

Item #3:

**Ord. Amending Long Grove Commons PUD
For Dunkin' Donuts Drive-thru, 3980 IL Route 22**

VILLAGE OF LONG GROVE

ORDINANCE NO. 2015-O-__

**AN ORDINANCE APPROVING A MINOR AMENDMENT
TO THE LONG GROVE COMMONS FINAL PLANNED UNIT
DEVELOPMENT AND GRANTING A SPECIAL USE PERMIT FOR A
DRIVE THROUGH AND HOURS OF OPERATION FOR A COFFEE SHOP**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 24th day of November, 2015

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 25th day of November, 2015

VILLAGE OF LONG GROVE

ORDINANCE NO. 2015-O-__

**AN ORDINANCE APPROVING A MINOR AMENDMENT
TO THE LONG GROVE COMMONS FINAL PLANNED UNIT
DEVELOPMENT AND GRANTING A SPECIAL USE PERMIT FOR A
DRIVE THROUGH AND HOURS OF OPERATION FOR A COFFEE SHOP**

WHEREAS, pursuant to Ordinance Nos. 2004-O-17 and 2005-O-14 ("**Original PUD Approvals**"), the Village of Long Grove granted a final planned unit development approval for the Long Grove Commons Planned Unit Development ("**Planned Unit Development**"); and

WHEREAS, the Original PUD Approvals granted approval for a mixed-use development on certain real property generally located at the northwest corner of Illinois Route 22 and Old McHenry Road in the Village of Long Grove, legally described in Exhibit A and generally depicted in Exhibit B to this Ordinance ("**Property**"); and

WHEREAS, Haresh Patel ("**Applicant**") is the lessee of an approximately 1,590 square foot tenant space in Building 4 on Lot 5 of the Property ("**Leased Premises**") and is requesting: (i) approval of a minor amendment to the Planned Unit Development ("**Requested Minor Amendment**"); and (ii) grant of a special use permit authorizing: (a) a one-lane drive-through accessory to a coffee shop; and (b) hours of operation for such coffee shop and drive-through of 5:00 a.m. to 10:00 p.m. ("**Requested SUP**"); and

WHEREAS, the Applicant has applied for the Requested Minor Amendment pursuant to Section 5-11-18(1)(2) of the Long Grove Village Code ("**Village Code**") to permit the Applicant to make minor modifications to the existing improvements on Lot 5 of the Property, including to the drive-through structure, signage, and trash enclosure ("**Proposed Improvements**"), as depicted in the plans attached as Exhibit C ("**Plans**"); and

WHEREAS, on September 21, 2015 and October 19, 2015, the Village of Long Grove Architectural Board conducted public meetings to review the Proposed Improvements and recommended approval, subject to certain modifications; and

WHEREAS, the Original PUD Approvals provided that a drive-through accessory to a coffee shop shall be allowed on the Property as a special use; and

WHEREAS, the Original PUD Approvals also provided that any use requiring a special use permit shall operate during such hours authorized by the special use permit; and

WHEREAS, the Applicant has applied for the Requested SUP pursuant to the Original PUD Approvals and Section 5-11-17 of the Village Code to authorize a drive-through accessory to a coffee shop and to authorize operation of such uses between the hours of 5:00 a.m. and 10:00 p.m.; and

WHEREAS, pursuant to notice duly published in the *Daily Herald*, the Long Grove Plan Commission & Zoning Board of Appeals ("**PCZBA**") conducted a public hearing on November 3, 2015 regarding the Requested SUP and Requested Minor Amendment; and

WHEREAS, the PCZBA having fully heard and considered the testimony by all those attending the public hearing who wished to testify, made the following findings:

- A. The Applicant is the lessee of the Leased Premises and proposes to operate a Dunkin' Donuts coffee shop with an accessory drive-through on the Property, as depicted on the Plans, and has requested authorization to operate such uses between the hours of 5:00 a.m. and 10:00 p.m. ("**Proposed Use**"). A representative of the owner of the Property ("**Owner**") was present at the public hearing and supported the Applicant's requests.
- B. The evidence demonstrates that, subject to the terms and conditions set forth in this Ordinance, the Requested Minor Amendment does not change the concept or intent of the Planned Unit Development and meets all standards for approval as a minor amendment to the Planned Unit Development pursuant to Section 5-11-18(I)(2) of the Village Code.

- C. The evidence demonstrates that, subject to the terms and conditions set forth in this Ordinance, the Proposed Use:
- i. Is necessary for the public convenience;
 - ii. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
 - iii. Will not cause substantial injury to the value of other lots in the neighborhood;
 - iv. Conforms to the applicable regulations of the Village Code and the Original PUD Approvals except as otherwise provided in this Ordinance; and
 - v. Meets all standards for the issuance of a special use permit pursuant to Section 5-11-17(E) of the Village Code.

WHEREAS, at the conclusion of the public hearing, the PCZBA recommended that the Requested SUP and Requested Minor Amendment be granted, subject to the conditions set forth in this Ordinance; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village and its residents to adopt the findings of the PCZBA set forth in this Ordinance as the findings of the President and Board of Trustees and to grant the Requested Minor Amendment and the Requested SUP, subject to the terms and conditions of this Ordinance as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION ONE: **Recitals.** The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth herein.

SECTION TWO: **Minor Amendment to the Planned Unit Development.**
Pursuant to 5-11-18(I)(2) of the Village Code, and subject to the conditions set forth in Section Four of this Ordinance, the Planned Unit Development shall be, and is hereby, amended to permit the Applicant to install and maintain the Proposed Improvements as

depicted on the Plans. The Final PUD Plans approved by Ordinance No. 2005-O-14, as amended from time to time, are hereby amended and supplemented by the Plans to permit the installation of the Proposed Improvements on the Property. To the extent the Plans conflict with or modify such Final PUD Plans, the Plans shall control, provided, however, that the Final PUD Plans shall continue in full force and effect to control the use and development of the Property in all other respects.

SECTION THREE: Special Use Permit. Pursuant to the Original PUD Approvals and Section 5-11-17 of the Village Code, and subject to the conditions set forth in Section 4 of this Ordinance, the Applicant is hereby granted the Requested SUP to permit the operation of a drive-through accessory to a coffee shop and to authorize operation of such uses between 5:00 a.m. and 10:00 p.m.

SECTION FOUR: Conditions on Approval. The amendment to the Planned Unit Development and the special use permit granted pursuant to Sections Two and Three of this Ordinance shall be, and are hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the reasonable discretion of the President and Board of Trustees, be grounds for the repeal and revocation of the approvals granted herein:

- a. **Requested Approvals.** The installation and maintenance of the Proposed Improvements shall be completed in substantial conformity with the Plans attached as Exhibit C to this Ordinance.
- b. **Compliance with the Architectural Board Recommendations.** The Applicant shall comply with the recommendations of the Architectural Board.
- c. **Continued Effect of the Planned Unit Development.** Except as expressly modified by this Ordinance, the Original PUD Approvals shall remain in full force and effect, and the Applicant and the Owner shall comply with all requirements, conditions, and restrictions therein. To the extent any terms of this Ordinance conflict with the terms of the Original PUD Approvals, the terms of this Ordinance shall control.

- d. Compliance with Laws. Except as otherwise provided in this ordinance, the Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village shall continue to apply to the Property. In addition, the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- e. Fees and Costs. The Applicant shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the Long Grove Village Code. In addition, the Applicant shall reimburse the Village for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the Village shall have the right to foreclose such lien in the name of the Village as in the case of foreclosure of liens against real estate.
- f. Transferees. The rights and obligations set forth in this Ordinance shall be binding on the Applicant, the Owner, and upon any and all of the Applicant's and Owner's heirs, successors, and assigns, and upon any and all successor legal or beneficial owners of all or any portion of the Property. To the extent that a successor becomes bound to the obligation created herein pursuant to a transferee assumption agreement acceptable to the Village, and such successor demonstrates to the Village that it has the financial viability to meet the obligations herein, the Applicant or Owner shall be released from their obligations under this Ordinance to the extent of the transferee's assumption of such liability. The failure of the Applicant or Owner to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the Applicant or Owner remaining fully liable for all of their obligations under this Ordinance but shall not relieve the transferee of its liability for all such obligations as a successor to Applicant or Owner.

In addition, any violation of this Ordinance shall be deemed a violation of the Village Code and shall subject the Applicant and Owner to enforcement proceedings accordingly.

SECTION FIVE: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall be of no force or effect unless and until the Applicant and Owner have (i) caused duly authorized persons to execute and (ii) thereafter file with the Village their unconditional agreement and consent, in the form attached hereto as Exhibit D, and by this reference incorporated herein and made a part hereof; provided further that, if the Applicant and Owner do not so file their unconditional agreement and consent within 30 days following the passage of this Ordinance, the Village Board may, in its discretion and without public notice or hearing, repeal this Ordinance and thereby revoke the minor amendment and special use permit granted in this Ordinance. Upon this Ordinance having full force and effect, the Village Clerk shall cause it to be recorded in the Office of the Lake County, Illinois Recorder of Deeds.

PASSED this 24th day of November, 2015.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this 24th day of November, 2015.

Angela Underwood, Village President

ATTEST:

Heidi Locker- Scheer, Village Clerk

EXHIBIT A

Legal Description of the Property (Lot #5 (PIN 1413304012) Of The Following Legally Described Property)

LEGAL DESCRIPTION:

THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14 AND PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14; THENCE NORTH 00 DEGREES 22 MINUTES 21 SECONDS WEST, ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 421.41 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, PARALLEL WITH THE CENTERLINE OF ILLINOIS STATE ROUTE 22, A DISTANCE OF 154.00 FEET; THENCE NORTH 83 DEGREES 17 MINUTES 12 SECONDS WEST, 274.96 FEET; THENCE SOUTH 49 DEGREES 34 MINUTES 47 SECONDS WEST, 65.00 FEET; THENCE SOUTH 00 DEGREES 24 MINUTES 13 SECONDS EAST, PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE AFOREMENTIONED SECTION 14, A DISTANCE OF 395.01 FEET TO A LINE THAT IS 30 FEET NORTH OF AND PARALLEL WITH SAID CENTERLINE; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID PARALLEL LINE, 1145.52 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 20.00 FEET TO A POINT ON A LINE THAT IS 50 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF ILLINOIS STATE ROUTE 22; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID PARALLEL LINE, 499.20 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 34427.50 FEET, AN ARC LENGTH OF 194.79 FEET, A CHORD BEARING OF SOUTH 89 DEGREES 50 MINUTES 16 SECONDS EAST, AND A CHORD LENGTH OF 194.79 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH 28 DEGREES 41 MINUTES 34 SECONDS EAST, 47.29 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE BEING 50 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTERLINE OF OLD MCHENRY ROAD; THENCE NORTHWESTERLY ALONG SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2814.90 FEET, AN ARC LENGTH OF 293.41 FEET, A CHORD BEARING NORTH 37 DEGREES 09 MINUTES 38 SECONDS WEST, AND A CHORD LENGTH OF 293.28 FEET TO THE CURVES END; THENCE NORTH 40 DEGREES 08 MINUTES 48 SECONDS WEST, CONTINUING ALONG SAID PARALLEL LINE, 36.09 FEET; THENCE NORTH 49 DEGREES 51 MINUTES 12 SECONDS EAST, 10.0 FEET TO A POINT ON A LINE THAT IS 40 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE CENTERLINE OF OLD MCHENRY ROAD; THENCE NORTH 40 DEGREES 08 MINUTES 48 SECONDS WEST, ALONG SAID PARALLEL LINE, 743.18 FEET; THENCE SOUTH 63 DEGREES 06 MINUTES 39 SECONDS WEST, 258.19 FEET; THENCE SOUTH 52 DEGREES 32 MINUTES 38 SECONDS WEST, 204.51 FEET; THENCE SOUTH 05 DEGREES 57 MINUTES 58 SECONDS WEST, 143.29 FEET; THENCE SOUTH 70 DEGREES 29 MINUTES 25 SECONDS EAST, 214.97 FEET; THENCE NORTH 60 DEGREES 04 MINUTES 36 SECONDS EAST, 93.33 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, PARALLEL WITH THE CENTERLINE OF ILLINOIS STATE ROUTE 22, 128.75 FEET; THENCE SOUTH 40 DEGREES 08 MINUTES 48 SECONDS EAST, PARALLEL WITH THE CENTERLINE OF OLD MCHENRY ROAD, 118.84 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 13 SECONDS EAST, 118.88 FEET; THENCE SOUTH 38 DEGREES 17 MINUTES 53 SECONDS WEST, 55.00 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, PARALLEL WITH THE CENTERLINE OF ILLINOIS STATE ROUTE 22, A DISTANCE OF 315.13 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 13 SECONDS WEST, 67.56 FEET; THENCE NORTH 57 DEGREES 57 MINUTES 40 SECONDS WEST, 80.00 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, PARALLEL WITH THE CENTERLINE OF ILLINOIS STATE ROUTE 22, 150.00 FEET; THENCE NORTH 62 DEGREES 30 MINUTES 49 SECONDS WEST, 130.00 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, PARALLEL WITH THE CENTERLINE OF ILLINOIS STATE ROUTE 22, 116.00 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

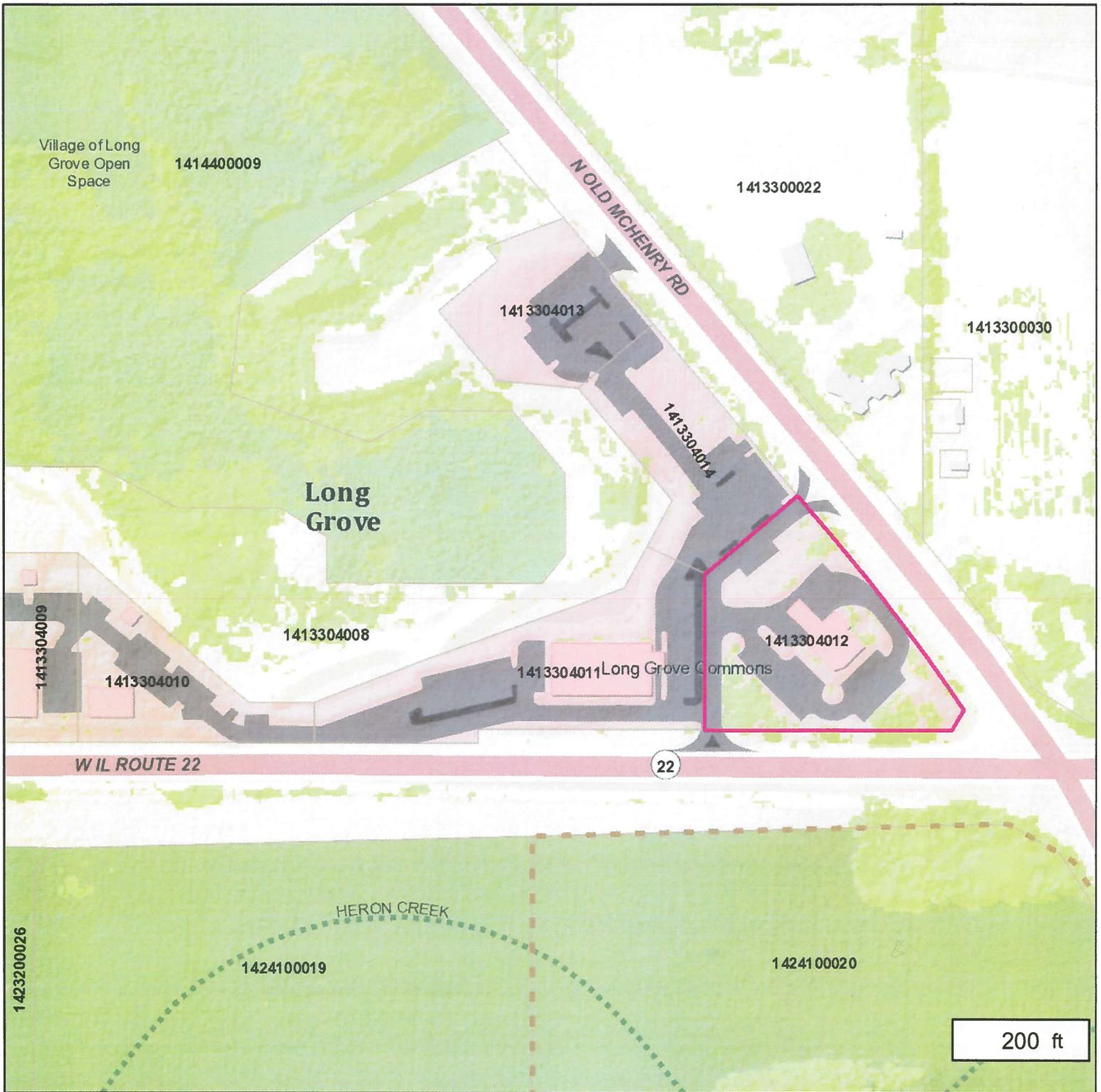
PROPERTY CONTAINS 846.883 SQUARE FEET, OR 19.442 ACRES, MORE OR LESS.

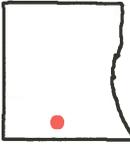
EXHIBIT B

Depiction of Subject Property and Leased Premises

DRAFT

Lake County, Illinois







Lake County
 Geographic Information System
 Lake County
 Department of Information Technology
 18 N County St
 Waukegan IL 60085
 (847) 377-2373

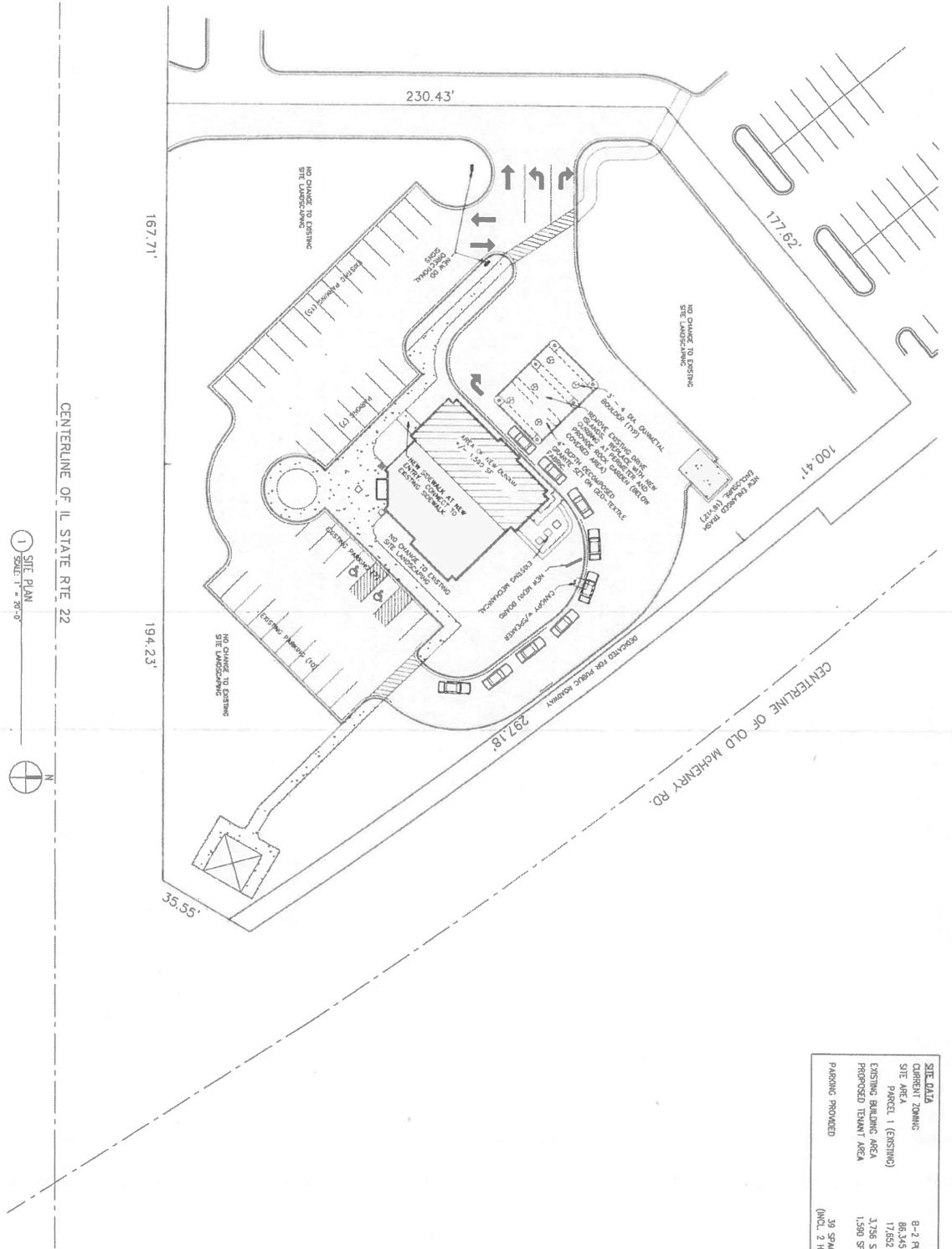
Map Printed on 11/18/2015
 Parcel 1413304012 is outlined.

N



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|--|--|
|  Tax Parcels |  Trails |
|  Tax Parcels | |
|  Municipalities | |
|  Forest Preserves | |

Disclaimer: The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.



| SITE DATA | |
|------------------------|----------------------------|
| CURRENT ZONING | B-2 RPD |
| SITE AREA | 88,345 SF |
| EXISTING BUILDING AREA | 17,652 SF |
| PROPOSED TENANT AREA | 3,786 SF |
| PARKING PROVIDED | 1,390 SF |
| | 39 SPACES (INCL. 2 H/C) |

ARCHITECT
74 N ANWATER ST
TEHRAN, ILLINOIS 60134
PHONE: 630.930.0000
FAX: 630.930.0000
PROFESSIONAL DESIGNER NO. 184.005914

CLIENT



| REVISION | DATE | BY |
|----------|------|----|
| | | |
| | | |
| | | |

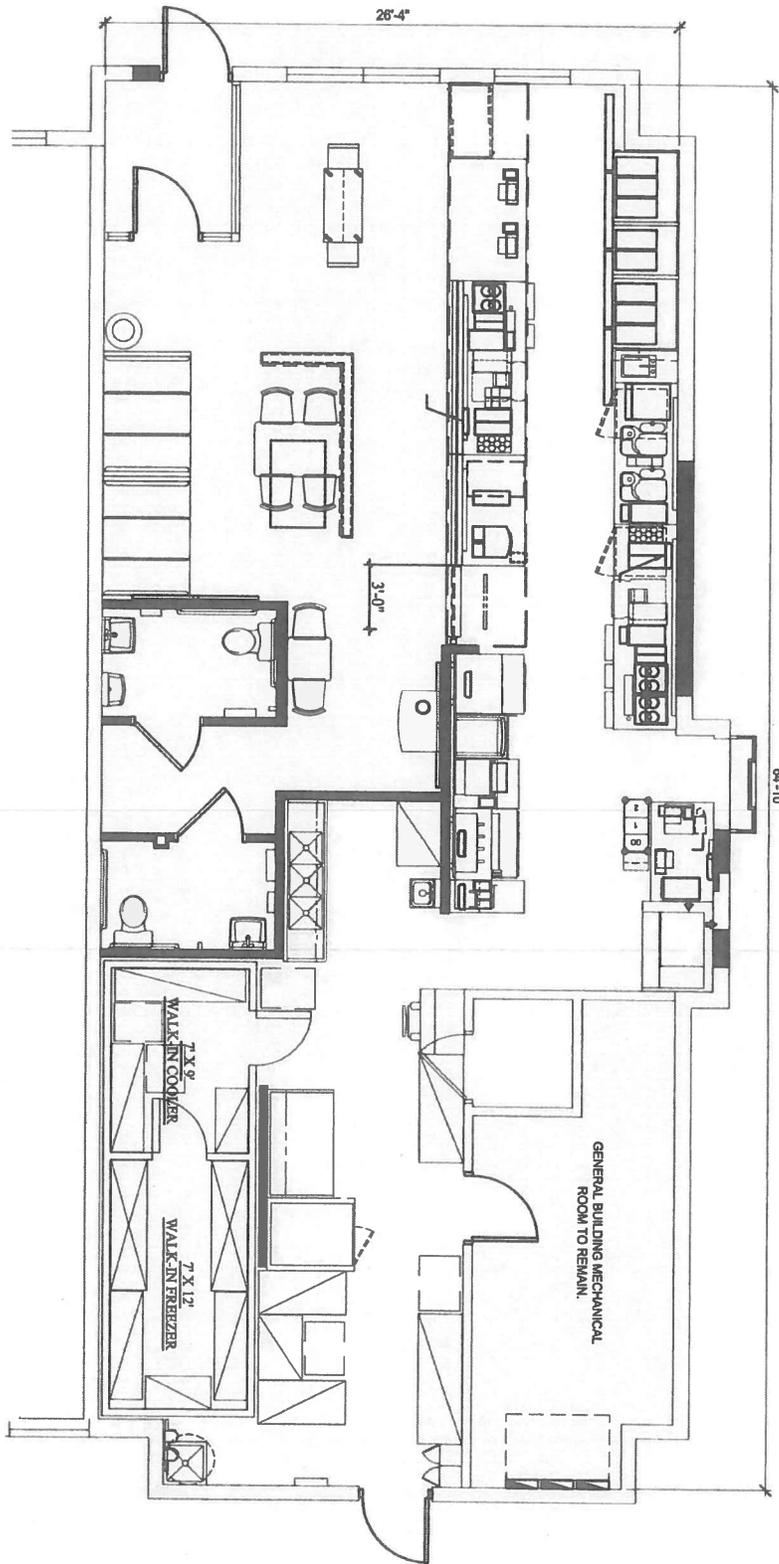
3980 HWY 22, LONG GROVE, ILLINOIS 60047
 SHEET NO. **SP1.1**

1 SITE PLAN
 SCALE: 1" = 30'-0"



CENTERLINE OF IL STATE RTE 22

CENTERLINE OF OLD MCHENRY RD.



1 PROPOSED FLOOR PLAN
 SCALE: 3/16" = 1'-0"
 NOTE:

| | |
|---|----------------|
| PROPOSED FLOOR PLAN SHEET A3-1 | REVISIONS |
| | DRAWN BY: GVB |
| | DATE: 09-09-15 |
| | REV 1: |
| | REV 2: |
| REV 3: | |
| REV 4: | |

Proposed Elevations For:
Dunkin Donuts
 3980 Rt. 22
 Long Grove, IL

EA
 ARCHITECTS
 AND
 PLANNERS

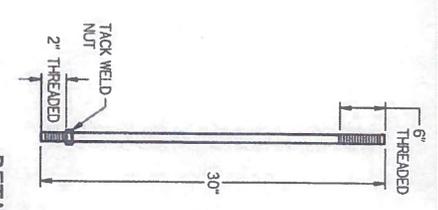
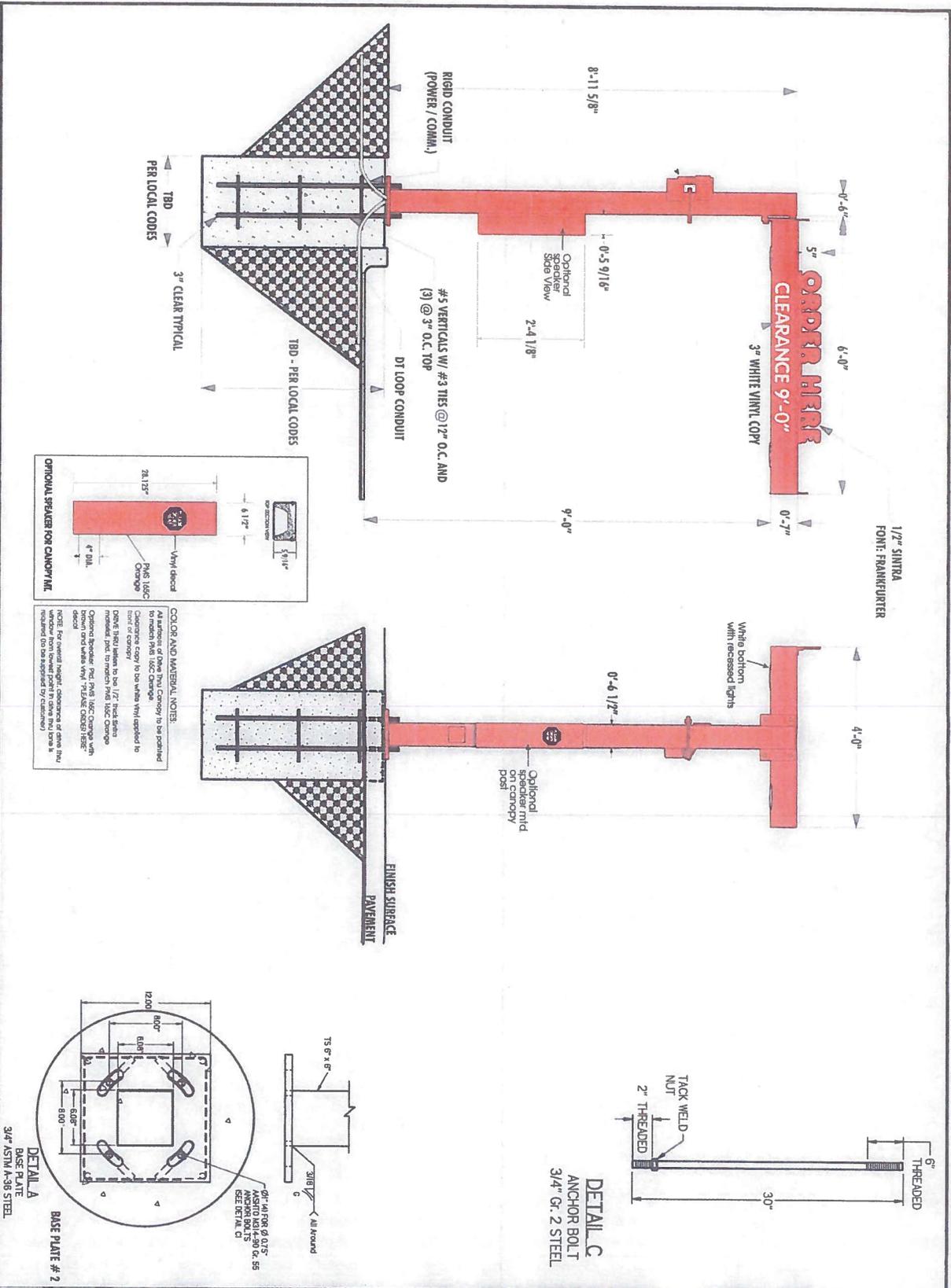
24 N BENNETT ST.
 GENEVA, IL 60134
 PHONE 630 608 0500
 FAX 630 839 8875

PROFESSIONAL DESIGN FIRM
 NO. 184 005766

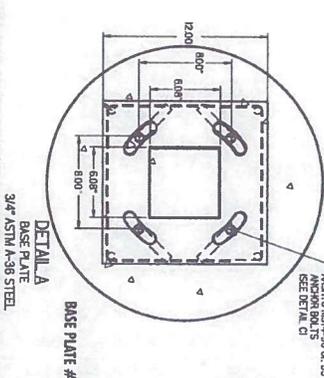
EXHIBIT C

Plans

DRAFT



DETAIL C
ANCHOR BOLT
3/4" Gr. 2 STEEL



DETAIL A
BASE PLATE # 2
3/4" ASTM A-36 STEEL

| HILTON DISPLAYS | | | | | | | | | | | |
|--|--|----------|-------|---------|--------------|------------|--------------|----------|------------|------------|--|
| 135 HILLSIDE DRIVE • GREENVILLE SC 29607 P 800 333 9132 • F 864 242 2204 www.hiltdisplays.com | | | | | | | | | | | |
| PART NUMBER | DD-DI-CANOPY-S | | | | | | | | | | |
| DESCRIPTION | DUNKIN DONUTS DT II CANOPY W/ SPEAKER BAR | | | | | | | | | | |
| COLOR LEGEND | <table border="1"> <tr> <th>PMS/PANT</th> <th>VINYL</th> </tr> <tr> <td>PMS165C</td> <td>3M 3630-3123</td> </tr> <tr> <td>DD MAGENTA</td> <td>3M 3630-1379</td> </tr> <tr> <td>DD BROWN</td> <td>3M 3630-59</td> </tr> <tr> <td>BM 2116-10</td> <td></td> </tr> </table> | PMS/PANT | VINYL | PMS165C | 3M 3630-3123 | DD MAGENTA | 3M 3630-1379 | DD BROWN | 3M 3630-59 | BM 2116-10 | |
| PMS/PANT | VINYL | | | | | | | | | | |
| PMS165C | 3M 3630-3123 | | | | | | | | | | |
| DD MAGENTA | 3M 3630-1379 | | | | | | | | | | |
| DD BROWN | 3M 3630-59 | | | | | | | | | | |
| BM 2116-10 | | | | | | | | | | | |
| DESIGNER | DWG. DATE | | | | | | | | | | |
| B.PERRY | 4-15-15 | | | | | | | | | | |
| REV. DATE / REVISION | XXXXXX XXXXXXXX | | | | | | | | | | |
| SCALE 1" = 24" | | | | | | | | | | | |
| DD DRAWING # SS-6 | | | | | | | | | | | |
| ORDER HERE CANOPY AND OPTIONAL SPEAKER | | | | | | | | | | | |
| DESIGN SPECIFICATIONS ACCEPTED BY: | | | | | | | | | | | |
| EST. | CLIENT | | | | | | | | | | |
| SIGN. | LANDLORD | | | | | | | | | | |
| <p>THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN VENDOR DIMENSIONS AND SPECIFICATIONS, THE DESCRIBED PRODUCT MAY DIFFER SLIGHTLY FROM THE DRAWING.</p> | | | | | | | | | | | |
| | | | | | | | | | | | |

EXHIBIT D

Unconditional Agreement and Consent

Pursuant to Section Five of Long Grove Ordinance No. 2015-O-__ and to induce the Village of Long Grove to grant the approvals provided for in such Ordinance, the undersigneds acknowledge for themselves and their successors and assigns in title to the Subject Property that they

1. have read and understand all of the terms and provisions of said Ordinance No. 2015-O-__;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, Ordinance No. 2004-O-17, and Ordinance No. 2005-O-14, and any amendments thereto, the Long Grove Zoning Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledge and agree 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 against damage or injury of any kind and at any time;
4. acknowledge that the 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 agree not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right;
5. agree to and do hereby 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 these parties in connection with the Village's adoption of the Ordinance granting the approvals to the Owner pursuant to the Ordinance; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Applicant and the Owner of the Subject Property.

OWNER:

APPLICANT:

By: _____

Haresh Patel

Its: _____