

Item #8:

**Ord. Approving Minor Amendment To Menards PUD For
Expansion Of Existing Detached Warehouse Enclosure**

VILLAGE OF LONG GROVE

ORDINANCE NO. 2015-O-__

**AN ORDINANCE APPROVING A MINOR AMENDMENT
TO THE MENARDS FINAL PLANNED UNIT DEVELOPMENT
REGARDING EXPANSION OF AN EXISTING WAREHOUSE**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 10th day of November, 2015

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 11th day of November, 2015

VILLAGE OF LONG GROVE

ORDINANCE NO. 2015-O-__

**AN ORDINANCE APPROVING A MINOR AMENDMENT
TO THE MENARDS FINAL PLANNED UNIT DEVELOPMENT
REGARDING EXPANSION OF AN EXISTING WAREHOUSE**

WHEREAS, pursuant to Ordinance No. 2006-O-34 (“*Final PUD Ordinance*”), the Village of Long Grove granted final planned unit development approval for the Menards Planned Unit Development (“*Planned Unit Development*”); and

WHEREAS, the Final PUD Ordinance granted approval for the development of a home improvement retail store and six commercial outlot buildings on certain real property generally located at the northeast corner of IL Route 53 and Lake Cook Road in Long Grove, as legally described in Exhibit A and generally depicted in Exhibit B to this Ordinance (“*Property*”); and

WHEREAS, Menard, Inc. (“*Applicant*”) is the record owner of the Property and is requesting approval of a minor amendment to the Planned Unit Development to permit the construction and maintenance of an approximately 19,244 square foot expansion of the existing warehouse building and related improvements on Lot 6 of the Property (the “*Warehouse Expansion*”), as depicted in the plans attached as Exhibit C (“*Plans*”); and

WHEREAS, Section 5-11-18(I)(2) of the Long Grove Village Code authorizes the Village Board to approve minor changes in an approved planned unit development; and

WHEREAS, the President and Board of Trustees find that the construction and maintenance of the Warehouse Expansion is a minor change to the Planned Unit Development; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village and its residents to grant this minor amendment to the Planned Unit Development to permit the Applicant to construct and maintain the

Warehouse Expansion on the Property, 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 Long Grove Village Code, and subject to the conditions set forth in Section Three of this Ordinance, the Planned Unit Development shall be, and is hereby, amended to permit the Applicant to construct and maintain the Warehouse Expansion as depicted on the Plans.

SECTION THREE: **Conditions on Approval.** The amendment to the Planned Unit Development granted pursuant to Section Two of this Ordinance, permitting the Applicant to construct and maintain the Warehouse Expansion on the Property, shall be, and is 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. **Compliance with Plans.** The installation and maintenance of the Warehouse Expansion shall be completed in substantial conformity with the Plans attached to this Ordinance as Exhibit C.

- b. **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 shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

- c. Continued Effect of the Planned Unit Development. Except as expressly modified by this Ordinance, the Final PUD Ordinance shall remain in full force and effect, and the Applicant shall comply with all requirements, conditions, and restrictions therein. To the extent any terms of this Ordinance conflict with the terms of the Final PUD Ordinance, the terms of this Ordinance shall control.
- d. Compliance with Laws. Except as otherwise provided in this ordinance or the Final PUD 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 and upon any and all of the Applicant'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 shall be released from its obligations under this Ordinance to the extent of the transferee's assumption of such liability. The failure of the Applicant to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the Applicant 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.

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

SECTION FOUR: 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 has (i) caused duly authorized persons to execute and (ii) thereafter file with the Village its 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 does not so file its 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 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 10th day of November, 2015.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this 10th day of November, 2015.

Angela Underwood, Village President

ATTEST:

Village Clerk

EXHIBIT A

Legal Description of the Property

PARCEL 1:

LOT 1 IN SHANSKE TERRACE, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 17, 1957 AS DOCUMENT 975578, IN BOOK 1592 OF RECORDS, PAGE 391, IN LAKE COUNTY, ILLINOIS.

PARCEL 2:

THE NORTH 230 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (AS MEASURED ALONG THE EAST LINE THEREOF) (EXCEPT THAT PART THEREOF WHICH LIES WEST OF THE CENTER OF STATE ROAD 53 AS NOW LOCATED) IN SECTION 35, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PARCEL 3:

THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35 WITH A LINE THAT IS 50 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE CENTER LINE OF HICKS ROAD (STATE ROAD NO. 53); THENCE SOUTHWESTERLY ALONG SAID PARALLEL LINE TO A POINT 550 FEET NORTHEASTERLY OF AND 50 FEET SOUTHEASTERLY OF THE POINT OF INTERSECTION OF THE CENTERLINE OF HICKS ROAD WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION (AS MEASURED ALONG THE CENTERLINE OF HICKS ROAD AND ON THE PROLONGATION OF A RADIAL LINE THERETO); THENCE CONTINUING SOUTHEASTERLY ALONG A LINE 10 FEET; THENCE SOUTHWESTERLY ALONG A LINE 60 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE CENTERLINE OF HICKS ROAD TO A POINT 325 FEET NORTHEASTERLY OF AND 60 FEET SOUTHEASTERLY OF THE POINT OF INTERSECTION OF THE CENTERLINE OF HICKS ROAD WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION (AS MEASURED ALONG THE CENTERLINE OF HICKS ROAD AND ON A LINE AT RIGHT ANGLES THERETO); THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 10 FEET; THENCE SOUTHWESTERLY ON A LINE 70 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE CENTERLINE OF HICKS ROAD TO ITS INTERSECTION WITH A LINE 80 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE EAST ON THE LAST DESCRIBED PARALLEL LINE TO A POINT 565.76 FEET WEST OF AND 80 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 35 (AS MEASURED ON THE SOUTH LINE THEREOF AND ON A LINE AT RIGHT ANGLES THERETO); THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 10 FEET; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, TO THE WEST LINE OF THE EAST 80 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH ALONG THE

WEST LINE OF THE EAST 80 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS;

PARCEL 4A:

THAT PART OF THE FOLLOWING DESCRIBED TRACT OF LAND LYING WEST OF A LINE 417.65 FEET WEST OF AND PERPENDICULAR TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 45 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID TRACT BEING DESCRIBED AS FOLLOWS: THE SOUTH 191.5 FEET (AS MEASURED ALONG THE EAST LINE THEREOF) OF THE FOLLOWING DESCRIBED PROPERTY: THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (EXCEPT THE NORTH 230 FEET THEREOF AS MEASURED ALONG THE EAST LINE THEREOF AND EXCEPT THAT PART THEREOF WHICH LIES WEST OF THE CENTER OF STATE ROAD 53 AS NOW LOCATED) IN SECTION 35, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PARCEL 4B:

THAT PART OF THE FOLLOWING DESCRIBED TRACT OF LAND LYING EAST OF A LINE 417.65 FEET WEST OF AND PERPENDICULAR TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 45 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID TRACT BEING DESCRIBED AS FOLLOWS: THE SOUTH 191.5 FEET (AS MEASURED ALONG THE EAST LINE THEREOF) OF THE FOLLOWING DESCRIBED PROPERTY: THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (EXCEPT THE NORTH 230 FEET THEREOF AS MEASURED ALONG THE EAST LINE THEREOF AND EXCEPT THAT PART THEREOF WHICH LIES WEST OF THE CENTER LINE OF STATE ROAD 53 NOW LOCATED) IN SECTION 35, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PARCEL 5:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36 AND THE EAST 80.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

SAVE AND EXCEPT, HOWEVER, FROM THE ABOVE DESCRIBED PARCELS, THE FOLLOWING DESCRIBED PORTION THEREOF:

THOSE PARTS OF THE SOUTHEAST QUARTER OF SECTION 35 AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF

SECTION 35 AFORESAID; THENCE WEST, ON THE SOUTH LINE THEREOF, TO ITS INTERSECTION WITH THE WEST LINE OF THE EAST 80 FEET OF SAID SOUTHEAST QUARTER; THENCE NORTH, ON SAID WEST LINE, 283 FEET; THENCE EASTERLY TO A POINT THAT IS 288.24 FEET EAST OF AND 283 FEET NORTH OF THE PLACE OF BEGINNING (AS MEASURED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 36 AFORESAID AND ON A LINE AT RIGHT ANGLES THERETO); THENCE NORTHERLY TO A POINT 731.81 FEET NORTHWESTERLY OF AND 250 FEET SOUTHWESTERLY OF THE INTERSECTION OF THE SOUTH LINE OF SECTION 36 AFORESAID WITH THE LOCATED TRANSIT LINE OF F.A. ROUTE 61 (NOW KNOWN AS F.A. ROUTE 432) AS SHOWN ON THE PLAT OF SURVEY OF FEDERAL AID ROUTE 61 RECORDED JUNE 22, 1971 AS DOCUMENT 1508620 IN THE LAKE COUNTY RECORDER'S OFFICE IN LAKE COUNTY, ILLINOIS, SAID TRANSIT LINE HEREINAFTER REFERRED TO AS THE CENTERLINE OF F.A. ROUTE 432 (THE FOREGOING DIMENSIONS BEING MEASURED ON THE CENTERLINE OF F.A. ROUTE 432 AFORESAID AND ON A LINE AT RIGHT ANGLES THERETO); THENCE EAST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, TO THE WEST LINE OF 66-FOOT HICKS ROAD; THENCE SOUTH, ON SAID WEST LINE, TO THE SOUTH OF SAID SOUTHWEST QUARTER; THENCE WEST ON SAID SOUTH LINE TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

DRAFT

EXHIBIT B

Depiction of the Property

DRAFT

Lake County, Illinois



LakeCounty
Geographic Information System

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

Map Printed on 11/6/2015



— Tax Parcels

■ Trails

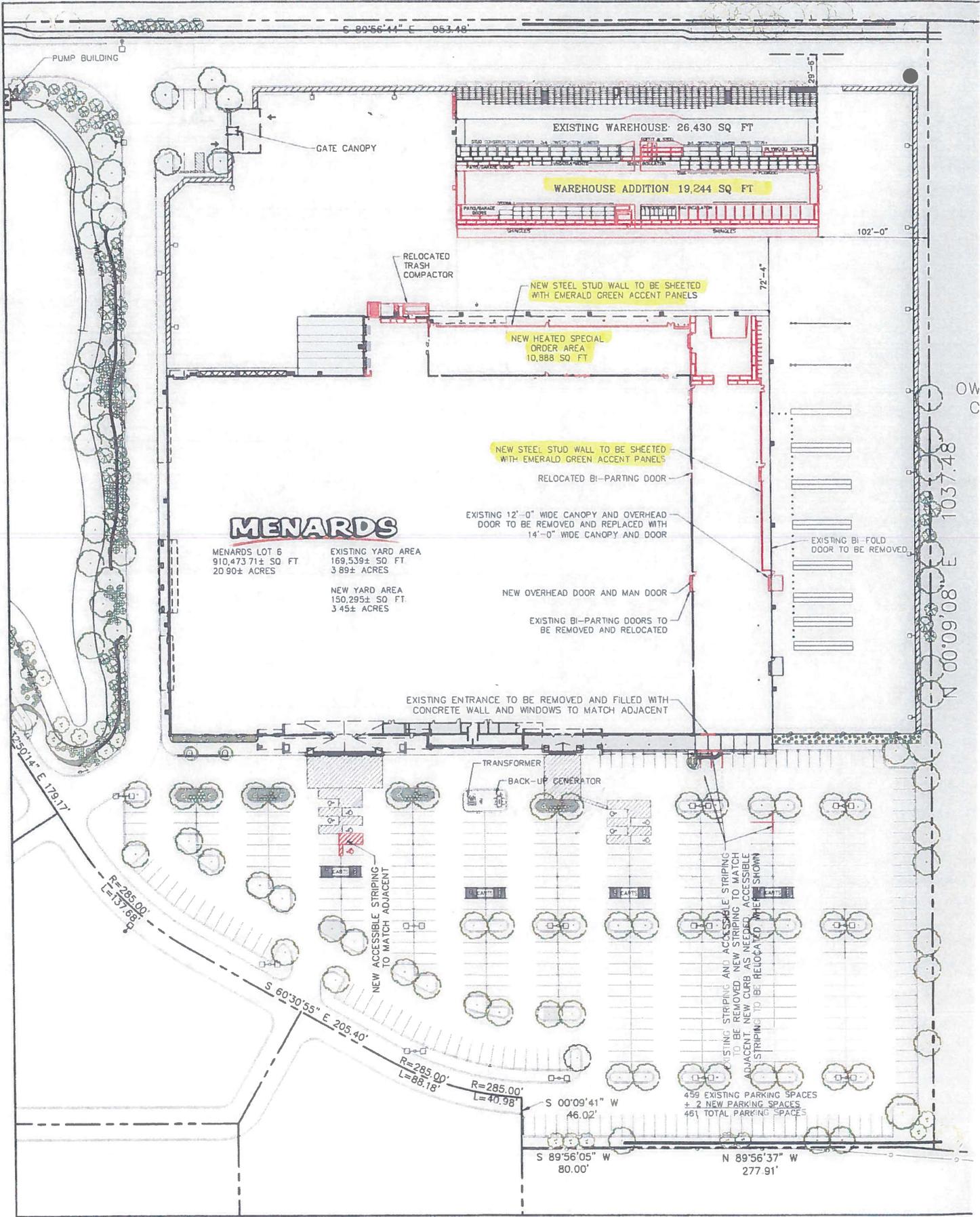
Disclaimer:

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.

EXHIBIT C

Plans

DRAFT



S 89°56'11" E 953.48'

PUMP BUILDING

GATE CANOPY

EXISTING WAREHOUSE: 26,430 SQ FT

WAREHOUSE ADDITION 19,244 SQ FT

RELOCATED TRASH COMPACTOR

NEW STEEL STUD WALL TO BE SHEETED WITH EMERALD GREEN ACCENT PANELS

NEW HEATED SPECIAL ORDER AREA 10,888 SQ FT

NEW STEEL STUD WALL TO BE SHEETED WITH EMERALD GREEN ACCENT PANELS

RELOCATED BI-PARTING DOOR

EXISTING 12'-0" WIDE CANOPY AND OVERHEAD DOOR TO BE REMOVED AND REPLACED WITH 14'-0" WIDE CANOPY AND DOOR

NEW OVERHEAD DOOR AND MAN DOOR

EXISTING BI-PARTING DOORS TO BE REMOVED AND RELOCATED

EXISTING ENTRANCE TO BE REMOVED AND FILLED WITH CONCRETE WALL AND WINDOWS TO MATCH ADJACENT

MENARDS

MENARDS LOT 6 910,473.71± SQ FT 20.90± ACRES	EXISTING YARD AREA 169,539± SQ FT 3.89± ACRES
	NEW YARD AREA 150,295± SQ FT 3.45± ACRES

102'-0"

72'-4"

EXISTING BI-FOLD DOOR TO BE REMOVED

OW
C

N 00°09'08" E 1037.48'

N 00°09'08" E 1037.48'

S 29°01'4" E 178.17'

R=285.00'
L=137.68'

NEW ACCESSIBLE STRIPING TO MATCH ADJACENT

TRANSFORMER
BACK-UP GENERATOR

EXISTING STRIPING AND ACCESSIBLE STRIPING TO BE REMOVED. NEW STRIPING TO MATCH ADJACENT NEW CURB AS NEEDED. ACCESSIBLE STRIPING TO BE RELOCATED WHERE SHOWN

S 60°30'55" E 205.40'

R=285.00'
L=88.18'

R=285.00'
L=40.98'

S 00°09'41" W 46.02'

459 EXISTING PARKING SPACES
± 2 NEW PARKING SPACES
461 TOTAL PARKING SPACES

S 89°56'05" W 80.00'

N 89°56'37" W 277.91'

Garage Doors
Auto Doors

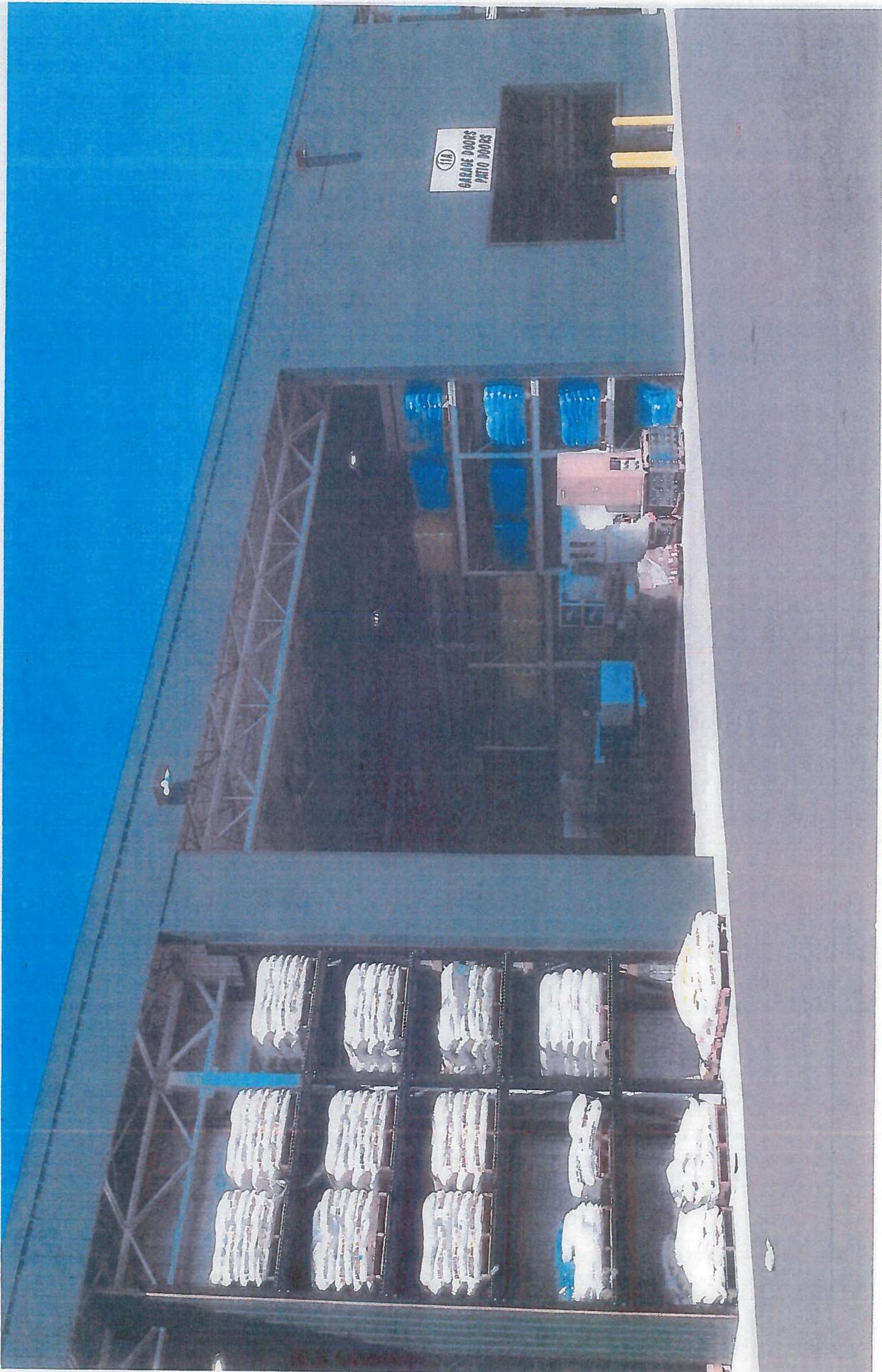


EXHIBIT D

Unconditional Agreement and Consent

Pursuant to Section Four 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 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 and Ordinance No. 2006-O-34, 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 or approvals for the use of the Property, and that the Village's issuance of any permit or approval does not, and shall not, in any way, be deemed to insure the Applicant 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, 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;
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 Applicant pursuant to the Ordinance; and
6. represent and acknowledge that the person signing this Unconditional Agreement and Consent is duly authorized to do so on behalf of the Applicant as owner of the Property.

MENARD, INC.

By: _____

Its: _____