

Item #1:

Report Of The PCZBA - January 15, 2013

Special Use Permit For Limited Use Restaurant, Sunset Grove



**MEETING AGENDA OF THE
PLAN COMMISSION & ZONING BOARD OF APPEALS
SPECIAL MEETING**

Tuesday, January 15, 2013 at 7:00 P.M.

Village Hall, 3110 OLD MCHENRY ROAD LONG GROVE, ILLINOIS

- 1. Call to Order.**
- 2. New Business;** Consideration of a request for a Special Use Permit within the HR-1 Highway Retail District and/or additional relief necessary and/or appropriate under the zoning code to allow a Limited Service Restaurant (NAICS 722211) for property known as 4196 Illinois Route 83 and zoned under the HR-1 Highway Retail District classification within the Village of Long Grove, Illinois, submitted by Mr. Brad Adolph.
- 3. Approval of Minutes; December 4, 2012**
- 4. Other Business; None**
- 5. Adjournment:**

**Next Regular Meeting – February 5th 2013 -Village
Board Representative; (1/22/13) Commissioner
Dvorak.**

The Village of Long Grove is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to phone David Lothspeich, Long Grove Village Manager at 847-634-9440 or TDD 847-634-9650 promptly to allow the Village of Long Grove to make reasonable accommodations for those persons.

**MEETING
PROCEDURES**

Plan Commission meeting follow the procedures outlined below. In the spirit of fairness to all parties, any of these procedures may be modified for a particular item at the discretion of the Chair.

1. Introduction of item by the Chair.
2. Village Staff's summary of Petition.
3. Presentation by the Petitioner.
4. Public Testimony and Comment.
5. Cross-Examination.
6. Response by the Petitioner.
7. Questions by the Commission.
8. Commission Discussion and Deliberation.
9. Commission Action.



STAFF REPORT

TO: LONG GROVE PCZBA
FROM: JAMES M. HOGUE, VILLAGE PLANNER
DATE: 1.4.13
RE: PCZBA REQUEST 13-01 - Request for SUP- "Limited Service Restaurant"
Submitted by Mr. Brad Adolph

Item: PCZBA PETITION 13-01

Status: Request submitted 12/05/12. Referral by Village Board not required. Publication in newspaper accomplished 12.21.12 and is therefore timely.

Proposal: Consideration of a request for a Special Use Permit within the HR-1 Highway Retail District and/or additional relief necessary and/or appropriate under the zoning code to allow a Limited Service Restaurant (i.e. "carry out" per NAICS 722211) for property known as 4196 Illinois Route 83 and zoned under the HR-1 Highway Retail District classification within the Village of Long Grove, Illinois, submitted by Mr. Brad Adolph.

HISTORY/STAFF REVIEW:

History:

The property is located on the southeast corner of Route 83 and Aptakisic Road and commonly known as "Sunset Grove". The Sunset Grove Development consists of 16 +/- acres of land area. The property is presently zoned HR-1 Commercial District & OS-P with a special use permit for a Planned Unit Development. The Village Board granted final PUD plan & plat approval in November 2008 (Ord. # 2008-O-27).

Previously a minor amendment was approved modifying the previous PUD approval as it principally related to "Building B". Building "B" as originally approved on Lot 1 of the Sunset Grove PUD was to contain a bank and mixed retail uses including two drive-up facilities. The bank, now Chase Bank, has a free standing building instead of being a part of the single Building "B" as originally approved. A minor amendment to the previously approved PUD was required and approved (Ordinance # 2010-O-32). Additionally, a minor amendment to the PUD was also granted to allow Lot 1 as originally platted to be split into Lot 1a & Lot 1b. This was approved as Ordinance 2012-O-16. The property in question is one of the tenant spaces in "Building B"; located on Lot 1b - 4196 Route 83, Suite B.

Staff Review

The restaurant would be located in "Suite B" of the building known as 4196 Route 83 adjacent to "Caribou Coffee" in the Sunset Grove Development. The petitioner Mr. Brad Adolph, is proposing a "Chicken and Rib" restaurant offering principally carry-out (i.e. customer pick-up) service. However, home delivery and limited seating within the tenant space will also be available.

"Suite B" contains 1,424 square feet of floor area and is approximately 14% of the floor area of "Building B". "Building B" as approved (as amended and modified) meets all the bulk requirements of the Sunset Grove

Development including setbacks, parking, lot coverage, landscaping, infrastructure, etc. The zoning data for "Building B" as modified (per previous approvals) -is listed in the following table;

Zoning Data

	Existing	Proposed	Final Sunset PUD*	Zoning Code (HR-1 Standard)**
Lot Area (Lot 1 b)	45,501 sq. ft.	No Change	45,501 sq. ft.	20,000 sq. ft.
Floor Area	Building B – 10,250 sq. ft.	Suite B – 1,425 sq. ft.	10,250 sq. ft.	No Standard Identified
Lot Coverage	Lot 1b - 77.3%	No Change	71.8% (75% Standard Identified in approval ordinance)	.60 (lot coverage)
F.A.R.	Lot 1b - 22%	No Change	17.6% (28.5 Standard Identified in Approval Ordinance)	16%
Height	39.4' Tower Bldg "B" 26.0 Bldg "B" Height	No Change	Bldg. "B" (30' Building Height 41' tower Height identified in Approval Ordinance)	35 feet

* As modified per Ordinance 2010-O-32

** Standards may be modified by individual PUD approvals

No additional changes or further relief from any of the previously approved or existing conditions of "Lot 1b" have been made as a part of this request. The request is strictly for a "carry-out" restaurant as defined by the "North American Industry Classification System" (NAICS).

Final PUD Approval

Per the "Conditions of Approval" found in final approval ordinance for Sunset Grove (Ord. 2008-O-27) use restrictions on restaurant were established as noted below.

A. Miscellaneous Use Restrictions.

1. No gasoline station or automotive service facility shall be permitted on the Property.
2. The following restaurant uses shall be authorized:
 - a. Establishments conforming to the definition of "Restaurant, Standard" in the Zoning Code (NAICS 722110) are permitted.
 - b. Restaurants whose fare is predominantly ice cream, yogurt, bagels, juices, coffee, or donuts (NAICS 722213) and not involving drive-in or drive-through facilities shall be permitted without a special use permit, provided that no such establishment shall exceed 5,000 square feet in area.
 - c. **Limited Service Restaurants (NAICS 722211) shall be permitted subject to a special use permit, except that fast food restaurants shall not be permitted. For purposes of**

this Ordinance, fast food restaurants do not include coffee shops with accessory food sales.

- d. No drive-in or drive-through restaurant facilities shall be permitted on the Property; provided, however, that as an incidental service to a "Restaurant, Standard," delivery of pre-ordered food by restaurant personnel to a person in a parking space established on the Property pursuant to the Final PUD Plat shall not be deemed a drive-in or drive-through facility.
- e. No restaurant containing a bar serving alcoholic beverages within its premises shall be permitted except pursuant to a special use permit.

The Village Zoning Code defines Restaurants as either "Standard" or "Fast Food" as follows;

RESTAURANT, FAST FOOD: An establishment whose principal business is the sale of food and/or beverages in a ready to consume state for consumption: a) within the restaurant building, b) within a motor vehicle parked on the premises, or c) off the premises as carryout orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

RESTAURANT, STANDARD: An establishment whose principal business is the sale of food and/or beverages to customers in a ready to consume state, and whose principal method of operation includes one or both of the following characteristics:

- (A) Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- (B) A cafeteria type operation where food and beverages generally are consumed within the restaurant building.

The final PUD approval specifically identifies "Limited Service Restaurants" as defined by the North American Industry Classification System (NAICS) as follows;

NAICS 722211: Limited-Service Restaurants

This U.S. industry comprises establishments primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. **Food and drink may be consumed on premises, taken out, or delivered to customers' location.** Some establishments in this industry may provide these food services in combination with selling alcoholic beverages.

Petitioner is seeking approval for a "carry-out" restaurant as identified above. As proposed the restaurant would provide carry-out (i.e. customer pick-up), home delivery and limited seating within the store as identified above. It is unknown if alcoholic beverages are anticipated to be sold as part of the restaurant operation or not. "Fast Food" restaurants were specifically eliminated as a "Limited Service Restaurant" and prohibited per the PUD approval.

Traffic

In 2008 a traffic study was conducted by KLOA Transportation Consultants for the Sunset Grove Development. Conclusions of that study indicated that the intersections of Rt. 83 with Coffin Road and Aptakistic Road would accommodate site traffic through the incorporation of recommended site improvements as part of the overall site development process. These recommendations have been incorporated into the development.

This initial traffic study has been supplemented via memorandum from KLOA (attached) assessing the impact of this proposal on the overall site. Conclusions of this report indicate that in comparison to the entire development the proposed restaurant will generate a low volume of traffic representing 3% of the peak hour traffic on weekday evenings and 5% of the Saturday midday peak hour traffic. This study also notes no further geometric or traffic control improvements are needed (nor recommended) to accommodate the proposed use at this location.

STANDARDS for SPECIAL USE

The PCZBA should also evaluate the request taking into consideration of the Standards for Special Use Permits as identified in the Village code and listed below;

Standards for Special Use Permits:

1. General Standards: No special use permit shall be recommended or granted pursuant to this section unless the owner shall establish that:

(a) It is deemed necessary for the public convenience at that location;

(b) It is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(c) It will not cause substantial injury to the value of other lots in the neighborhood in which it is located;

(d) It conforms to the applicable regulations of the district in which it is to be located, except as may be recommended by the plan commission and approved by the village board or, except in the case of a planned development; and

(e) Owner can demonstrate, to the satisfaction of the village, that it has the capability and capacity, including, without limitation, the technological, personnel, and financial resources, to complete the project as proposed.

Considerations: In determining whether the owner's evidence establishes that the foregoing standards have been met, the plan commission shall consider:

(a) Public Benefit: Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

(b) Alternative Locations: Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

(c) Mitigation Of Adverse Impacts: Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Conditions

The PCZBA is reminded that Special Use Permits may be conditioned as follows;

Conditions On Special Use Permits: The plan commission may recommend and the board of trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this title upon the premises benefited by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other lots and

improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance granting the special use. Violation of any such condition or limitation shall be a violation of this title and shall constitute grounds for revocation of the special use permit.

Conclusions

The restaurant as proposed would be located in "Suite B" of the building known as 4196 Route 83 and within the Sunset Grove Development. As the Sunset Grove Development is designed as a commercial development, restaurant uses were anticipated at this location. However, "carry-out" restaurants, identified as "limited service" restaurants (NAICS 722211) per the PUD approval, require a Special Use Permit.

"Suite B" contains 1,424 square feet of floor area and is approximately 14% of the floor area of "Building B". "Building B" as approved (as amended and modified) meets all the bulk requirements of the Sunset Grove Development including setbacks, parking, lot coverage, landscaping, infrastructure, etc.

No additional changes or further relief from any of the previously approved or existing conditions of the Sunset Grove development have been made as a part of this request. The request is strictly for a "carry-out" restaurant as defined by the "North American Industry Classification System" (NAICS).

The initial traffic study for the development has been supplemented with an additional traffic evaluation of this specific proposed use at this location. Conclusions of this evaluation indicate that in comparison to the entire development the proposed restaurant will generate a low volume of traffic representing 3% of the peak hour traffic on weekday evenings and 5% of the Saturday midday peak hour traffic. This study also notes no further geometric or traffic control improvements are needed (nor recommended) to accommodate the proposed use at this location.

The PCZBA should determine the appropriateness of the proposed use at this location as well as evaluate the proposal against the Standards for Special Use as identified in the Village Code.

Respectfully Submitted,

James M. Hogue

James M. Hogue
Village Planner

Lake County, Illinois



LakeCounty
Geographic Information System

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

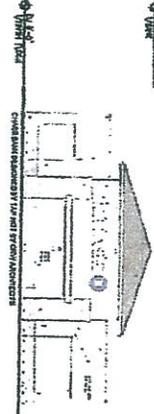
Map Printed on 01/08/2013

- 2011 Aerial Photography
- Forest Preserves
- Lake County Border
- Streams
- Tax Parcels

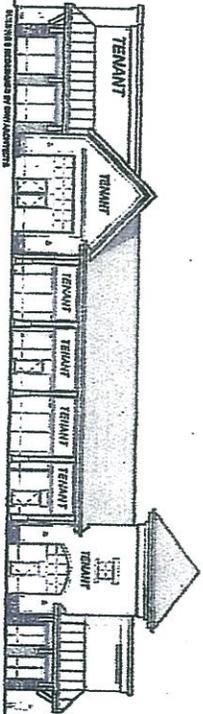
Disclaimer The selected soil feature layer may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering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

EXHIBIT 17
SUNSET GROVE
 LONG GROVE, ILLINOIS

LOT ONE BUILDING ELEVATIONS
 SQUARE 1' = 32'-0"



SUNSET GROVE LLC

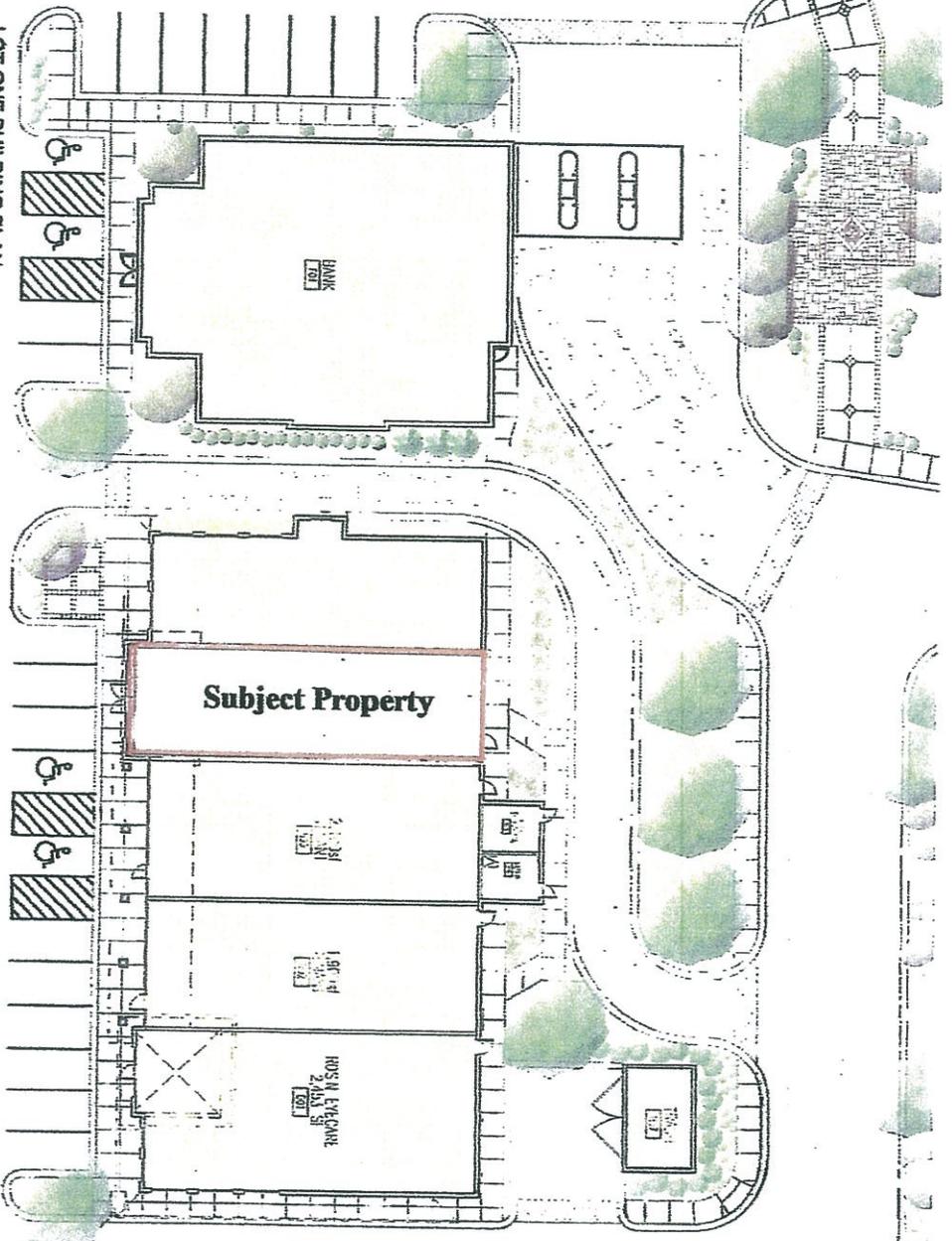


DATE: 20 JULY 2010



OKW Architects
 PROJECT NUMBER: 0883

LOT ONE BUILDING PLAN
 SQUARE 1' = 32'-0"



Scale indicators for the building plan, including a north arrow and a scale of 1' = 32'-0".

MEMORANDUM TO: Kurt Wandrey
Sunset Grove, LLC

FROM: William R. Woodward
Luay R. Aboona, PE

DATE: January 3, 2013

SUBJECT: Traffic Evaluation
Proposed Chicken and Rib Restaurant
Sunset Grove Retail Center; Long Grove, Illinois

This memorandum summarizes a trip generation evaluation conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for a proposed chicken and rib restaurant to be located within the existing Sunset Grove retail development located in Long Grove, Illinois.

The proposed approximate 1,425 square-foot chicken and rib restaurant will primarily be a take-away/home delivery operation. The storefront will only have a few tables for dine-in patrons. It is estimated that approximately 30 percent of business will be home delivery. Access to the restaurant will be from the three existing site access drives serving the Sunset Grove retail development (a signalized full access and a restricted access on IL 83; a full access, under stop sign control, on Aptakisic Road).

The proposed chicken and rib restaurant is to be located in Building B, an approximate 10,250 square-foot building which also contains the following land use types and densities:

- 1,750 square feet Caribou Coffee
- 2,450 square feet Rosen Eye Clinic
- 1,550 square feet yogurt shop

The remaining 3,075 square feet remains vacant retail space

In 2008, KLOA, Inc. prepared a traffic impact study report for the entire Sunset Grove retail development, which included land use types and densities for both the anchor tenants as well as the outlot parcels. From this study, it was estimated that the overall development would generate approximately 1,010 two-way vehicle trips during the weekday evening peak hour and approximately 1,040 two-way vehicle trips during the Saturday midday peak hour. Similar to the methodologies followed for the 2008 traffic study, the weekday evening and Saturday midday peak hour traffic estimated to be generated by the proposed restaurant was based on the square footage of the restaurant and rates published in the *ITE Trip Generation Manual*, 9th Edition. These rates were then reduced by 30 percent to account for home delivery operations.

Table 1 tabulates the estimated trip generation for the proposed restaurant for the weekday evening and Saturday midday peak hours. The weekday morning peak hour was not evaluated since it is anticipated that the restaurant will not be serving customers during this timeframe. It is also important to note that the trip generation is highly conservative since ITE land use code (LUC 933) for a fast food restaurant without a drive-through window was used.

Table 1
ESTIMATED SITE-GENERATED TRAFFIC VOLUMES

ITE Land- Use Code	Type/Size	Weekday P.M. Peak Hour			Saturday Midday Peak Hour		
		In	Out	Total	In	Out	Total
933 ¹	Proposed Chicken/Rib Restaurant – 1,425 s.f.	13	13	26	27	27	54

¹Trip generation reduced by 30 percent to account for home delivery operations.

Based on a square footage of 1,425 square feet, it is estimated that this restaurant will generate approximately 26 two-way vehicle trips during the weekday evening peak hour and approximately 54 two-way vehicle trips during the Saturday midday peak hour. As noted, the Year 2008 traffic study estimated the entire development would generate approximately 1,010 two-way vehicle trips during the weekday evening peak hour and approximately 1,040 two-way vehicle trips during the Saturday midday peak hour. As such, compared to the entire development, the proposed restaurant will generate a low volume of traffic, representing 3 percent and 5 percent of the entire Sunset Grove retail center’s peak hour traffic during the weekday evening and Saturday midday peak hours, respectively.

Conclusion

The proposed chicken and rib restaurant will have a low impact on the site traffic and circulation operations for the Sunset Grove retail center. No further geometric or traffic control improvements are needed or recommended to the existing Sunset Grove retail center or surrounding roadway network based on the following factors.

- The proposed restaurant is a small-scale operation, occupying only 1,425 square feet.
- Given the small size of the restaurant and limited tables, few patrons will dine-in.
- The restaurant’s peak hours of operation will generally occur outside the peak hours of adjacent roadway network activity and the peak hours of adjacent tenants.
- It is estimated that approximately 30 percent of the business will be home delivery operations, resulting in less traffic coming to the restaurant.
- The weekday evening and Saturday midday peak hour traffic estimated to be generated by this restaurant represents approximately 3 percent and 5 percent of the traffic previously estimated to be generated by the entire Sunset Grove retail development.



RECEIVED

DEC 05 2012

VILLAGE OF LONG GROVE

3110 Old McHenry Road 60047-9635
Phone: 847-634-9440 Fax: 847-634-9408
www.longgrove.net

PLAN COMMISSION ZONING BOARD OF APPEALS GENERAL ZONING APPLICATION

1.0 General Information (See Subsection 5-11-8(E) of the Long Grove Zoning Code).

1.1 Applicant Name: Mr. Brad Adolph

Address: 2007 Tree Farm Court Buffalo Grove, Illinois 60089

Telephone Number: 847-478-9560

E-mail Address: bjadolph@aol.com

Fax number:

Applicant's Interest in Property: Tenant / Business Owner

1.2 Owner (if different from Applicant).

Name: Sunset Grove LLC

Address: 1175 Corporate Woods Parkway, Suite 280 Vernon Hills, Ill 60061

Telephone Number: 847-884-8800

E-mail Address: _____

Fax number: 847-884-8986

1.3 Property.

Address of Property: 4196 Illinois Route 83 Suite B

Legal Description: Please attach Parcel Index Number(s): 15-30-203-019

Present Zoning Classification HR-1 PUD Size of Property (in acres) 1.045 Acres

Has any zoning reclassification, variation, or special use permit/PUD been granted for the Property?

Yes: X No:

If yes, please identify the ordinance or other document granting such zoning relief: Ordinance 2008-O-9

Describe the nature of the zoning relief granted: Special Use

Present use of Property:

Residential Commercial Office Open Space Vacant

Other (explain) _____

Present zoning and land use of surrounding properties within 250' of Property:

	Zoning Classification	Land Use
North:	<u>R-1 PUD</u>	<u>Golf Driving Range</u>
South:	<u>D-J (declaratory Judgment)</u>	<u>Office Building</u>
East:	<u>R-2</u>	<u>Single Family Homes</u>
West:	<u>R-2</u>	<u>Single Family Homes</u>

1.4 Trustees disclosure.

Is title to the Property in a land trust? Yes No

If yes, full disclosure of all trustees, beneficiaries and their legal and equitable interests is required. Attach a copy of all documents showing ownership of the Property and the Applicant's and/ or Owner's control of or interest in the Property.

1.5 Requested Action (Check as many as are applicable).

<input type="checkbox"/> Appeal	<input type="checkbox"/> Code Interpretation
<input type="checkbox"/> Variation	<input checked="" type="checkbox"/> Special Use Permit (non-PUD)
<input type="checkbox"/> Zoning Map Amendment (rezoning)	<input type="checkbox"/> Zoning Code Text Amendment
<input type="checkbox"/> Preliminary PUD Plat	<input type="checkbox"/> Final PUD Plat

1.6 Supplemental Information (General):**

Every Application filed shall, in addition to the data and information required above, provide the following general information when applicable to the use or development for which approval is being sought:

- (a) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.
- (b) A table showing the following, as applicable:

- the total lot area of the lot, in acres and in square feet; and
 - the total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to: residential uses, business uses; office uses; college uses; institutional uses; open space; rights-of-way; streets; and off-street parking and loading areas; and
 - the existing and proposed number of dwelling units; and gross and net floor area devoted to residential uses, business uses, office uses, college uses, and institutional uses.
- (c) A table listing all bulk, space, and yard requirements; all parking requirements; and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. When any lack of compliance is shown, the reason therefore shall be stated and an explanation of the village's authority, if any, to approve the Application despite such lack of compliance shall be set forth.
- (d) The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction, or development complies with all provisions of this code and other village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.
- (e) A landscape development plan, including the location, size and species of plant materials.

1.7 Supplemental Information (per specific request):

- _____ Appeals, Code Interpretations, and Variations: See 5-11-8(E)3, 4, & 5 of the Zoning Code and Form "A"
- _____ Special Use Permit (non-PUD): See 5-11-8(E)7 of the Zoning Code and Form "B"
- _____ Zoning Map Amendment (rezoning): See 5-11-8(E) 8 of the Zoning Code and Form "C"
- _____ Zoning Code Text Amendment: See Form "D"
- _____ Preliminary PUD Plat: See 5-11-18(D)(2) of the Zoning Code and Form "E"
- _____ Final PUD Plat: See 5-11-18(D)(3) of the Zoning Code and Form "F"

** The scope and detail of information shall be appropriate to the subject matter of the Application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the Application. Information required in the application shall be considered the minimum information required for filing an application. Additional information including but not limited to graphic depictions, environmental impacts, plans for sewer and water service and storm water management, photometric plans, traffic studies and effects on property values, among others, should also be considered and may be helpful in detailing the Application.

Special Data Requests. In addition to the data and information required pursuant to this Application, every Applicant/Owner shall submit such other additional data, information, or documentation as the

building superintendent or any board or commission before which the Application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular Application.

1.8 Consultants.

Please provide the name, address, and telephone number of each professional or consultant advising Applicant with respect to this Application, including architects, contractors, engineers or attorneys:

Name: Kurt A Wandrey

Professional: Land Use and Zoning

Address: 2500 West Higgins Road Suite 960, Hoffman estates, Illinois

Telephone: 847-884-8800

E-Mail: Kurt@lakewoodrealestatesolutions.com

1.9 Village Officials or Employees.

Does any official or employee of the Village have an interest, either directly or indirectly, in the Property? Yes: No: X

If yes, please identify the name of such official or employee and the nature and extent of that interest. (Use a separate sheet of paper if necessary.)

1.10 Successive Applications (5-11-9).

Second Applications Without New Grounds Barred. Whenever any Application filed pursuant to this code has been finally denied on its merits, a second Application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the officer, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.

New Grounds to Be Stated. Any such second Application shall include a detailed statement of the grounds justifying consideration of such Application.

Summary Denial With or Without Hearing. Any such second Application may be denied by the building superintendent summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such Application is set for hearing, the owner shall be required to establish grounds warranting reconsideration of the merits of its Application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the Application may be summarily dismissed for such failure.

Exception. Whether or not new grounds are stated, any such second Application filed more than two years after the final denial of a prior Application shall be heard on the merits as though no prior Application had been filed. The Applicant or Owner shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first Application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first Application.

2.0 Required Submittals (See Specific Supplemental Information Form for filing Fees).

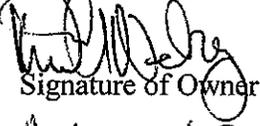
<u>X</u> Fully completed Application with applicable supplementary information	
<u>X</u> Non-refundable Filing Fee.	Amount: \$ <u>100.</u> ⁰⁰
<u>X</u> Planning Filing Fees.	Amount: \$ <u>1000.</u> ⁰⁰
<u>4</u> Minimum Professional Fee/deposit Escrow.	Amount \$ <u>5000</u> ⁰⁰ <u>6,100.</u> ⁰⁰

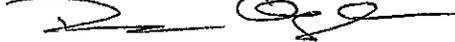
3.0 Certifications. The Applicant and Owner certify that this Application is filed with the permission and consent of the Owner of the Property and that the person signing this Application is fully authorized to do so.

3.1 The Applicant certifies that all information contained in this Application is true and correct to the best of Applicant's knowledge.

3.2 The Applicant acknowledges that the Village may seek additional information relating to this Application and agrees to provide the Village with such information in a timely manner. Failure to provide such information may be grounds for denying an Application.

- 3.3 The Applicant and Owner agree to reimburse the Village for any and all costs relating to the processing of this Application, including any consultants' fees. By signing this Application, Applicant and Owner agree to be jointly and severally liable for such costs, and Owner further agrees to the filing and foreclosure of a lien against the Property for all such costs plus all expenses relating to collection, if such costs are not paid within 30 days after mailing of a demand for payment.
- 3.4 The Applicant agrees that the Village and its representatives have the right, and are hereby granted permission and a license, to enter upon the Property, and into any structures located there on, for purposes of conducting any inspections that may be necessary in connection with this Application.
- 3.5 The Owner, Applicant, and/or designated representative is required to be present during the meeting.

Sunset Grove LLC
Name of Owner

Signature of Owner
17 July 12
Date
Authorized Rep.

Mr. Brad Adolph
Name of Applicant

Signature of Applicant
7/17/12
Date

1.6 Supplemental Information (General):**

Every Application filed shall, in addition to the data and information required above, provide the following general information when applicable to the use or development for which approval is being sought:

- (a) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.

This Special Use request is for a "Limited Service Restaurant" located within the HR-1 Zoning District. Section 6 sub paragraph L 2c of ordinance 2008-0-9 establishing the Sunset Grove PUD, further provides for this use. The business will be located within building B, suite "B" on lot 1 B of the Sunset Grove development. The restaurant will occupy 1424 square feet of building B and is adjacent to Caribou Coffee. Mr. Brad Adolph is proposing "Chicken and Rib" carryout restaurant. The menu will focus on various Chicken or Rib selections that will be available for customer pick up, home delivery or consumed on site at tables that will be provided with in the store.

- (b) A table showing the following, as applicable:

- The total lot area of the lot, in acres and in square feet;

Building B is located on lot 1 B which is 45,501 square feet or 1.045 acres, suite B consists of 1424 Square feet of Building B.

- the total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area:

Suite B is 13.89% of the 10,250 square feet of building B and building B represents 9.2 % of the 110,947 square feet approved for the Sunset Grove development.

- the existing and proposed net floor area devoted to business uses,

The proposed restaurant will occupy 1424 feet of the 10,250 square feet of building B now under construction.

- (b) A table listing all bulk, space, and yard requirements; all parking requirements; and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement.

The restaurant is a located within building B on lot 1 B of the Sunset Grove development. Building B meets all of the parking, yard and setback requirements established by ordinance 2008-0-9 as amended by ordinance 2010-0-32 and ordinance 2012-0-05

- (c) The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction, or development complies with all provisions of this code and other village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.

Building B is currently under construction, plans for this building have been approved for construction by the Long Grove building officials. All site improvements for parking and infrastructure were previously approved by the various departments and engineering review authorities. All necessary certificates and approvals are a matter of record.

- (d) A landscape development plan, including the location, size and species of plant materials.

Landscape plans for building B were previously reviewed and approved by the appropriate authority and are a matter of record.

** The scope and detail of information shall be appropriate to the subject matter of the Application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the Application. Information required in the application shall be considered the minimum information required for filing an application. Additional information including but not limited to graphic depictions, environmental impacts, plans for sewer and water service and storm water management, photometric plans, traffic studies and effects on property values, among others, should also be considered and may be helpful in detailing the Application.

FORM "B"

In addition to the information required by the General Zoning Application, the Applicant must provide specific supplemental information as required below for Applications for a Special Use Permit (non-PUD).

Applications for Special Use Permit (SUP). In addition to the information required in the General Zoning Application, every Application for a Special Use Permit shall provide the following supplemental information:

(a) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions, lot area, all easements, all public and private rights-of-way, and all streets across and adjacent to the lot.

A copy of the final plat for the "Sunset Grove First Resubdivision" is attached, illustrating lot 1B on which building B is under construction.

(b) A statement concerning the conformity or lack of conformity of the approval being requested to the official comprehensive plan and the official map of the village.

The proposed use conforms with the existing HR-1 zoning district, the Comprehensive Plan for long grove and the underlying PUD Ordinances as amended.

LEGAL DESCRIPTION

SUNSET GROVE SUBDIVISION LOT 1B

LOT 1B OF A RESUBDIVISION OF LOT 1, IN SUNSET GROVE
SUBDIVISION BEING A SUBDIVISION OF THAT PART OF THE EAST
HALF OF THE NORTHEAST QUARTER OF SECTION 3 TOWNSHIP
43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN,
IN LAKE COUNTY, ILLINOIS.

LEGAL NOTICE
VILLAGE OF
LONG GROVE, ILLINOIS
NOTICE OF A PUBLIC
HEARING FOR CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT FOR PROPERTY WITHIN THE HR-1 HIGHWAY RETAIL DISTRICT CLASSIFICATION AND/OR ADDITIONAL RELIEF NEEDED ARE APPROPRIATE UNDER THE ZONING TO ALLOW A LIMITED SERVICE RESTAURANT AT 4196 ILLINOIS ROUTE 83, SUITE B, WITHIN THE SUNSET GROVE DEVELOPMENT. PUBLIC NOTICE IS HEREBY GIVEN that on Tuesday, January 15, 2013 at 2:00 p.m. a public hearing will be held at the special meeting of the Plan Commission & Zoning Board Appeals of the Village of Long Grove, Lake County, Illinois, at the Long Grove Village Hall, 3110 RFD, Long Grove, Illinois 60047, (unless otherwise posted) in connection with a petition for a Special Use Permit within the R-1 Highway Retail District submitted by Mr. Bradolph to allow a Limited Service Restaurant (NAICS 72211) and/or additional relief necessary and/or appropriate under the zoning code or property known as 4196 Illinois Route 83 and zoned under the HR-1 Highway Retail District classification within the Village of Long Grove, Illinois. A reclassification of the subject property is requested. The subject property is legally described as follows:

LEGAL DESCRIPTION
 of 1 B of a re-subdivision of 1 in Sunset Grove Subdivision being a subdivision of part of the East Half of the Northeast Quarter of Section 3, Township 43 North, Range 11 East of the 11th Principal Meridian, in Lake County Illinois, commonly known as: Sunset Grove, 4196 Illinois Route 83, Suite B, PIN: 15-30-202-019
 Persons attending the hearing shall have the opportunity to provide written and oral comments and questions concerning the proposal. The above information, together with the plans for the property, will be available for inspection at the Long Grove Village Hall, 3110 RFD, Long Grove, Illinois during regular business hours.
 The Plan Commission & Zoning Board of Appeals reserves the rights to continue the hearing to a later date, and place should that come necessary.
 James M. Hoague
 Village Planner
 Village of Long Grove
 Published in Daily Herald
 December 21, 2012 (4325136)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva, Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect, Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg, Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Volo, Wauconda, Wheeling, West Dundee, Wildwood, Sugar Grove, North Aurora

County(ies) of Cook, Kane, Lake, McHenry
 and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the **DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 7150, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published December 21, 2012 in said **DAILY HERALD**.

IN WITNESS WHEREOF, the undersigned, the said **PADDOCK PUBLICATIONS, Inc.**, has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY *Laurel Baidgen*
 Authorized Agent

Control # 4325136