

**ORDINANCE NO. 23-2024**

**AN ORDINANCE APPROVING  
A SPECIAL USE PERMIT AND A PLAT OF CONSOLIDATION**

*(New Truck Repair Shop: Lots 23 & 24 of the Riemer Centre Industrial Park & Office  
Research Centre)*

**WHEREAS**, Morrice Lazar ("**Owner**"), the owner of the property located at Lots 23 & 24 of the Riemer Centre Industrial Park & Office Research Centre, Gilberts, Illinois 60136, which property is more specifically described on **Exhibit A** ("**Property**"), desires to construct and operate a truck repair business on the Property; and

**WHEREAS**, the Property is currently zoned in the I-1 General Industrial District, which allows for truck services, sales, and similar uses as a special use; and

**WHEREAS**, the Owner has filed an application for a special use permit to construct and operate a truck repair business on the Property ("**Special Use Permit**"); and

**WHEREAS**, the Owner has also filed an application for approval of a Plat of Consolidation to consolidate the two existing lots of record comprising the Property (Lot 23 and Lot 24 of the Reimer Centre Industrial Park) into a single lot of record ("**Plat of Consolidation**"); and

**WHEREAS**, the Gilberts Plan Commission/Zoning Board of Appeals held a public hearing and public meeting and reviewed the Owner's request for the Special Use Permit and Plat of Consolidation on November 13, 2024, and voted to recommend approval, subject to certain conditions; and

**WHEREAS**, the Village Board makes the following findings of fact in reference to the application for approval of the Special Use Permit to allow for the construction and operation of a truck repair business on the Property:

1. The proposed special use complies with all provisions of the applicable district regulations, excluding the requested variances.
2. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.
3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.
4. Adequate utility, drainage, and other necessary facilities have been or will be

provided.

5. The proposed special use, where such developments and uses are deemed consistent with good planning practice, can be operated in a manner that is not detrimental to the permitted developments and uses in the district, can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall conform to the applicable regulations of the district; and is deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the Village.

**WHEREAS**, based on the findings of fact detailed above, the Village Board has determined that the Owner's request for the Special Use Permit meets the standards of both state statute and the Gilberts Unified Development Ordinance ("UDO"), subject to the conditions set forth in this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES** of the Village of Gilberts, Kane County, Illinois as follows:

**Section 1.**        **Recitals.** The recitals are incorporated into this Section 1 as if fully set forth.

**Section 2.**        **Special Use Permit.** Subject to the conditions set forth in Section 4 of this Ordinance, the Village Board of Trustees hereby approves a Special Use Permit pursuant to Section 10-6-3 and Section 10-11-11 of the UDO to allow for the Owner to construct and operate a truck repair business on the Property.

**Section 3.**        **Approval of Plat of Consolidation.** The Village Board of Trustees hereby approves the Plat of Consolidation for the New Truck Repair Shop Consolidation, which is attached hereto as **Exhibit B**.

**Section 4.**        **Conditions.** The approval granted pursuant to Section 2 of this Ordinance is conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the President and Board of Trustees, be grounds for the repeal and revocation of the approval granted by Section 2 of this Ordinance in accordance with applicable law. In addition, any violation of this Ordinance will be deemed a violation of the UDO and subject the Owner to enforcement proceedings accordingly.

- A. **No Truck or Trailer Storage.** Trucks, Trailers, vehicles, equipment, or other materials may not be stored outdoors on the Property for longer than seventy-two (72) hours at a time.
- B. **Front Gate Visibility.** The front gate leading to the rear lot on the Property must be kept open to such an extent that will allow the rear lot to be visible from the public right-of-way.
- C. **Engineering Approval.** Prior to the Plat of Consolidation being recorded and prior to any permit being issued for any work on the Property, the Owner must submit final engineering plans that meet the requirements of the Village Engineer and Zoning

Administrator.

- D. Compliance with Plans. The development, maintenance, and use of the Property will be in substantial conformance with the plans attached hereto as **Exhibit C**.
- E. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind may be commenced on the Property pursuant to the approvals granted in this Ordinance unless and until all conditions of this Ordinance precedent to that work have been fulfilled and after all permits, approvals, and other authorizations for the work have been properly applied for, paid for, and granted in accordance with applicable law.
- F. Compliance with Laws. The UDO, the Building Code, and all other applicable Village ordinances and regulations shall continue to apply to the Property, and the development and use of the Property must comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

**Section 5. Failure to Comply.** Upon failure or refusal of the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, the approval granted in Section 2 of this Ordinance for the Property ("***Conditioned Approval***"), will, at the sole discretion of the Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Board of Trustees will not revoke the Conditioned Approval unless it first provides the Owner with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Board of Trustees regarding the revocation. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the I-1 Zoning District, as the same may, from time to time, be amended. Further, in the event of revocation, the Village Administrator and Village Attorney are authorized and directed to bring all zoning enforcement action as may be appropriate under the circumstances. The Owner acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, have considered the possibility of the revocation provided for in this Section 5, and agree not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Owner required by this Section 5 is given.

**Section 6. Binding Effect; Non-Transferability.** The privileges, obligations, and provisions of each and every section of this Ordinance are for the sole benefit of, and shall be binding on, the Owner. Nothing in this Ordinance will be deemed to allow the Special Use Permit granted pursuant to this Ordinance to be transferred to any person or entity without a new application for approval for any person or entity other than the Owner.

**Section 7. Severability.** In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 8. Repeal and Saving Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

**Section 9. Effective Date.** Upon its passage and approval according to law, this Ordinance shall, by authority of the Board of Trustees, be published in pamphlet form; provided, however, that this Ordinance shall be of no force or effect unless and until the Owner has executed and filed with the Village its unconditional agreement and consent, in the form attached to this Ordinance as **Exhibit D**, within 30 days following the passage of this Ordinance.


**PASSED BY A VOTE OF THE BOARD OF TRUSTEES** of the Village of Gilberts, Kane County, Illinois, this 19<sup>th</sup> day of November, 2024.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<u>X</u>	_____	_____	_____
Trustee Robert Chapman	<u>X</u>	_____	_____	_____
Trustee Robert Vanni	<u>X</u>	_____	_____	_____
Trustee Brandon Coats	_____	_____	<u>X</u>	_____
Trustee Justin Redfield	<u>X</u>	_____	_____	_____
Trustee Frank Marino	_____	_____	<u>X</u>	_____
President Guy Zambetti	_____	_____	_____	_____



APPROVED THIS 19<sup>th</sup> DAY OF NOVEMBER, 2024.

  
 \_\_\_\_\_  
 Guy Zambetti, Village President

ATTEST:   
 \_\_\_\_\_  
 Lynda Lange, Village Clerk

**Exhibit A**

*Description of the Property*

*Legal Description:*    *RIEMER CENTRE INDUSTRIAL PARK & OFFICE RESEARCH  
CENTRE SUB LOT # 23  
RIEMER CENTRE INDUSTRIAL PARK & OFFICE RESEARCH  
CENTRE SUB LOT # 24*

*PINs:*                    02-24-451-003  
                              02-24-451-004

**Exhibit B**

*Plat of Consolidation*

**Exhibit C**  
*Plans*


**Exhibit D**

*Unconditional Agreement and Consent*

Pursuant to Section 9 of Ordinance No. 23-2024, and to induce the Village to grant the approvals provided for in that Ordinance, the undersigned acknowledges for itself and its successors and assigns in title to the Property that it:

1. has read and understand all of the terms and provisions of Ordinance No. 23-2024;
2. hereby unconditionally agrees to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, the UDO, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the use of the Property, and that the Village's issuance of any permit does not, and shall not, in any way, be deemed to insure the owner or lessee against damage or injury of any kind and at any time;
4. acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right; and
5. represents and acknowledges that the person signing this Unconditional Agreement and Consent is duly authorized to do so on behalf of the Owner.

**Morrice Lazar**



Date: 11-21-24