

**Item #2:**

**Ord. Approving Minor Amendments For Double G's Restaurant**

**VILLAGE OF LONG GROVE**

**ORDINANCE NO. 2013-O-\_\_**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO AMEND THE  
PRESERVE AT LONG GROVE PLANNED UNIT DEVELOPMENT**

Adopted by the  
President and Board of Trustees  
of  
the Village of Long Grove  
this 23<sup>rd</sup> day of April, 2013

Published in pamphlet form by direction  
and authority of the Village of Long Grove,  
Lake County, Illinois  
this 23<sup>rd</sup> day of April, 2013

VILLAGE OF LONG GROVE

ORDINANCE NO. 2013-O-XX

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO AMEND THE  
PRESERVE AT LONG GROVE PLANNED UNIT DEVELOPMENT**

**WHEREAS**, pursuant to Ordinance No. 98-O-22, the Village of Long Grove granted final planned unit development approval for the property known as The Preserve at Long Grove Planned Unit Development;

**WHEREAS**, Ordinance No. 98-O-22 has been amended from time-to-time (Ordinance No. 98-O-22 and its amendments shall be collectively referred to as the "**Planned Unit Development**"); and

**WHEREAS**, George Callas ("**Owner**") is the owner of the property within the Preserves that is legally described in Exhibit A ("**Callas Property**"); and

**WHEREAS**, C.K. Concepts LLC and the Owner (collectively, the "**Applicant**") is requesting approval of a Special Use Permit amending the Planned Unit Development (the "**Requested Relief**") to permit: (a) resubdivision of Lot 68 and 70 of The Preserves pursuant to the Parcel Exhibit, prepared by Haeger Engineering, consisting of one sheet, and dated February 5, 2013, attached hereto as Exhibit B (the "**Resubdivision Plat**"), which Resubdivision Plat upon final approval and recordation will result in an enlarged parcel of Lot 70 (the "**Subject Property**"); (b) the use of the Subject Property for parking, land banked parking, and an additional 4,455 +/- square feet of "net" restaurant area (basement and outdoor dining); and (c) proposed site plan modifications for access, parking, outdoor dining and the storage, as depicted on the following Plans:

- A. Site Plan, prepared by Haeger Engineering, consisting of one sheet, dated March 4, 2013 and amended April 10, 2013.
- B. Color Site Plan Exhibit, prepared by Haeger Engineering, consisting of one sheet, dated February 28, 2013, and amended \_\_\_\_\_;
- C. Preliminary Site Engineering and Landscaping Plan, prepared by Haeger Engineering, consisting of one sheet, dated March 4, 2013, and amended \_\_\_\_\_.
- D. Tree Location Exhibit & Inventory Report, prepared by Haeger Engineering, consisting of one sheet, dated February 31, 2013, and amended \_\_\_\_\_.
- E. Impervious Coverage Exhibit prepared by Haeger Engineering, consisting of one sheet, dated March 11, 2013, and amended \_\_\_\_\_.
- F. Bioswale Detention Storage Area, consisting of one sheet, and dated \_\_\_\_\_;
- G. Site Lighting Plan Parking Lot Expansion, prepared by Haeger Engineering, consisting of one sheet, dated March 4, 2013, and amended \_\_\_\_\_;
- H. Landscape Plan, prepared by Krogstad, consisting of one sheet, dated March 4, 2013, and amended April 15, 2013;
- I. Traffic Impact Study, prepared by Gewalt Hamilton Associates, Inc., consisting of one sheet, and dated March 1, 2013; and
- J. Proposed Building Signage, consisting of \_\_\_ sheet(s), and dated \_\_\_\_\_;

All attached to this Ordinance as Group Exhibit C (the "**Plans**"); and

**WHEREAS**, the Plan Commission Zoning Board of Appeals ("**PCZBA**") considered the Plans and testimony submitted by the Applicant and recommended approval of the Requested Relief, subject to the following conditions: (i) standard conditions, (ii) Architectural Review Commission ("**ARC**") review of landscaping or other screening to address neighbor concerns, (iii) construction of a foot path to the edge of the Subject Property line that connects to a path to be constructed by the Preserve HOA, (iv) all final plans submitted shall be subject to review and approval by the Village Engineer and Arborist (the "**PCZBA Conditions**");

**WHEREAS**, the ARC considered the Plans and testimony submitted by Applicant and recommended approval of the Requested Relief, subject to the following conditions: (i) plans for the proposed shed shall be brought back before the ARC for the review and approval, (ii) Village Engineer shall review and verify that the proposed detention area/bioswale does not create flooding during a 100 year storm event, (iii) twelve lighting fixtures matching the existing on-site fixtures shall be permitted on the Plans, (iv) lighting fixtures shall be less than fifteen feet in height with a 250 watt light metal halide light source, (v) specifications for additional exterior lighting for the outdoor dining area shall be submitted to the ARC for further review and approval, (vi) specifications for awnings, canopies, fencing, elevation, and site specifics of the outdoor dining area shall be submitted to the ARC for further review and approval, (vii) the landscape plan shall be subject to review and approval of the Village Arborist, and (viii) a final "proof" of the proposed signage which identifies dimensions, materials, illumination, color scheme, copy and exact placement of the sign on the north elevation of the restaurant building shall be submitted to the ARC for further review and approval (collectively, the "**ARC Conditions**").

**WHEREAS**, the President and Board of Trustees find that granting the Special Use Permit amending Planned Unit Development to permit the Requested Relief on the Subject Property, subject to the terms and conditions of this Ordinance as hereinafter set forth, is in the best interests of the of the Village and its residents;

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.

**SECTION TWO: Amendment to the Planned Unit Development.** Pursuant to Section 5-11-18(J) of the Long Grove Zoning Code, and subject to the conditions set forth in Section Three of this Ordinance, a Special Use Permit is hereby granted approving the amendment to the Planned Unit Development to permit the Requested Relief as depicted on, and in conformance with, the Plans.

**SECTION THREE: Conditions on Approval.** The Special Use Permit amending the Planned Unit Development granted pursuant to Section Two of this Ordinance, permitting the Requested Relief, shall be, and it 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. Continued Effect of the Planned Unit Development. Except as expressly modified by this Ordinance, the Planned Unit Development, and its conditions, shall remain in full force and effect, and the Applicant shall comply with all requirements, conditions, and restrictions therein.
- b. Compliance with Plans. The development, maintenance, and use of the Subject Property shall be in strict conformance with the Plans, as well as any additional or supplemental plans approved in connection with the satisfaction of the PCZBA Conditions and ARC Conditions.
- c. Compliance with ARC and PCZBA Conditions. The Requested Relief is only authorized upon compliance with the PCZBA Conditions and ARC Conditions identified herein.

- d. Compliance with Laws. 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 Subject Property, and the development and use of the Subject Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- e. Permits. No construction or redevelopment of the Subject Property shall occur, and no permits for construction or redevelopment of the Subject Property shall be granted, unless and until (i) the Resubdivision Plat is properly executed and recorded, and (ii) all PCZBA Conditions and ARC Conditions have been satisfied. The Village President, Village Clerk, Plan Commission Chairperson, and any other Village officers, officials, or employees are hereby authorized and directed to execute the Resubdivision Plat upon written confirmation of the Village Engineer and Village Attorney that the Resubdivision Plat is in proper form for execution.
- f. Fees and Costs. The HOA shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the Long Grove Zoning Code. In addition, the HOA 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 Subject 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.
- g. Transferees. The rights and obligations set forth in this Ordinance shall be binding on the Applicant, the owner of the Subject Property (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 Subject 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 and/or Owner 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 and/or Owner to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the Applicant and/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 the Applicant and/or Owner.

In addition, any violation of this Ordinance shall be deemed a violation of the Long Grove Zoning Code and shall subject the HOA 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 special use permits 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 23<sup>rd</sup> day of April, 2013.

AYES: ( )

NAYS: ( )

ABSENT: ( )

APPROVED this 23<sup>rd</sup> day of April, 2013.

\_\_\_\_\_  
Maria Rodriguez, Village President

ATTEST:

\_\_\_\_\_  
Karen Schultheis, Village Clerk

#22962127\_v2

**EXHIBIT A**

**Legal Description of Callas Property**

**EXHIBIT B**

**Parcel Exhibit**

**EXHIBIT C**

**Plans**

**EXHIBIT D**

**Unconditional Agreement and Consent**

Pursuant to Section Four of Long Grove Ordinance No. 2013-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. 2013-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. 98-O-22, 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 Subject 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 any 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 agrees 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.

**GEORGE CALLAS**

\_\_\_\_\_

**CK PROPERTY CONCEPTS, LLC**

By: \_\_\_\_\_

Its: \_\_\_\_\_