

Item #15:

Village Planner Hogue

Upcoming PCZBA Meeting – June 2017

Sunset Grove Request To Increase The Maximum Non-retail
(For Informational Purposes Only)

NARRATIVE:

Sunset Grove LLC, is requesting a text amendment to Ordinance 2014-0-21, section 2, paragraph Q "Non-Retail use Restriction" Passed on September 22nd 2014, which previously amended restrictions found in ordinance 2008-0-27 approving the Final PUD for the Sunset Grove Development.

The following discussion relates to our request:

We are rapidly approaching the ninth anniversary of the original approval of the Sunset Grove development. As you are aware, the final construction development stage, which included building A and C, is complete. With the completion of these buildings we have 125,947 Sq. Ft. of the total approved floor area of 140,947 sq. ft. ready for occupancy or occupied. Leases are in place for eight retail tenants totaling 93,078 ft.² and seven non-retail tenants totaling 18,500 ft.². Approximately 26,580 sq. feet remain vacant.

I believe everyone is pleased with the results of our combined efforts and the successes we have achieved to date in spite of the current economic conditions that we are all working hard to overcome. We again are faced with the continuing dynamic of the changing nature of retail and non-retail development in today's market place. The impact of Internet sales and other factors were not anticipated in the early stage of our zoning process nine years ago. Burn Boot Camp, has submitted a letter of intent to lease 4,657 ft.² of space within building A. This lease will create a condition where we will exceed the maximum allowable amount of non-retail space, which is capped at 18,500 Sq. feet.

The limitation on non-retail occupancy is unique to our development. The HR-1 district states in section E subparagraph 1(a) that within PUD's, a development is allowed to have up to 18.5% of the gross floor area for non-retail uses. If that standard were applied to Sunset Grove, non-retail uses could occupy up to 26,075 ft.².

We are asking the board to support a text amendment, modifying the use limitations currently found within ordinance no. 2014-0-21 and increase the percentage of allowable non-retail gross floor area to 17.5%. This new maximum limit will allow us to develop 24,665 Sq. Ft. non-retail uses within the development, an increase of 6,165 sq. ft.

A final thought for your consideration is the fact that even though there will be a slight loss of sales tax revenue due to this conversion, the development will now have 6,165 sq. ft. of additional finished space which will generate an immediate increase in real estate tax revenue, clearly benefiting the current TIFF, beyond that of a vacant building. It is unclear in the current market condition when a retail user might be available to lease the property. Therefore this gain in real estate tax revenue will most likely offset the loss in sales tax revenue.

Respectfully Submitted,



Kurt Wandrey, as agent for Sunset Grove LLC



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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: Kurt Wandrey, Environmental Planning & Design, As Agent.

Address: 4005 Royal Fox Drive Saint Charles, Ill 60174

Telephone Number: 847-875-9513 E-mail Address: kurtwandrey@gmail.com

Fax number: _____

Applicant's Interest in Property: Planning consultant, Agent for Sunset Grove LLC

1.2 Owner (if different from Applicant).

Name: Sunset Grove LLC

Address: 555 Corporate Woods Parkway Vernon Hills, Ill 60047

Telephone Number: 847-980-6398 E-mail Address: _____

Fax number: _____

1.3 Property.

Address of Property: Lots 1 Through 6 of the Sunset Grove Subdivision, Long Grove, Ill.

Legal Description: See attached Parcel Index Number(s): _____

Present Zoning Classification HR-1 Size of Property (in acres) 15.6 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 2014-O-21

Describe the nature of the zoning relief granted: Text Amendment to the HR-1 zoning district and previously approved PUD related to the maximum square footage related to non-retail uses.

Present use of Property:

Residential _____ Commercial X 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 & R-2 PUD</u>	<u>Commercial, Golf Driving Range</u>
South:	<u>HR</u>	<u>Commercial/ Office</u>
East:	<u>R-2</u>	<u>Residential</u>
West:	<u>R-2 PUD</u>	<u>Residential/Office</u>

1.4 Trustees Disclosure.

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

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).

- | | |
|---------------------------------------|-------------------------------------|
| _____ Appeal | _____ Code Interpretation |
| _____ Variation | _____ Special Use Permit (non-PUD) |
| _____ Zoning Map Amendment (rezoning) | <u>X</u> Zoning Code Text Amendment |
| _____ Preliminary PUD Plat | _____ 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: <u>Environmental Planning & Design</u>	Name: _____
Professional: <u>Kurt A. Wandrey</u>	Professional: _____
Address: <u>4005 Royal Fox Drive St. Charles Il.</u>	Address: _____
Telephone: <u>847-875-9513</u>	Telephone: _____
E-mail: <u>kurtwandrey@gmail.com</u>	E-mail: _____

Name: _____	Name: _____
Professional: _____	Professional: _____
Address: _____	Address: _____
Telephone: _____	Telephone: _____
E-mail: _____	E-mail: _____

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).

- Fully completed Application with applicable supplementary information
- Non-refundable Filing Fee. Amount: \$ \$1,100.00
- Planning Filing Fees. Amount: \$ _____
- Minimum Professional Fee/deposit Escrow. Amount \$ _____

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 Date

Environmental Planning & Design, Kurt Wandrey
Name of Applicant

 4 APRIL 2017
Signature of Applicant Date

AS AGENT