

Item #2:
Consideration Of Four (4) Ordinances Approving
Special Use Permits For Archer Outlots -
Buildings In Excess Of 5,000 Sq. Ft.

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE
THE CONSTRUCTION OF A BUILDING EXCEEDING 5,000 SQUARE FEET IN FLOOR AREA
AT 282 ARCHER ROAD**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 11th day of December, 2012

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 11th day of December, 2012

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE
THE CONSTRUCTION OF A BUILDING EXCEEDING 5,000 SQUARE FEET IN FLOOR AREA
AT 282 ARCHER ROAD

WHEREAS, the Village of Long Grove (the "**Village**") owns real property located at 282 Archer Road, Long Grove, Illinois, and legally described on Exhibit A attached hereto and made a part hereof ("**Subject Property**"); and

WHEREAS, the Subject Property is currently unimproved and is located within the B-1 Historic Business District; and

WHEREAS, Section 5-4-5(A)6 of the Village of Long Grove Zoning Code (the "**Zoning Code**") authorizes buildings exceeding 5,000 square feet in floor area in the B-1 District only pursuant to a special use permit ("**SUP**") and only subject to the special procedures and standards contained in Sections 5-4-5(A)6 and 5-11-17 of the Zoning Code; and

WHEREAS, the Village wishes that the Village and any transferee under Section 3.F herein (collectively, the "**Owner**") be authorized to construct ~~a standard restaurant, or such other use as may any use that would otherwise~~ be ~~expressly~~an authorized ~~by the Village Board of Trustees (the "**Village Board**")~~, use in the B-1 District in excess of 5,000 square feet but not more than 7,000 square feet in floor area on the Subject Property (the "**Special Use**"); and

WHEREAS, the Owner has applied to the Village of Long Grove for a SUP pursuant to Section 5-11-17 of the Zoning Code to authorize the Special Use as authorized herein on the Subject Property (the "**Requested Relief**"); and

WHEREAS, pursuant to notice duly published in the *Daily Herald*, the Plan Commission Zoning Board of Appeals ("**PCZBA**") conducted a public hearing on December 4, 2012, regarding the Requested Relief; and

WHEREAS, during the public hearing the PCZBA made the following findings:

1. According to the testimony submitted by the Owner, the Owner wishes to receive the authorization to construct the Special Use on the Subject Property.

2. A detailed final site plan, and exterior design and landscaping plans (the "**Plans**") of the Special Use must be reviewed by the Architectural Review Commission (the "**ARC**") and must be approved by the [Board of Trustees of the Village \(the "**Village Board**"\)](#) prior to the issuance of any building permits.
3. The Village Board shall only issue its approval of the Plans if it determines that the Special Use will meet or exceed a minimum of 40 criteria points as required by Section 5-4-5(A)6 of the Zoning Code.
4. The Special Use, as authorized herein and prior to receiving any building permits, will:
 - (a) be deemed necessary for the public convenience at the Subject Property;
 - (b) be designed, located, and proposed to be operated to protect the public health, safety, and welfare;
 - (c) not have been shown to cause substantial injury to the value of other property in the neighborhood of the Subject Property; and
 - (d) conform to the applicable regulations of B-1 Districtic, except as recommended by the plan commission and approved by the Village Board;

all as determined by the Village Board upon review and approval of the Plans.
5. The evidence presented demonstrates that the Requested Relief will satisfy the requirements for granting a SUP for the establishment of the Special Use on the Subject Property, subject to the terms and conditions hereinafter set forth;

WHEREAS, based on these findings, the PCZBA recommended that the Village Board of Trustees adopt an SUP granting the Requested Relief on the Subject Property; and

WHEREAS, the President and Board of Trustees, having considered the recommendations of the PCZBA and being fully advised in the premises, have determined that it is in the best interests of the Village and its residents to grant the Owner a SUP to allow the construction and maintenance of Special Use on the Subject 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.

SECTION TWO. Grant of Special Use Permit. Pursuant to Sections 5-4-5(A)6 and Section 5-11-17 of the Zoning Code, and subject to the limitations therein and the conditions set forth in this Ordinance, a SUP is hereby granted to the Owner to permit the Owner to construct and maintain ~~a standard restaurant, or such other use as may be expressly~~any use that would otherwise be authorized ~~by resolution of the Village Board without further notice or hearing, in the~~B-1 District in excess of 5,000 square feet but not more than 7,000 square feet in floor area on the Subject Property.

SECTION THREE. Conditions on Approval. The SUP granted pursuant to Section Two of this Ordinance permitting the construction and maintenance of Special Use on the Subject 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 SUP without further notice or hearing:

- A. Submittal of Plans. The Owner shall submit detailed Plans for review by the ARC and consideration by the Village Board. The Village Board shall only issue its approval of the Plans if it determines that the Special Use will meet or exceed a minimum of 40 criteria points as required by Section 5-4-5(A)6 of the Zoning Code. No building permits will be issued and no construction may take place prior to the Village Board's approval of the Plans.
- B. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Subject Property pursuant to the approvals granted in this Ordinance until all conditions of this Ordinance precedent to such work have been fulfilled, and 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. Compliance with Laws. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village (collectively, the "**Village Regulations**") shall continue to apply to the Subject Property, and the development and use of the Subject Property shall be in compliance with all Village Regulations and all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction over the Subject Property.
- D. Other Governmental Approvals. Development pursuant to this SUP shall not commence unless and until Owner has applied for and obtained all required permits and approvals from governmental bodies and agencies having jurisdiction over the Subject Property and the Special Use, including without limitation the Lake County Health Department, Lake County Stormwater Management Commission, Illinois Environmental Protection Agency, Illinois Department of

Transportation, Illinois Department of Natural Resources, Lake County Public Works Department, and Lake County Department of Transportation.

- E. Fees and Costs. Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with Zoning Code or Village Regulations and any future approvals authorized by this Ordinance. In addition, Owner 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 successful 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 (or that portion of the Subject Property to which the unpaid amount relates), 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 Owner, and any and all of the Owner's heirs, successors, and assigns, the Owner, and 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 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 Owner to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the Owner remaining fully liable for all of its obligations under this Ordinance but shall not relieve the transferee of its liability for all such obligations as a successor to Owner.
- G. Violations. In the event that there is a violation of the terms of this Ordinance that does not present an imminent health or safety risk (as determined by the Village), the Village shall notify the Owner of such violation and grant Owner 30 days within which to cure such violation before exercising any remedy available under this Ordinance.
- H. Limitations on Restaurant Use. Only restaurants defined as a "standard restaurant" under Section 5-12-13 of the Zoning Code shall be authorized under this Ordinance. No restaurant defined as a "fast food restaurant" under Section 5-12-13 of the Zoning Code is permitted on the Subject Property under this Ordinance. Drive-thru facilities and restaurants that primarily provide take-out service are not authorized under this Ordinance. Any restaurant use is required to abide by all terms and conditions of the Village Code except as expressly provided herein.

In addition, any violation of this Ordinance shall be deemed a violation of the Long Grove Zoning Code and shall subject the Owner 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.

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 ____ day of December, 2012.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this ____ day of December, 2012.

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

[staff to insert legal description]

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE
THE CONSTRUCTION OF A BUILDING EXCEEDING 5,000 SQUARE FEET IN FLOOR AREA
AT 284 ARCHER ROAD**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 11th day of December, 2012

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 11th day of December, 2012

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE
THE CONSTRUCTION OF A BUILDING EXCEEDING 5,000 SQUARE FEET IN FLOOR AREA
AT 284 ARCHER ROAD

WHEREAS, the Village of Long Grove (the "**Village**") owns real property located at 284 Archer Road, Long Grove, Illinois, and legally described on Exhibit A attached hereto and made a part hereof ("**Subject Property**"); and

WHEREAS, the Subject Property is currently unimproved and is located within the B-1 Historic Business District; and

WHEREAS, Section 5-4-5(A)6 of the Village of Long Grove Zoning Code (the "**Zoning Code**") authorizes buildings exceeding 5,000 square feet in floor area in the B-1 District only pursuant to a special use permit ("**SUP**") and only subject to the special procedures and standards contained in Sections 5-4-5(A)6 and 5-11-17 of the Zoning Code; and

WHEREAS, the Village wishes that the Village and any transferee under Section 3.F herein (collectively, the "**Owner**") be authorized to construct ~~a standard restaurant, or such other use as may~~any use that would otherwise be ~~expressly~~an authorized ~~by the Village Board of Trustees (the "Village Board"),~~use in the B-1 District in excess of 5,000 square feet but not more than 7,000 square feet in floor area on the Subject Property (the "**Special Use**"); and

WHEREAS, the Owner has applied to the Village of Long Grove for a SUP pursuant to Section 5-11-17 of the Zoning Code to authorize the Special Use as authorized herein on the Subject Property (the "**Requested Relief**"); and

WHEREAS, pursuant to notice duly published in the *Daily Herald*, the Plan Commission Zoning Board of Appeals ("**PCZBA**") conducted a public hearing on December 4, 2012, regarding the Requested Relief; and

WHEREAS, during the public hearing the PCZBA made the following findings:

1. According to the testimony submitted by the Owner, the Owner wishes to receive the authorization to construct the Special Use on the Subject Property.

2. A detailed final site plan, and exterior design and landscaping plans (the "**Plans**") of the Special Use must be reviewed by the Architectural Review Commission (the "**ARC**") and must be approved by the Board of Trustees of the Village Board(the "Village Board") prior to the issuance of any building permits.
3. The Village Board shall only issue its approval of the Plans if it determines that the Special Use will meet or exceed a minimum of 40 criteria points as required by Section 5-4-5(A)6 of the Zoning Code.
4. The Special Use, as authorized herein and prior to receiving any building permits, will:
 - (a) be deemed necessary for the public convenience at the Subject Property;
 - (b) be designed, located, and proposed to be operated to protect the public health, safety, and welfare;
 - (c) not have been shown to cause substantial injury to the value of other property in the neighborhood of the Subject Property; and
 - (d) conform to the applicable regulations of B-1 Districtic, except as recommended by the plan commission and approved by the Village Board;

all as determined by the Village Board upon review and approval of the Plans.
5. The evidence presented demonstrates that the Requested Relief will satisfy the requirements for granting a SUP for the establishment of the Special Use on the Subject Property, subject to the terms and conditions hereinafter set forth;

WHEREAS, based on these findings, the PCZBA recommended that the Village Board of Trustees adopt an SUP granting the Requested Relief on the Subject Property; and

WHEREAS, the President and Board of Trustees, having considered the recommendations of the PCZBA and being fully advised in the premises, have determined that it is in the best interests of the Village and its residents to grant the Owner a SUP to allow the construction and maintenance of Special Use on the Subject 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.

SECTION TWO. Grant of Special Use Permit. Pursuant to Sections 5-4-5(A)6 and Section 5-11-17 of the Zoning Code, and subject to the limitations therein and the conditions set forth in this Ordinance, a SUP is hereby granted to the Owner to permit the Owner to construct and maintain ~~a standard restaurant, or such other use as may be expressly~~any use that would otherwise be authorized ~~by resolution of the Village Board without further notice or hearing, in the~~B-1 District in excess of 5,000 square feet but not more than 7,000 square feet in floor area on the Subject Property.

SECTION THREE. Conditions on Approval. The SUP granted pursuant to Section Two of this Ordinance permitting the construction and maintenance of Special Use on the Subject 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 SUP without further notice or hearing:

- A. Submittal of Plans. The Owner shall submit detailed Plans for review by the ARC and consideration by the Village Board. The Village Board shall only issue its approval of the Plans if it determines that the Special Use will meet or exceed a minimum of 40 criteria points as required by Section 5-4-5(A)6 of the Zoning Code. No building permits will be issued and no construction may take place prior to the Village Board's approval of the Plans.
- B. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Subject Property pursuant to the approvals granted in this Ordinance until all conditions of this Ordinance precedent to such work have been fulfilled, and 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. Compliance with Laws. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village (collectively, the "***Village Regulations***") shall continue to apply to the Subject Property, and the development and use of the Subject Property shall be in compliance with all Village Regulations and all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction over the Subject Property.
- D. Other Governmental Approvals. Development pursuant to this SUP shall not commence unless and until Owner has applied for and obtained all required permits and approvals from governmental bodies and agencies having jurisdiction over the Subject Property and the Special Use, including without limitation the Lake County Health Department, Lake County Stormwater Management Commission, Illinois Environmental Protection Agency, Illinois Department of

Transportation, Illinois Department of Natural Resources, Lake County Public Works Department, and Lake County Department of Transportation.

- E. Fees and Costs. Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with Zoning Code or Village Regulations and any future approvals authorized by this Ordinance. In addition, Owner 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 successful 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 (or that portion of the Subject Property to which the unpaid amount relates), 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 Owner, and any and all of the Owner's heirs, successors, and assigns, the Owner, and 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 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 Owner to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the Owner remaining fully liable for all of its obligations under this Ordinance but shall not relieve the transferee of its liability for all such obligations as a successor to Owner.
- G. Violations. In the event that there is a violation of the terms of this Ordinance that does not present an imminent health or safety risk (as determined by the Village), the Village shall notify the Owner of such violation and grant Owner 30 days within which to cure such violation before exercising any remedy available under this Ordinance.
- H. Limitations on Restaurant Use. Only restaurants defined as a "standard restaurant" under Section 5-12-13 of the Zoning Code shall be authorized under this Ordinance. No restaurant defined as a "fast food restaurant" under Section 5-12-13 of the Zoning Code is permitted on the Subject Property under this Ordinance. Drive-thru facilities and restaurants that primarily provide take-out service are not authorized under this Ordinance. Any restaurant use is required to abide by all terms and conditions of the Village Code except as expressly provided herein.

In addition, any violation of this Ordinance shall be deemed a violation of the Long Grove Zoning Code and shall subject the Owner 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.

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 ____ day of December, 2012.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this ____ day of December, 2012.

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

[staff to insert legal description]

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE
THE CONSTRUCTION OF A BUILDING EXCEEDING 5,000 SQUARE FEET IN FLOOR AREA
AT 286 ARCHER ROAD**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 11th day of December, 2012

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 11th day of December, 2012

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE
THE CONSTRUCTION OF A BUILDING EXCEEDING 5,000 SQUARE FEET IN FLOOR AREA
AT 286 ARCHER ROAD

WHEREAS, the Village of Long Grove (the "**Village**") owns real property located at 286 Archer Road, Long Grove, Illinois, and legally described on Exhibit A attached hereto and made a part hereof ("**Subject Property**"); and

WHEREAS, the Subject Property is currently unimproved and is located within the B-1 Historic Business District; and

WHEREAS, Section 5-4-5(A)6 of the Village of Long Grove Zoning Code (the "**Zoning Code**") authorizes buildings exceeding 5,000 square feet in floor area in the B-1 District only pursuant to a special use permit ("**SUP**") and only subject to the special procedures and standards contained in Sections 5-4-5(A)6 and 5-11-17 of the Zoning Code; and

WHEREAS, the Village wishes that the Village and any transferee under Section 3.F herein (collectively, the "**Owner**") be authorized to construct ~~a standard restaurant, or such other use as may any use that would otherwise~~ be ~~expressly~~an authorized ~~by the Village Board of Trustees (the "Village Board"), use in the B-1 District~~ in excess of 5,000 square feet but not more than 7,000 square feet in floor area on the Subject Property (the "**Special Use**"); and

WHEREAS, the Owner has applied to the Village of Long Grove for a SUP pursuant to Section 5-11-17 of the Zoning Code to authorize the Special Use as authorized herein on the Subject Property (the "**Requested Relief**"); and

WHEREAS, pursuant to notice duly published in the *Daily Herald*, the Plan Commission Zoning Board of Appeals ("**PCZBA**") conducted a public hearing on December 4, 2012, regarding the Requested Relief; and

WHEREAS, during the public hearing the PCZBA made the following findings:

1. According to the testimony submitted by the Owner, the Owner wishes to receive the authorization to construct the Special Use on the Subject Property.

2. A detailed final site plan, and exterior design and landscaping plans (the "**Plans**") of the Special Use must be reviewed by the Architectural Review Commission (the "**ARC**") and must be approved by the Board of Trustees of the Village Board(the "Village Board") prior to the issuance of any building permits.
3. The Village Board shall only issue its approval of the Plans if it determines that the Special Use will meet or exceed a minimum of 40 criteria points as required by Section 5-4-5(A)6 of the Zoning Code.
4. The Special Use, as authorized herein and prior to receiving any building permits, will:
 - (a) be deemed necessary for the public convenience at the Subject Property;
 - (b) be designed, located, and proposed to be operated to protect the public health, safety, and welfare;
 - (c) not have been shown to cause substantial injury to the value of other property in the neighborhood of the Subject Property; and
 - (d) conform to the applicable regulations of B-1 Distristic, except as recommended by the plan commission and approved by the Village Board;all as determined by the Village Board upon review and approval of the Plans.
5. The evidence presented demonstrates that the Requested Relief will satisfy the requirements for granting a SUP for the establishment of the Special Use on the Subject Property, subject to the terms and conditions hereinafter set forth;

WHEREAS, based on these findings, the PCZBA recommended that the Village Board of Trustees adopt an SUP granting the Requested Relief on the Subject Property; and

WHEREAS, the President and Board of Trustees, having considered the recommendations of the PCZBA and being fully advised in the premises, have determined that it is in the best interests of the Village and its residents to grant the Owner a SUP to allow the construction and maintenance of Special Use on the Subject 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.

SECTION TWO. Grant of Special Use Permit. Pursuant to Sections 5-4-5(A)6 and Section 5-11-17 of the Zoning Code, and subject to the limitations therein and the conditions set forth in this Ordinance, a SUP is hereby granted to the Owner to permit the Owner to construct and maintain ~~a standard restaurant, or such other use as may be expressly~~any use that would otherwise be authorized ~~by resolution of the Village Board without further notice or hearing, in the~~B-1 District in excess of 5,000 square feet but not more than 7,000 square feet in floor area on the Subject Property.

SECTION THREE. Conditions on Approval. The SUP granted pursuant to Section Two of this Ordinance permitting the construction and maintenance of Special Use on the Subject 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 SUP without further notice or hearing:

- A. Submittal of Plans. The Owner shall submit detailed Plans for review by the ARC and consideration by the Village Board. The Village Board shall only issue its approval of the Plans if it determines that the Special Use will meet or exceed a minimum of 40 criteria points as required by Section 5-4-5(A)6 of the Zoning Code. No building permits will be issued and no construction may take place prior to the Village Board's approval of the Plans.
- B. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Subject Property pursuant to the approvals granted in this Ordinance until all conditions of this Ordinance precedent to such work have been fulfilled, and 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. Compliance with Laws. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village (collectively, the "***Village Regulations***") shall continue to apply to the Subject Property, and the development and use of the Subject Property shall be in compliance with all Village Regulations and all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction over the Subject Property.
- D. Other Governmental Approvals. Development pursuant to this SUP shall not commence unless and until Owner has applied for and obtained all required permits and approvals from governmental bodies and agencies having jurisdiction over the Subject Property and the Special Use, including without limitation the Lake County Health Department, Lake County Stormwater Management Commission, Illinois Environmental Protection Agency, Illinois Department of

Transportation, Illinois Department of Natural Resources, Lake County Public Works Department, and Lake County Department of Transportation.

- E. Fees and Costs. Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with Zoning Code or Village Regulations and any future approvals authorized by this Ordinance. In addition, Owner 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 successful 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 (or that portion of the Subject Property to which the unpaid amount relates), 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 Owner, and any and all of the Owner's heirs, successors, and assigns, the Owner, and 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 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 Owner to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the Owner remaining fully liable for all of its obligations under this Ordinance but shall not relieve the transferee of its liability for all such obligations as a successor to Owner.
- G. Violations. In the event that there is a violation of the terms of this Ordinance that does not present an imminent health or safety risk (as determined by the Village), the Village shall notify the Owner of such violation and grant Owner 30 days within which to cure such violation before exercising any remedy available under this Ordinance.
- H. Limitations on Restaurant Use. Only restaurants defined as a "standard restaurant" under Section 5-12-13 of the Zoning Code shall be authorized under this Ordinance. No restaurant defined as a "fast food restaurant" under Section 5-12-13 of the Zoning Code is permitted on the Subject Property under this Ordinance. Drive-thru facilities and restaurants that primarily provide take-out service are not authorized under this Ordinance. Any restaurant use is required to abide by all terms and conditions of the Village Code except as expressly provided herein.

In addition, any violation of this Ordinance shall be deemed a violation of the Long Grove Zoning Code and shall subject the Owner 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.

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 ____ day of December, 2012.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this ____ day of December, 2012.

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

[staff to insert legal description]

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE
THE CONSTRUCTION OF A BUILDING EXCEEDING 5,000 SQUARE FEET IN FLOOR AREA
AT 288 ARCHER ROAD**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 11th day of December, 2012

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 11th day of December, 2012

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE
THE CONSTRUCTION OF A BUILDING EXCEEDING 5,000 SQUARE FEET IN FLOOR AREA
AT 288 ARCHER ROAD

WHEREAS, the Village of Long Grove (the "**Village**") owns real property located at 288 Archer Road, Long Grove, Illinois, and legally described on Exhibit A attached hereto and made a part hereof ("**Subject Property**"); and

WHEREAS, the Subject Property is currently unimproved and is located within the B-1 Historic Business District; and

WHEREAS, Section 5-4-5(A)6 of the Village of Long Grove Zoning Code (the "**Zoning Code**") authorizes buildings exceeding 5,000 square feet in floor area in the B-1 District only pursuant to a special use permit ("**SUP**") and only subject to the special procedures and standards contained in Sections 5-4-5(A)6 and 5-11-17 of the Zoning Code; and

WHEREAS, the Village wishes that the Village and any transferee under Section 3.F herein (collectively, the "**Owner**") be authorized to construct ~~a standard restaurant, or such other use as may~~any use that would otherwise be ~~expressly~~an authorized ~~by the Village Board of Trustees (the "Village Board"), use in the B-1 District~~ in excess of 5,000 square feet but not more than 7,000 square feet in floor area on the Subject Property (the "**Special Use**"); and

WHEREAS, the Owner has applied to the Village of Long Grove for a SUP pursuant to Section 5-11-17 of the Zoning Code to authorize the Special Use as authorized herein on the Subject Property (the "**Requested Relief**"); and

WHEREAS, pursuant to notice duly published in the *Daily Herald*, the Plan Commission Zoning Board of Appeals ("**PCZBA**") conducted a public hearing on December 4, 2012, regarding the Requested Relief; and

WHEREAS, during the public hearing the PCZBA made the following findings:

1. According to the testimony submitted by the Owner, the Owner wishes to receive the authorization to construct the Special Use on the Subject Property.

2. A detailed final site plan, and exterior design and landscaping plans (the "**Plans**") of the Special Use must be reviewed by the Architectural Review Commission (the "**ARC**") and must be approved by the Board of Trustees of the Village Board(the "Village Board") prior to the issuance of any building permits.
3. The Village Board shall only issue its approval of the Plans if it determines that the Special Use will meet or exceed a minimum of 40 criteria points as required by Section 5-4-5(A)6 of the Zoning Code.
4. The Special Use, as authorized herein and prior to receiving any building permits, will:
 - (a) be deemed necessary for the public convenience at the Subject Property;
 - (b) be designed, located, and proposed to be operated to protect the public health, safety, and welfare;
 - (c) not have been shown to cause substantial injury to the value of other property in the neighborhood of the Subject Property; and
 - (d) conform to the applicable regulations of B-1 District, except as recommended by the plan commission and approved by the Village Board;

all as determined by the Village Board upon review and approval of the Plans.
5. The evidence presented demonstrates that the Requested Relief will satisfy the requirements for granting a SUP for the establishment of the Special Use on the Subject Property, subject to the terms and conditions hereinafter set forth;

WHEREAS, based on these findings, the PCZBA recommended that the Village Board of Trustees adopt an SUP granting the Requested Relief on the Subject Property; and

WHEREAS, the President and Board of Trustees, having considered the recommendations of the PCZBA and being fully advised in the premises, have determined that it is in the best interests of the Village and its residents to grant the Owner a SUP to allow the construction and maintenance of Special Use on the Subject 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.

SECTION TWO. Grant of Special Use Permit. Pursuant to Sections 5-4-5(A)6 and Section 5-11-17 of the Zoning Code, and subject to the limitations therein and the conditions set forth in this Ordinance, a SUP is hereby granted to the Owner to permit the Owner to construct and maintain ~~a standard restaurant, or such other use as may be expressly~~any use that would otherwise be authorized ~~by resolution of the Village Board without further notice or hearing,~~in the B-1 District in excess of 5,000 square feet but not more than 7,000 square feet in floor area on the Subject Property.

SECTION THREE. Conditions on Approval. The SUP granted pursuant to Section Two of this Ordinance permitting the construction and maintenance of Special Use on the Subject 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 SUP without further notice or hearing:

- A. Submittal of Plans. The Owner shall submit detailed Plans for review by the ARC and consideration by the Village Board. The Village Board shall only issue its approval of the Plans if it determines that the Special Use will meet or exceed a minimum of 40 criteria points as required by Section 5-4-5(A)6 of the Zoning Code. No building permits will be issued and no construction may take place prior to the Village Board's approval of the Plans.
- B. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Subject Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Subject Property pursuant to the approvals granted in this Ordinance until all conditions of this Ordinance precedent to such work have been fulfilled, and 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. Compliance with Laws. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village (collectively, the "***Village Regulations***") shall continue to apply to the Subject Property, and the development and use of the Subject Property shall be in compliance with all Village Regulations and all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction over the Subject Property.
- D. Other Governmental Approvals. Development pursuant to this SUP shall not commence unless and until Owner has applied for and obtained all required permits and approvals from governmental bodies and agencies having jurisdiction over the Subject Property and the Special Use, including without limitation the Lake County Health Department, Lake County Stormwater Management Commission, Illinois Environmental Protection Agency, Illinois Department of

Transportation, Illinois Department of Natural Resources, Lake County Public Works Department, and Lake County Department of Transportation.

- E. Fees and Costs. Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with Zoning Code or Village Regulations and any future approvals authorized by this Ordinance. In addition, Owner 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 successful 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 (or that portion of the Subject Property to which the unpaid amount relates), 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 Owner, and any and all of the Owner's heirs, successors, and assigns, the Owner, and 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 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 Owner to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the Owner remaining fully liable for all of its obligations under this Ordinance but shall not relieve the transferee of its liability for all such obligations as a successor to Owner.
- G. Violations. In the event that there is a violation of the terms of this Ordinance that does not present an imminent health or safety risk (as determined by the Village), the Village shall notify the Owner of such violation and grant Owner 30 days within which to cure such violation before exercising any remedy available under this Ordinance.
- H. Limitations on Restaurant Use. Only restaurants defined as a "standard restaurant" under Section 5-12-13 of the Zoning Code shall be authorized under this Ordinance. No restaurant defined as a "fast food restaurant" under Section 5-12-13 of the Zoning Code is permitted on the Subject Property under this Ordinance. Drive-thru facilities and restaurants that primarily provide take-out service are not authorized under this Ordinance. Any restaurant use is required to abide by all terms and conditions of the Village Code except as expressly provided herein.

In addition, any violation of this Ordinance shall be deemed a violation of the Long Grove Zoning Code and shall subject the Owner 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.

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 ____ day of December, 2012.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this ____ day of December, 2012.

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

[staff to insert legal description]