Commercial Zoning District Permitted Uses and
Supplemental Standards, and Granting a Variation for Subdivided Lots that Do
Not Abut a Public Street and Approving Preliminary and Final Plat of Subdivision
(2411 Randall Road)**

WHEREAS, the "Zoning Ordinance of the Village of Carpentersville," as amended ("**Zoning Ordinance**"), sets forth zoning and land use regulations applicable in the Village of Carpentersville; and

WHEREAS, Subsection 16.16.020.B of the Zoning Ordinance regulates the permitted uses within the C-2 General Commercial District ("**C-2**") in the Village and Subsection 16.16.040 regulates the supplemental review standards that are applicable to Commercial Zoning Districts; and

WHEREAS, Carpentersville Self-Storage LLC ("**Applicant**") has submitted an application to both amend Subsection 16.16.020.B of the Zoning Ordinance to include Commercial storage facility as a permitted use in the C-2 district, and to amend Subsection 16.16.040 to include applicable supplemental review standards for a Commercial storage facility in the C-2 district (collectively the "**Proposed Amendments**"); and

WHEREAS, in connection with the Proposed Amendments, the Applicant is the contract purchaser of that certain property in the Village consisting of approximately 6.1919 acres, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance (the "**Property**"); and

WHEREAS, the Applicant has submitted an application requesting a variation from the requirement in Section 17.20.050.C of the Village Code that all lots have frontage abutting a publicly-dedicated street ("**Requested Variation**"); and

WHEREAS, in connection with the Requested Variation, the Applicant desires to subdivide the Property into multiple lots, as depicted on that certain plat titled "Preliminary and Final Plat 2411 Randall Carpentersville Subdivision", prepared by Northwestern Engineering Consultants, P.C. of two sheets and with a date of August 3, 2021, attached to and, by this reference, made a part of this Ordinance as **Exhibit B** ("**Final Plat**"); and

WHEREAS, in connection with the Requested Variation, the Applicant desires to remodel the existing building on the Property for a commercial storage facility as depicted on that certain drawing titled "Proposed Front Elevation", prepared by Architects' Studio with a date of August 30, 2021, attached to and, by this reference, made a part of this Ordinance as **Exhibit C** ("**Elevation Plan**"); and

WHEREAS, pursuant to Sections 2.52.040.G of the Village Code, a public hearing of the Planning and Zoning Commission of the Village of Carpentersville ("**PZC**") to consider approval of the Proposed Amendments, Requested Variation, and Final Plat was duly advertised in the Daily Herald on September 1, 2021, and was held on September 16, 2021; and

WHEREAS, on September 16, 2021, the PZC voted (4 aye, 0 nay, 3 absent) to approve a recommendation to the President and Board of Trustees in support of the Proposed Amendments, Requested Variation, and Final Plat; and

WHEREAS, the President and Board of Trustees have considered the Proposed Amendments, Requested Variation, and Final Plat and the recommendation of the PZC, and have determined that adoption of the Proposed Amendments, Requested Variation, and Final Plat as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents, pursuant to the Village Code, statute, and home rule authority; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

SECTION 1: RECITALS.

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 2: C-2 GENERAL COMMERCIAL DISTRICT

Portions of Section 16.16.020 titled "C-2 General Commercial District" of the Zoning Ordinance are hereby amended to read as follows (**Additions are bold and double underlined**; ~~deletions are struck through~~):

"16.16.020 – C-2 General Commercial District.

A. Intent and Purpose. Commercial districts are adopted to protect the character and maintain the stability of the commercial areas of the village. The C-2 district is established principally for the more widely used commercial areas along major streets and highways.

B. Permitted Uses. The following uses are permitted within the C-2 district:

* * *

28. Commercial storage facility, subject to all applicable supplemental review standards for a commercial storage facility in the C-2 district as provided in Section 16.16.040;

* * *

Portions of Section 16.16.040, titled "Supplemental Review Standards" of the Zoning Ordinance are hereby amended to read as follows (**Additions are bold and double underlined**; deletions are struck through):

"16.16.040 - Supplemental review standards.

A-1. Supplemental review standards for a commercial storage facility as an accessory use in the C-2-A district:

* * *

A-2. Supplemental review standards for a commercial storage facility in the C-2 district:

1. **The commercial storage facility use shall be established as part of, and concurrent with, a multiple-lot subdivision of land, each parcel of which is a minimum of 1.25 acres in size.**
2. **The commercial storage facility use shall be conducted entirely within one fully enclosed building.**
3. **The floor area of each separate storage area (unit) within the commercial storage facility shall be no greater than 400 square feet.**
4. **The commercial storage facility shall occupy one hundred percent (100%) of a 65,000 square foot or greater size commercial building that has been vacant for greater than nine (9) years.**
5. **The storage facility component shall be required to have automatic fire suppression (sprinkler) system(s) and smoke detection system(s) installed that provide necessary and appropriate fire suppression to the satisfaction of the Fire Department and designed in accordance with the codes and standards of the NFPA 13 (National Fire Protection Association, Inc.), 1999 Edition, or the edition currently adopted by the village.**
6. **The commercial storage facility use shall not allow for the storage of any "hazardous materials" listed in Title 8 and Title 15 of the Carpentersville Municipal Code.**

* * *

SECTION 3: APPROVAL OF VARIATION.

In accordance with and pursuant to Section 2.52.040.D of the Village Code, the Village President and Board of Trustees hereby grant a variation from Section

17.20.050.C of the Village Code that the lots as part of the 2411 Randall Carpentersville Subdivision shall be required to have frontage abutting a publicly-dedicated street.

SECTION 4: APPROVAL OF FINAL PLAT OF SUBDIVISION.

Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, and in accordance with and pursuant to Title 17 of the Village Code, the President and Board of Trustees hereby approve the Final Plat.

SECTION 5: CONDITION.

The approval granted in Section 4 of this Ordinance is conditioned upon the following: the Final Plat must comply with all applicable provisions of Title 17 of the Village Code, and is subject to final approval by the Village Engineer.

SECTION 6: EXECUTION OF PLAT.

Upon satisfaction of the condition set forth in Section 5 of this Ordinance, the Village President and the Village Clerk are hereby authorized and directed to execute and seal, on behalf of the Village, the Final Plat.

SECTION 7: RECORDATION OF THE PLAT.

Upon execution of the Final Plat by the Village President and the Village Clerk, as provided in Section 6 of this Ordinance, the Village Clerk is directed to cause the Final Plat and this Ordinance to be recorded in the office of the Kane County Recorder.

SECTION 8: SEVERABILITY.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 9: EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
 - 1. Passage by the President and Board of Trustees in the manner required by law;
 - 2. Publication in pamphlet form in the manner required by law; and
 - 3. The filing by the Owner with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit D attached to and,

by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

- B. In the event that the Owner does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 10.A.3 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

Motion made by Trustee Garcia, seconded by Trustee Frost, that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 5th day of October, 2021, pursuant to a roll call vote as follows:

| | Ayes | Nays | Absent | Abstain |
|-------------------------|-------------------|-------------------|-------------------|-------------------|
| Trustee John O'Sullivan | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Jeff Frost | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Maria Vela | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Jim Malone | <u> </u> | <u>X</u> | <u> </u> | <u> </u> |
| Trustee Humberto Garcia | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Brenda Sandoval | <u> </u> | <u> </u> | <u>X</u> | <u> </u> |
| President John Skillman | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |

[SIGNATURE PAGE TO FOLLOW]

APPROVED by me this 5TH day of October, 2021.




John Skillman, Village President

ATTEST:

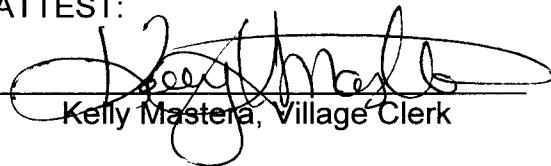

Kelly Mastera, Village Clerk



EXHIBIT A

LEGAL DESCRIPTION

LOT 2 IN PRAIRIE MEADOWS SHOPPING CENTER, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, ALL IN TOWNSHIP 42 NORTH RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 2000 AS DOCUMENT NO. 2000K084085, IN THE VILLAGE OF CARPENTERSVILLE, KANE COUNTY, ILLINOIS.

PINS: 03-08-351-005 & 03-17-101-005

EXHIBIT B
FINAL PLAT

EXHIBIT C
ELEVATION PLAN

EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Carpentersville, Illinois ("**Village**"):

WHEREAS, Carpentersville Self-Storage LLC ("**Applicant**") is the contract purchaser of that certain property in the Village commonly known as 2411 Randall Road ("**Property**"); and

WHEREAS, Ordinance No. _____, adopted by the Village President and Board of Trustees on October 5, 2021 ("**Ordinance**"), grants text amendments to Title 16 of the Village Code, variation to Title 17 of the Village Code, and final plat of subdivision approval to the Owner for the development on, and use of, the Property; and

WHEREAS, Section 9 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owner has filed, within 30 days following the passage of the Ordinance, the Owner's unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Owner does hereby agree and covenant as follows:

1. The Owner does hereby unconditionally agree to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Owner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of planned unit development approval and final plat of subdivision approval for the Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.
4. The Owner does hereby agree to defend, hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting planned unit development approval and final plat of subdivision approval for the Property.

Dated: _____ 2021

ATTEST:

CARPENTERSVILLE SELF-STORAGE LLC

By: _____

By: _____

Its: _____

Its: _____