

Item #3:
Report Of September 2, 2014 PCZBA Meeting



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

Tuesday September 2, 2014 at 7:00 P.M.

Village Hall, 3110 OLD MCHENRY ROAD LONG GROVE, ILLINOIS

1. Call to Order
2. Visitors Business
3. Old Business;
 - a) **PUBLIC HEARING: CONTINUATION; Consideration of a proposal for amendments to Title 5 of the Village Code for the Village of Long Grove, including definitions, modifications in section 5-11-4 and more specifically Section 5-11-4(F)(2) regarding Architectural Commission jurisdiction within the B-1 Historic District within the Village of Long Grove.**
 - b) **PUBLIC HEARING - CONTINUATION; Consideration of amendments to the Zoning Code of the Village of Long Grove in light of the adoption of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 430 ILCS 130/1 et seq., including specifically whether to include state-authorized medical cannabis dispensing organizations and medical cannabis cultivation centers as special uses in non-residential zoning districts in the Village.**
 - c) **PUBLIC HEARING – CONTINUATION; Consideration of a proposal for additional amendments to Title 5 of the Village Code for the Village of Long Grove, regarding Permitted and Special Uses within the B-1 Historic District, and more specifically, additional uses as proposed by the Long Grove Business and Community Partners.**
4. New Business;
 - a) **PUBLIC HEARING; Consideration of a request from the Sunset Grove LLC for: (1) amendment to the Zoning Code to increase the maximum percentage of non-retail uses allowed in the HR 1 Highway Retail Zoning District for the Village of Long Grove and (2) amendment to the previously approved Sunset Grove Planned Unit Development (PUD), to increase the maximum square footage of non-retail uses within the development from 16,000 square feet to 18,500 square feet submitted by Mr. Kurt Wandry on behalf of the Sunset Grove LLC.**
5. Approval of Minutes; August 5, 2014
6. Other Business; None
7. Adjournment: Next Regular Meeting – October 7, 2014

Village Board Representative; (9/9/14) Commissioner Phillips.

**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.

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.



MEMORANDUM

TO: Village President and Village Board
FROM: James M. Hogue, Village Planner
DATE: September 3, 2014
RE: Board & Commissions Report for 9/9/14

This memo is intended to update the Village Board as to the status of projects and activities of the Long Grove Plan Commission & Zoning Board of Appeals (PCZBA), Conservancy & Scenic Corridor Committee (CSCC) and the Architectural Commission (AC).

PCZBA; Regular Meeting; 9.2.14 (4 Action items)

1) PUBLIC HEARING: CONTINUATION; Consideration of a proposal for amendments to Title 5 of the Village Code for the Village of Long Grove, including definitions, modifications in section 5-11-4 and more specifically Section 5-11-4(F)(2) regarding Architectural Commission jurisdiction within the B-1 Historic District within the Village of Long Grove.

Planner Hogue explained the recommendation of the AC indicating they understood goal of the request and were receptive to the concept, however had concerns with types of materials which may be used for replacement noting differences in quality and appearance of certain products. The concern is that "inappropriate" materials would be administratively approved. If a list of acceptable replaced materials were created and approved the AC had no issues with request and indicated an exact 1 for 1 replacement of materials should not need AC review even though a building permit may be required.

To this end the AC suggested that a subcommittee of two (2) members of the Commission be formed to review requests for replacement materials. Slight modifications to the permit process could be made requesting specifications of replacement materials for subcommittee consideration. These would distributed to the sub-committee for review and approval outside of the normal AC review process and with the normal permit review timelines thereby expediting the permit/AC review process.

Should the sub-committee not concur on the replacement materials or have issues with the proposal referral to the entire AC would then occur (i.e. the normal AC review process). Materials which receive subcommittee approval would then be placed on a list of "acceptable" materials which could then be administratively approved by staff in subsequent permit applications and requests.

After discussion the PCZBA concurred with the recommendations of the AC and made a motion to direct staff to prepare the necessary ordinance changes to implement the recommendations of the Architectural Commission regarding jurisdiction within the B-1 Historic District within the Village of Long Grove. On a voice vote; all aye.

2) PUBLIC HEARING - CONTINUATION; Consideration of amendments to the Zoning Code of the Village of Long Grove in light of the adoption of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 430 ILCS 130/1 et seq., including specifically whether to include state-authorized medical cannabis dispensing organizations and medical cannabis cultivation centers as special uses in non-residential zoning districts in the Village.

Attorney Gates reviewed the newly adopted statutory requirements for the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 430 ILCS 130. Upon completion of that review general direction was sought as to how to proceed with crafting local regulations for such a use.

Upon discussion by the PCZBA it was determined that the likelihood of a “cultivation facility” locating in the village was not great given the locations requirements as follows;

“A registered cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use. [410 ILCS 130/105(c)]”

The discussion focused on dispensaries as defined by statute and the following characteristics;

- Ascertain potentially eligible locations based on statutory standards
- Determine which non-residential districts might appropriately host a cultivation center
- Permitted or special use?
- Any special considerations?
 - Minimum lot size (to ensure adequate buffering)
 - Setbacks
 - Separation/proximity to other uses
 - Parking (e.g. number of spaces, location, lighting, screening)
 - Signage (number, size, location, lighting)
 - Exterior lighting (subject to state requirements relating to security systems)
 - Screening (especially if lighting required for security; subject to state prohibition of landscaping that could conceal a person)
 - Additional security measures (state law extensively regulates access, video surveillance, and security and alarm systems)
 - Fencing
 - Lighting
 - Separation from adjoining buildings

After discussion the PCZBA determined that dispensaries are best considered as special uses in the B-2, HR, & HR1 Districts and subject to the bulk, signage parking and other business district regulations as any other commercial use would be.

The PCZBA then directed staff to prepare revisions to the zoning code per the discussion held at the September 2nd meeting and to continue the public hearing to the October 7th meeting date for further consideration. On a voice vote; all aye.

3) PUBLIC HEARING – CONTINUATION; Consideration of a proposal for additional amendments to Title 5 of the Village Code for the Village of Long Grove, regarding Permitted and Special Uses within the B-1 Historic District, and more specifically, additional uses as proposed by the Long Grove Business and Community Partners.

At the August meeting Ms. Nancy Fino, Local Merchant and Chairman of the Economic Development committee of the LGBPC presented three issues to the PCZBA for consideration. These included;

- 1). The percentage of off-site sales for businesses in the B-1 District;
- 2). Regulating non-retail uses (i.e. enforcing the 20% cap); and;
- 3) The minimum space for an establishment (250 Sq. Ft.) in the B-1 district.

After discussion it was determined that Ms. Fino conduct further research and would go back to the LGBCP with those findings. The PCZBA will then reconsider these matters at the September 2nd meeting.

Ms. Fino was to i) identify actual merchant spaces of 250 sq. ft. or less in the downtown area; and ii) determine a method for establishing a percentage for off-site sales in the B-1 Business District. Per research done in other communities no other such use limitations were identified. As such, the LGBCP is recommending elimination of these provisions of the zoning code.

Ms. Fino further testified at the September 2nd meeting that at the August 11 LGBCP Economic Development committee meeting, the committee discussed the above at length. The Committee suggested we benchmark other communities (Libertyville, Geneva, Wauconda) to see what, if anything, they have in their ordinances regarding the same topics. It was confirmed that none of the communities mentioned address any of these use limitations.

She indicated that based on that finding, and more, the LGBCP/Economic Development Committee concluded that Long Grove should try to remove as many barriers as possible when it comes to bringing new businesses to town. As such, we recommend that both of the aforementioned use limitations be eliminated from the proposed ordinance.

As separate matter, staff suggests to the PCBZA that drive-ups/drive thru's be codified as special uses within the B-1 district largely due the "pedestrian scale" of the B-1 District and the potential for vehicle and pedestrian conflicts. The PCZBA concurred drive-up & drive thru's should be considered as special uses in B-1 District.

The PCZBA concurred with the finding of the LGBCP and moved to recommend that 1) the percentage of off-site sales for businesses in the B-1 District requirement be eliminated and; that the minimum space for an establishment (250 Sq. Ft.) in the B-1 district be eliminated or reduced so as not to conflict with any provisions of the building code regarding minimum space requirements for commercial spaces. On a voice vote; all aye.

4) PUBLIC HEARING; Consideration of a request from the Sunset Grove LLC for: (1) amendment to the Zoning Code to increase the maximum percentage of non-retail uses allowed in the HR 1 Highway Retail Zoning District for the Village of Long Grove and (2) amendment to the previously approved Sunset Grove Planned Unit Development (PUD), to increase the maximum square footage of non-retail uses within the development from 16,000 square feet to 18,500 square feet submitted by Mr. Kurt Wandry on behalf of the Sunset Grove LLC.

The Sunset Grove LLC has submitted a request for a amendment to the Sunset Grove Planned Unit Development (PUD) to increase the maximum non-retail uses from the current limitation of 16,000 to 18,500 sq. ft. In reviewing the request with Village Counsel, Staff determined that the request would be considered a major amendment to the Sunset Grove PUD and would also require an amendment to the Zoning Code for the existing HR1 Highway Retail Zoning District which also includes a maximum limit on nonretail uses of 16%.

Per the application submitted by the Sunset Grove LLC for major amendment PUD amendment (attached), the petitioner notes that in the six years since the original approval of the Sunset Grove Development the development is approaching final build out (buildings A & C being constructed). At that point 110,947 sq. ft. of space will be available with 81,779 sq. ft. devoted to retail space and 13,024 sq. ft. of non-retail space.

Mr. Kurt Wandry, representing the petitioner, stated that they have a potential tenant which would put them over the non-retail limitation for Sunset Grove. The potential loss of sales tax revenue from this lease would be minimal. The potential tenant is Coldwell Banker, which wants to relocate to Sunset Grove. The HR 1 limitation of 16% non-retail space would be exceeded by 6.7%. The space would also exceed the current allowable non-retail space (16,000 square feet) by 2,500 square feet, to 18,500 square feet. Mr. Wandry is asking for relief from the PUD and the zoning limitations to allow this tenant to occupy Sunset Grove. It is noted that if Coldwell Banker occupies the proposed space, all other currently available locations in Sunset Grove would be retail.

The board generally had no objections to the proposed changes. With very little discussion the PCZBA moved to approve the amendments as requested. On a voice vote; all aye.

AC - Next Regular Meeting; 9.15.14 CSCC; - Next Regular Meeting; 9.17.14;

Item #3A:

Report Of September 2, 2014 PCZBA Meeting

Village Code Amendments Re: AC Jurisdiction In Historic B1 District



MEMORANDUM

TO: Village of Long Grove Planning Commission & Zoning Board of Appeals
FROM: JAMES M. HOGUE, Village Planner
DATE: August 20, 2014
RE: Public Hearing – **CONTINUATION**; Replacement of similar materials in the B-1 Business District

Update:

At the August 18th Regular Meeting of the Architectural Commission the AC considered this proposal.

Staff explained the request noting the proposed amendment to the Zoning Code would allow minor exterior changes to structures in the historic district subject to administrative review by staff. Approve the modification if the materials/colors are consistent with the existing exterior of the structure could then occur administratively. If staff finds the modification to be inconsistent with the existing structure or a "major" improvement referral to the AC for review would be required.

This is similar to the process already in place where, in certain instances, final locations (such as with signs), materials and occasionally elevations, are left to staff for consideration upon AC review.

The goal of this proposed amendment is to allow property owners to make timely and necessary minor repairs to structures quickly while maintaining the character and integrity of the structure thus improving the overall look of the downtown. This action was precipitated by the property maintenance inspection initiated by the Village in the downtown area.

The AC understood goal and were receptive to the concept, however had concerns with type of materials which would be used for replacement noting differences in quality and appearance of certain products. The concern is that "inappropriate" materials would be administratively approved. If a list of acceptable replaced materials were created and approved the AC had no issues with request and indicated an exact 1 for 1 replacement of materials should not need AC review even though a building permit may be required.

To this end the AC suggested that a subcommittee of two (2) members of the Commission be formed to review requests for replacement materials. Slight modifications to the permit process could be made requesting specifications of replacement materials for subcommittee consideration. These would distributed to the sub-committee for review and approval outside of the normal AC review process and with the normal permit review timelines thereby expediting the permit/AC review process.

Should the sub-committee not concur on the replacement materials or have issues with the proposal referral to the entire AC would then occur (i.e. the normal AC review process).

Materials which receive subcommittee approval would then be placed on a list of “acceptable” materials which could then be administratively approved by staff in subsequent permit applications and requests.

The AC also noted a concern with maintenance upgrades being done in “piecemeal” fashion and suggested a threshold be established (such a percentage of the element to be replaced) where by the entire architectural element must be replaced.

Staff is bringing these suggestions will back to the PCZBA for consideration. The original memo on the topic is included below.

The request for of amendment(s) to the Village Zoning Code has been scheduled for public hearing for consideration by the PCZBA in response to requests from downtown building owners wanting to replace their existing wood deck and railing with the high density plastic (wood looking) material. Their goal is to replace with something that doesn't require as frequent maintenance and to comply with the Village's recent and ongoing property maintenance inspections while maintain the character of the building.

This request was referred to the PCZBA by the Village Board in May.

In reviewing the Village Code there appear to be conflicting passages regarding AC review of modifications to building exteriors. The most restrictive of which is as follows;

(F) Jurisdiction And Authority: The architectural board shall have the following jurisdiction and authority:

1. Subject to the provisions of section [5-11-19](#) of this chapter, to hear, review, and decide applications for architectural review approval.
- 2. To review all building permit applications for construction within the B1 zoning district.**
3. To review those other matters which are delegated to it by the terms of this title including, but not limited to, applications for sign permits, as set forth in section [5-11-20](#) of this chapter; applications for building permits for residential uses in the B1 district, as set forth in subsection [5-4-2\(A\)](#)17 of this title; all architectural plans for construction within the B1, B2, HR, O and OR districts, as set forth in subsection [5-11-19\(C\)](#) of this chapter; and in all other instances as required by this title as or hereafter required by this title.
4. To make recommendations to the village president and board of trustees as to any changes necessary to improve regulations concerning architecture and the architecture review procedure. (Ord. 2007-O-04, 4-24-2007)

In general it appears the intent of review of building alterations by the Architectural Commission was intended for larger projects involving new construction or substantial modification/rennovation as is evidenced by these excerpts from the zoning code;

“(C) Architectural Review Required: Architectural review shall be required in connection with the construction of any new building or the alteration, enlargement, or remodeling of any existing building in the B1, B2, HR, HR-1, O, and OR districts. In addition, architectural review shall be required in connection with the construction, installation, alteration, enlargement, or remodeling of any exterior lighting system or signage in the village”.

“The architectural commission shall review all applications for building permits for new construction, for major remodeling within the B1 zoning district (historic business district), and all applications for other matters delegated to the architectural commission pursuant to section [2-3-3](#) of this chapter and section [5-11-19](#) et seq., of this code”.

Furthermore; from the “Duties” section of the Architectural Commission (Chapter 2, Village Code);

“2-3-3: DUTIES:  

Except as otherwise provided in section [2-3-2](#) of this chapter, the architectural commission shall review all building permit applications for construction within the B1 zoning district (historic business district) and shall withhold its approval of all permit applications which are not in accordance with the Long Grove style as set forth in section [7-2-4](#) of this code.”

The proposed amendment to the Zoning Code would allow these sort of minor exterior changes subject to administrative review by staff which may approve the modification if the materials/colors are consistent with the existing exterior of the structure. If staff finds the modification to be inconsistent with the existing structure or a “major” improvement referral to the AC for review would be required.

Staff recommends that the language in Section 5-11-4 (F) (2), as noted above be deleted and replaced with the following;

The Architectural Commission shall review all applications for building permits for new construction and/or major remodeling or improvement to existing structures within the B1 zoning district (Historic Business District). Minor exterior alterations and remodeling involving materials which substantially match, duplicate or mirror existing building materials in terms of architectural style, form and character may be allowed subject to administrative review and approval by Village Staff. Village Architectural Commission review and approval shall be required in the event that any such modification shall be deemed inconsistent with the architectural style, character and/or form of the structure or shall be deemed a “major” improvement as a result of the administrative review process.

In addition the following definitions are suggested for inclusion in the zoning/village code;

New Construction; the preparation of a site for, and construction of, entirely new structures and/or significant extensions, enlargements, alterations or additions to existing structures whether or not the site was previously built upon or occupied.

Major Remodeling or Improvement; means any reconstruction, rehabilitation, addition, enlargement, expansion or other significant alteration to a structure, including exterior alterations which significantly alter the architectural style, outward appearance and/or character and integrity of the structure.

Minor Exterior Alteration; the repair or replacement in a previously completed building of surfaces and materials or structural maintenance. in a “like-for-like” manner, which utilize materials or finishes that do not represent a new or significant alteration of the floor area, architectural style, outward appearance and character or integrity of the structure.

Should you have any questions or concerns feel free to contact me at (847) 634-9440.

Item #3B:
Report Of September 2, 2014 PCZBA Meeting
Amendments To Zoning Code Re: Medical Cannabis



MEMORANDUM

TO: Village of Long Grove Planning Commission & Zoning Board of Appeals
FROM: JAMES M. HOGUE, Village Planner
DATE: August 27, 2014
RE: Public Hearing – **CONTINUATION**; Compassionate Use of Medical Cannabis

Update –

At the July meeting the public hearing was opened regarding this item. Per the recommendation of the Village Attorney this item was continued to the August then September Meeting.

Please refer to the attached memo from Village Counsel regarding the latest State regulation of "Medical Marijuana". Further discussion is anticipated at meeting time based on this memo. Materials originally sent to the PCZBA on the subject have been included again as well.

At the May meeting it was announced that per state statute a public hearing would be held at the June Meeting regarding the Illinois Compassionate Use of Medical Cannabis Pilot Program Act. The Village needs to consider amending its zoning regulations to accommodate dispensaries and cultivation centers to the extent required by the Act.

Attached is information provided by the Illinois Municipal League on the subject.

It is anticipated the Village Attorney will have additional information available at the meeting.

Should you have any questions or concerns feel free to contact me at (847) 634-9440.

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Memorandum

DATE: August 27, 2014

TO: Plan Commission and Zoning Board of Appeals, Village of Long Grove

FROM: Victor P. Filippini, Jr.
Betsy L. Gates

RE: Regulation of Medical Marijuana Dispensaries and Cultivation Centers

The Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130 (the "**Act**"). The Act sets forth an extensive regulatory scheme that is to be administered statewide. In addition, the Act establishes some basic regulations for the location of both dispensaries and cultivation centers for medical *cannabis*. The Departments of Agriculture and Professional and Financial Regulation have adopted administrative rules that further regulate the location and operation of medical *cannabis* cultivation centers and dispensaries. Although the Act provides for "reasonable" local land use regulations over dispensaries and cultivation centers, the administrative regulations have further circumscribed local discretion in this regard.

This memorandum outlines the basic state land use regulations over dispensaries and cultivation centers. In addition, it outlines various approaches the Village might take in developing regulations of medical *cannabis* dispensaries and cultivation centers. It is recommended that the PCZBA discuss this matter and provide direction for the preparation of draft language that can be reviewed and discussed at a future meeting.

Basic Statutory Requirements for Locating Facilities

- Dispensaries
 - Must be licensed by State

- A dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use. [410 ILCS 130/130(d)]
- Cultivation Centers
 - Must be licensed by State
 - A registered cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use. [410 ILCS 130/105(c)]

Local Zoning Regulatory Considerations – Cultivation Centers

- Ascertain potentially eligible locations based on statutory standards
- Determine which non-residential districts might appropriately host a cultivation center
- Permitted or special use?
- Any special considerations?
 - Parking (e.g. number of spaces, location, lighting, screening)
 - Exterior lighting (subject to state requirements relating to security systems)
 - Screening (especially if lighting required for security)
 - Minimum lot size (to ensure adequate buffering)
 - Setbacks
 - Separation/proximity to other uses
 - e.g. Distance from fire department
 - Required utilities/facilities (e.g., public water supply or standard for private supply; must be consistent with state standards)
 - Signage (for signs other than those required by state law: number, size, location, lighting)
 - Additional security measures (state law extensively regulates access, video surveillance, and security and alarm systems)
 - Fencing
 - Lighting
 - Separation from adjoining buildings

Local Zoning Regulatory Considerations – Dispensaries

- Ascertain potentially eligible locations based on statutory standards
- Determine which non-residential districts might appropriately host a cultivation center
- Permitted or special use?

- Any special considerations?
 - Minimum lot size (to ensure adequate buffering)
 - Setbacks
 - Separation/proximity to other uses
 - Parking (e.g. number of spaces, location, lighting, screening)
 - Signage (number, size, location, lighting)
 - Exterior lighting (subject to state requirements relating to security systems)
 - Screening (especially if lighting required for security; subject to state prohibition of landscaping that could conceal a person)
 - Additional security measures (state law extensively regulates access, video surveillance, and security and alarm systems)
 - Fencing
 - Lighting
 - Separation from adjoining buildings

Summary

Whatever regulatory approach is taken, the Village will need to establish that the regulatory scheme (i) does not contradict the State statutory and regulatory standards, and (ii) is reasonably related to the public health, safety, and welfare with respect to the medical *cannabis* facilities.



Common Questions Concerning Medical Cannabis

BY BRIAN DAY, LEAD STAFF ATTORNEY

Illinois' medical-cannabis law took effect on January 1, 2014. The new law, titled the Compassionate Use of Medical Cannabis Pilot Program Act, allows the use of cannabis by residents who have a medical need and have obtained a permit. The new law also sets forth procedures to license and regulate where cannabis may be grown and where it may be sold.

As the new law begins to be implemented, the IML has received a number of questions about the medical cannabis law and the extent to which communities have any authority or duty to regulate cannabis use under the medical-cannabis law. Municipalities are given the authority to adopt reasonable zoning controls with respect to cultivation centers and dispensaries. Most of the regulation on this issue, however, is conducted by the state government. The purpose of this article is to cover some of the contents of the medical-cannabis law and discuss some areas of concern to communities.

1. WHO MAY USE MEDICAL CANNABIS?

A "qualifying patient" may obtain up to 2.5 ounces of cannabis every two weeks. The Department of Public Health may grant a waiver for a patient to obtain additional amounts.

In order to be designated as a "qualifying patient" a person must be diagnosed by a physician as having a debilitating medical condition. The statute lists 33 medical conditions that qualify. The Department of Public Health may approve additional conditions. The patient must be diagnosed by a doctor of medicine or osteopathy who has a current controlled substances license. Other medical professionals are not authorized to recommend a patient for medical cannabis.

A qualifying patient may not:

- Be under the age of 18;
- Have a felony drug conviction; or
- Work in certain professions, including law enforcement personnel, firefighters, and commercial drivers.

Once the physician has diagnosed the patient and recommended him or her for medical cannabis, the patient may apply to the Department of Public Health for status as a medical-cannabis patient. The Department will issue registry cards to qualifying patients and maintain a registry of those patients. Law enforcement agencies will have access to the registry.

Municipalities are given the authority to adopt reasonable zoning controls with respect to cultivation centers and dispensaries.

2. HOW IS THE CANNABIS GROWN AND SOLD?

A qualifying patient must obtain his or her medical cannabis from a dispensary, which, in turn must get the cannabis from a cultivation center.

A dispensary is operated by a business or organization that is licensed and regulated by the Illinois Department of Financial and Professional Regulation. The statute allows for up to 60 dispensaries "geographically dispersed throughout the State."

A cultivation center is operated by a business or organization that is licensed and regulated by the Illinois Department of Agriculture. Cultivation centers are subject to a strict set of rules to be developed by the Department of Agriculture, including labeling and cannabis testing requirements, 24-hour video surveillance, photo IDs for staff, cannabis tracking systems, and inventory control measures. The statute allows for up to 22 cultivation centers (one for each Illinois State Police district).

IML LEGAL BRIEF CONTINUES ON PAGE 12

3. ARE THERE RESTRICTIONS ON THE USE OF MEDICAL CANNABIS ANYWHERE?

There are limitations on how and where medical cannabis may be used. A registered qualifying patient or designated caregiver must keep their registry identification card in his or her possession at all times when engaging in the medical use of cannabis.

It is illegal to **possess** medical cannabis:

- on a school bus or on school property
- in a correctional facility
- in a vehicle, except in a sealed, tamper-evident medical cannabis container
- in a residence used to provide licensed child care or similar social service care.

It is illegal to **use** medical cannabis:

- on a school bus or on school property
- in a correctional facility
- in a vehicle
- in a residence used to provide licensed child care or similar social service care
- in a public place where the user could be observed by others
- in proximity to a minor.

It is illegal to **smoke** medical cannabis:

- in a public place where the user could be observed by others
- in a healthcare facility

- in any location where smoking is prohibited under the Smoke-Free Illinois Act.

A private business and a college or university may prohibit or restrict the use of medical cannabis on its property.

4. CAN COMMUNITIES CONTROL WHERE CANNABIS IS GROWN AND SOLD?

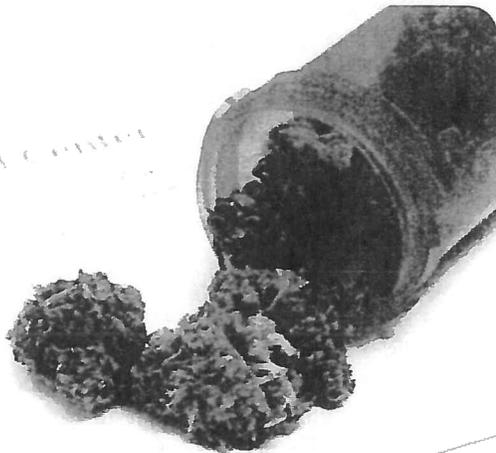
There are statutory restrictions on where a dispensary or a cultivation center may be located. In addition, municipalities have the authority to enact reasonable zoning restrictions on cultivation centers or dispensaries.

A cultivation center may not be located within 2,500 feet of a pre-existing school, daycare, or any residential district. Similarly, a dispensary may not be located within 1,000 feet from a school or daycare. Dispensaries are also prohibited in a house, apartment, condominium, or an area zoned for residential use. These distance requirements are measured from the property line of the prohibited properties rather than the buildings. These restrictions severely limit where a facility might be located. In many cases, due to the location of schools and daycare properties and, particularly, residential zoned property, there may be few (if any) locations open to medical-cannabis facilities. Legislation is currently being considered in the Illinois General Assembly that would only prohibit these facilities in areas that are zoned **exclusively** or **predominately** residential. It would allow these facilities to be located in areas that are mixed residential and commercial use. Municipal officials should familiarize themselves with the location of schools, daycares, or residentially-zoned property so that they will be aware of the potential locations where a dispensary or cultivation center could legally locate.

In addition to the distance limitations, the statute authorizes municipalities to enact “reasonable zoning ordinances or resolutions” regulating registered medical cannabis cultivation centers or medical cannabis dispensing organizations. The zoning regulations may not conflict with the statute, Act, or the administrative rules of the Department of Agriculture or Department of Public Health. Home rule powers are preempted, so they have the same zoning authority as non-home rule communities.

The statute is silent on the nature of the zoning restrictions. Municipalities have taken or considered the following measures with respect to zoning and medical cannabis:

- Identifying the zoning district or districts in which cultivation centers and dispensaries are permitted.
- Requiring special-use permits for cultivation centers and dispensaries rather than allowing them as a permitted use.
- Imposing reasonable conditions on any special-use permit to mitigate the impacts of their activities.



The statute prohibits municipalities from unreasonably prohibiting the cultivation, dispensing, and use of medical cannabis. This provision would appear to prevent the municipality from banning medical cannabis entirely from the municipality. Some municipalities, however, have enacted a temporary moratorium on medical cannabis facilities while it reviews its zoning regulations so that a new facility does not become a "preexisting use" before the cannabis zoning regulations are adopted. This approach should be used with caution. An extended duration of a moratorium may lead to legal challenges.

5. CAN COMMUNITIES REGULATE MEDICAL CANNABIS USE BY PUBLIC EMPLOYEES?

Just because a qualifying patient is allowed to use medical cannabis, they do not have carte blanche authority to use the drug while at work. An employer can prohibit the employee from using drugs or being under the influence of drugs while on the job.

An employer may not discriminate against an employee solely for being a qualified patient. The employer, however, can adopt and enforce a drug-free workplace policy, so long as the policy is applied in a non-discriminatory manner. The employer can also enact reasonable regulations concerning the consumption, storage, or timekeeping requirements for qualified patients. Employers can discipline an employee for failing a drug test if that failure would put the employer in violation of federal law or jeopardize federal contracting or funding.

One potential challenge to enforcing a drug-free workplace policy is the determination of when an employee is impaired while at work. Unlike alcohol, where impairment can be presumed by a specific blood-alcohol level, there is no objective standard for measuring cannabis impairment. The statute provides that an employer cannot be sued for actions taken upon a good-faith belief that the employee used or possessed cannabis or was impaired by cannabis during work hours. The Act also states that an employer cannot be sued over an injury or loss to a third party if the employer did not know or have reason to know that the employee was impaired.

Municipalities should evaluate their existing employment policies with respect to drug use and possession. If a written policy is not currently in place, one should be enacted and incorporated into the appropriate personnel rules.

There are still many questions concerning the implementation of medical cannabis. It is advisable to consult your municipal attorney with respect to any rules or regulations concerning medical cannabis.

Additional information is available on the IML website.

MUNICIPAL CALENDAR - MAY

A person subject to the filing requirements of the Illinois Governmental Ethics Act must file a statement on or before May 1 of each year, unless he has already filed a statement in relation to the same unit of government in that calendar year. (5 ILCS 420/4A-105.)

The annual appropriation ordinance must be passed by municipalities with less than 500,000 inhabitants during the first quarter of the fiscal year unless the municipality has adopted the Optional Budget Officer System (65 ILCS 5/8-2-9.1 through 8-2-9.10) in lieu of the Appropriation Ordinance System. (65 ILCS 5/8-2-9.)

In municipalities with a population between 2,000 and 500,000, the proposed appropriation ordinance must be made available to public inspection not less than 10 days before its adoption and there must be at least one public hearing thereon. Notice of the hearing shall be given by publication at least 10 days before the time and place of the hearing. The notice must state the time and place of the hearing and before any final action is taken on the ordinance, the corporate authorities may revise, alter, increase or decrease the items contained in the ordinance. (65 ILCS 5/8-2-9.)

In municipalities with over 500 in population, the ordinance must be published in pamphlet form or in a newspaper with a general circulation in the municipality within 30 days after its passage. In municipalities with less than 500 in population where no newspaper is published, publication may be made by posting a notice in three prominent places in the municipality. The annual appropriation ordinance adopted under Section 8-2-9 shall take effect upon passage. (65 ILCS 5/1-2-4.)

The annual appropriation ordinance or budget, as well as an estimate of revenues anticipated to be received by the municipality in the following fiscal year, must be filed with the county clerk within 30 days of the adoption of the appropriation ordinance or budget. (35 ILCS 200/18-50.)

Within 30 days after the expiration of the fiscal year of the city or village [fiscal year begins on election day unless otherwise provided], the library board shall submit to the council or board of trustees and the Illinois State Library an annual statement of liabilities including those for bonds outstanding or due for judgments, settlements, liability insurance or for amounts due under a certificate of the board. (75 ILCS 5/4-10.)

The treasurer of the police pension funds in all municipalities between 5,000 and 500,000 population shall file an annual report with the trustees and council on the second Tuesday of May. (40 ILCS 5/3-141.)

The term of office of the inspectors of the house of corrections, appointed by the mayor, begins the first Monday in May. (65 ILCS 5/11-4-2.)

Approve resolution authorizing officials and employees to attend the 2014 conference of the Illinois Municipal League. The 2014 annual conference will be held September 18 - 20 at the Hilton Chicago Hotel.

****NOTE:** If the fiscal year for your municipality is a period other than May 1 - April 30, the items covered under the month of May having to do with the fiscal year will fall under the first month of the particular fiscal year adopted by your municipality.

Item #3C:

Report Of September 2, 2014 PCZBA Meeting
Amendments To Zoning Code Re: Uses In B1 Historic District



MEMORANDUM

TO: Village of Long Grove Planning Commission & Zoning Board of Appeals
FROM: JAMES M. HOGUE, Village Planner
DATE: August 28, 2014
RE: Public Hearing – Downtown Land Uses Revisited

At the regular May meeting the PCZBA considered both permitted and special uses within the downtown (B-1) Historic District and made their recommendations to the Village Board.

The recommendations of the PCZBA were forwarded onto the Village Board which in turn has deferred final action on the matter to allow review and input by the LGBCP.

At the August meeting Ms. Nancy Fino, Local Merchant and Chairman of the Economic Development committee of the LGBCP presented three issues to the PCZBA for consideration. These included;

- 1). The percentage of off-site sales for businesses in the B-1 District;
- 2). Regulating non-retail uses (i.e. enforcing the 20% cap); and;
- 3) The minimum space for an establishment (250 Sq. Ft.) in the B-1 district.

After discussion it was determined that Ms. Fino conduct further research and would go back to the LGBCP with those findings. The PCZBA will then reconsider these matters at the September 2nd meeting.

Ms. Fino was to i) identify actual merchant spaces of 250 sq. ft. or less in the downtown area; and ii) determine a method for establishing a percentage for off-site sales in the B-1 Business District. Per research done in other communities no other such use limitations were identified. As such, the LGBCP is recommending elimination of these provisions of the zoning code. See e-mail correspondence from Ms. Fino attached.

As separate matter, staff suggests to the PCBZA that drive-ups/drive thru's be codified as special uses within the B-1 district largely due the "pedestrian scale" of the B-1 District and the potential for vehicle and pedestrian conflicts.

By nature Special Uses are uses which may or may not be appropriate at a specific location and require more review (and potentially conditions placed upon the use) than uses allowed as a matter-of-right. Drive-up's/drive thru's seem to fit this general criteria and are best considered on a case by case basis, if they are to be allowed at all.

Should you have questions or concerns feel free to call me at (847) 634-9440.

Dear Jim,

As a follow-up to the 8/5 Plan Commission meeting, we agreed that I was to:

- 1) Find specific examples of small buildings/spaces in the B1 district to articulate an actual square footage of space smaller than minimum of 250SF that the Plan Commission proposes (in response to subsection 5-4-9(B)5). And,
- 2) Get consensus on the minimum number of days/hours per day that businesses should be open to minimize companies utilizing storefront locations for operations where the majority of sales are gained offsite (in response to subsections 5-4-5(A)5 and 5-4-9(B)3).

At the August 11 LGBCP Economic Development committee meeting, we discussed the above at length. The Committee suggested we benchmark other communities (Libertyville, Galena, Wauconda) to see what, if anything, they have in their ordinances regarding the same topics. It was confirmed that none of the communities mentioned address any of these use limitations.

Based on that finding, and more, the LGBCP/Economic Development Committee concluded that Long Grove should try to remove as many barriers as possible when it comes to bringing new businesses to town. As such, we recommend that both of the aforementioned use limitations be eliminated from the proposed ordinance.

I trust that the next steps are that you will add this to the Plan Commission's September meeting agenda. Please confirm if that is true as I would like to be present. And, as always, do let me know if you require additional information.

Thank you,

Nancy E. Fino, Chairman
LGBCP Economic Development Committee

From: James Hogue <jhogue@longgrove.net>

To: Nancy E. Fino <nefino@prodiqy.net>

Sent: Tuesday, July 1, 2014 6:12 PM

Subject: RE: Follow-Up from 7/24 Village Board Meeting re: Expanded Permitted Uses for B1 District

Nancy,

These items will not be considered until the August 5th PCZBA meeting.

JIM

From: Nancy E. Fino [<mailto:nefino@prodigy.net>]

Sent: Tuesday, July 01, 2014 1:23 PM

To: James Hogue

Subject: Follow-Up from 7/24 Village Board Meeting re: Expanded Permitted Uses for B1 District

Jim, from last week's Village Board meeting, there were three (3) outstanding items regarding the revised permitted uses for the B1 district. These three items are listed below. Please advise if you need me to review these further with you separately and/or present them at tonight's Plan Commission & Zoning Board Meeting. Thank you, Nancy-

1) There is reference twice (one regarding *manufactured or produced retail goods* and the other regarding *all goods or foodstuffs produced or manufactured*) whereby **off site sales in excess of five percent (5%) of annual gross receipts would be allowable as a special use only**. The LGBCP believes that successful, contemporary merchants will most likely be multi-channel and/or have a diverse customer base. Therefore, we would like to ensure that **as long as there is a retail presence that is satisfying to Long Grove visitors and residents**, that all businesses (whether merely selling or whether manufacturing and selling) **be allowed to obtain sales from any/all sources (wholesale, custom orders, online orders as some examples) without limitation and without being considered special use**.

2) **Regarding the percentage of nonretail to retail use**, we recommend that some mechanism be put in place to ensure that before leases are signed and/or business licenses and permits are issued, there be a review of how a new, nonretail business would affect the current (at that time) percentage of allowable retail to nonretail. Right now neither the Village nor the LGBCP have a way to truly "manage" this ratio because not every new business makes itself known to either entity. We would be happy to work with you to develop some sort of protocol for how to manage this ratio.

3. **Regarding "Minimum Space: No business shall be operated from a space on a lot in the B1 district open to the public which is less than two hundred fifty (250) square feet."** The LGBCP recommends that this be reconsidered. The former Visitors Center (307 Old McHenry Road), a standalone structure, and other designated "areas" (floors and rooms) of many existing buildings would be suitable for a great number of small businesses who would be able to operate in as little as 100 square feet. Perhaps this be considered on a case-by-case basis as new tenants express interest. Of course we recognize that fire codes and overall customer safety would be a determining factor.

Item #3D:

Report Of September 2, 2014 PCZBA Meeting

Zoning Code & Sunset Grove PUD Amendments Re: Max Non Retail



MEMORANDUM

TO: Village of Long Grove Planning Commission & Zoning Board of Appeals
FROM: JAMES M. HOGUE, Village Planner
DATE: August 28, 2014
RE: Public Hearing – Increase of Non-retail uses in the HR-1 District and an Increase in the Non-Retail uses within the Sunset Grove PUD from 16,000 to 18,500 square feet.

Proposal - Consideration of a request from the Sunset Grove LLC for: (1) amendment to the Zoning Code to increase the maximum percentage of non-retail uses allowed in the HR 1 Highway Retail Zoning District for the Village of Long Grove and (2) amendment to the previously approved Sunset Grove Planned Unit Development (PUD), to increase the maximum square footage of non-retail uses within the development from 16,000 square feet to 18,500 square feet submitted by Mr. Kurt Wandry on behalf of the Sunset Grove LLC.

Both these amendments require public hearing by the Plan Commission & Zoning Board of Appeals (PCZBA) with the amendment to the Zoning Code requiring referral by the Village Board to the PCZBA. This request was referred to the PCZBA by the Village Board in August.

The Sunset Grove LLC has submitted a request for a minor amendment to the Sunset Grove Planned Unit Development (PUD) to increase the maximum non-retail uses from the current limitation of 16,000 to 18,500 sq. ft. In reviewing the request with Village Counsel, Staff determined that the request would be considered a major amendment (not minor) to the Sunset Grove PUD and would also require an amendment to the Zoning Code for the existing HR1 Highway Retail Zoning District which also includes a maximum limit on nonretail uses of 16%.

Per the revised application submitted by the Sunset Grove LLC for major amendment PUD amendment (attached), the petitioner notes that in the six years since the original approval of the Sunset Grove Development the development is approaching final build out (buildings A & C being constructed). At that point 110,947 sq. ft. of space will be available with 81,779 sq. ft. devoted to retail space and 13,024 sq. ft. of non-retail space.

The petitioner has the opportunity to secure a lease for a non-retail tenant (Coldwell Banker) which would be a non-retail use and exceed the cap established in both the zoning code and PUD approval.

Existing Zoning Code Limitations.

(E) Special HR-1 District Use Limitations.

1. Nonretail Uses. Notwithstanding the regulations contained in this title that are otherwise applicable, the aggregate gross floor area devoted to nonretail uses in connection with an approved planned unit development shall be limited as follows, unless otherwise expressly authorized in the ordinance granting approval of the planned unit development:

(a) *In a planned unit development containing a grocery store, the aggregate gross floor area devoted to nonretail uses shall be limited to sixteen percent (16%) of the gross floor area in the planned unit development.*

(b) In a planned unit development that, because of physical limitations or recorded use restrictions, is not designed to include a grocery store, the aggregate gross floor area devoted to nonretail uses shall be limited to fifty percent (50%) of the gross floor area in the planned unit development.

Existing Sunset Grove PUD Limitations (Ord. 2008-O-09).

P. Non-Retail Use Restriction. *No more than 16,000 square feet of the leasable floor area of the Property shall be used for nonretail uses, as that term is defined in paragraph 5-4-9(B)1 of the Zoning Code. This limitation on nonretail uses to a total area of not more than 16,000 square feet of leasable floor area will apply regardless of development that may occur in other areas of the Village that may, in the future, be zoned in the HR-1 District.*

Conclusions

Staff views the proposed changes as being relatively minor in nature, however procedurally they must be treated as a “major” amendment to the PUD.

Given market conditions with regard to retail development the proposed changes should only represent a slight loss in sales tax revenue to the Village.

Village Counsel has prepared a draft ordinance with specific language for the amendment for review by the PCZBA.

NARRATIVE:

Sunset Grove LLC, Request for a text amendment to the HR-1 District "Use Limitations" of the Village of Long Grove Zoning Ordinance, and an amendment to paragraph Q "Non-Retail use Restriction" 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 sixth anniversary of the original approval of the Sunset Grove development. A lot has happened since then, and as you are aware, we are now in the final construction development stage and Building A and C are almost complete. With the completion of these buildings we now have 110,947 ft.² under roof. Leases are in place for 11 retail tenants totaling 81,799 ft.² and 6 non-retail tenants totaling 13,024 ft.².

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 are now faced with a unique problem that was not anticipated in the early stage of our zoning process six years ago. Coldwell Banker Commercial has submitted a letter of intent to lease 5473 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 16,000 feet. Thus, we are exceeding our allowable non-retail occupancy by 2497 ft.². This limitation is found in section Q on page 13 of the final PUD approving ordinance number 2008-0-27.

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 16% of the gross floor area for non-retail uses. If that standard were applied to Sunset Grove, non-retail uses could occupy up to 17,756 ft.². Thus our development would be exceeding the HR-1 limitation by only 741 ft.². If we include the Caldwell Broker lease into our total of Non-Retail square footage our development would stand at 16.67% non-retail or .67% over the maximum allowable limitation specified in the ordinance.

We are asking the board to help us take advantage of this opportunity by taking two actions. First by supporting a text amendment, modifying the use limitations found within the HR-1 zoning district increasing the percentage of allowable non-retail gross floor area, and secondly amending ordinance No. 2008-0-27 providing for a new maximum limit of 18,500 square feet of Non-Retail uses within the development.

A final thought for your consideration is the fact that even though there will be a slight loss of sales tax revenue do to this conversion, the development will now have 5473 ft.² of finished office space which will generate real estate tax revenue 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 the gain in real estate tax revenue will most likely offset the loss in sales tax revenue.

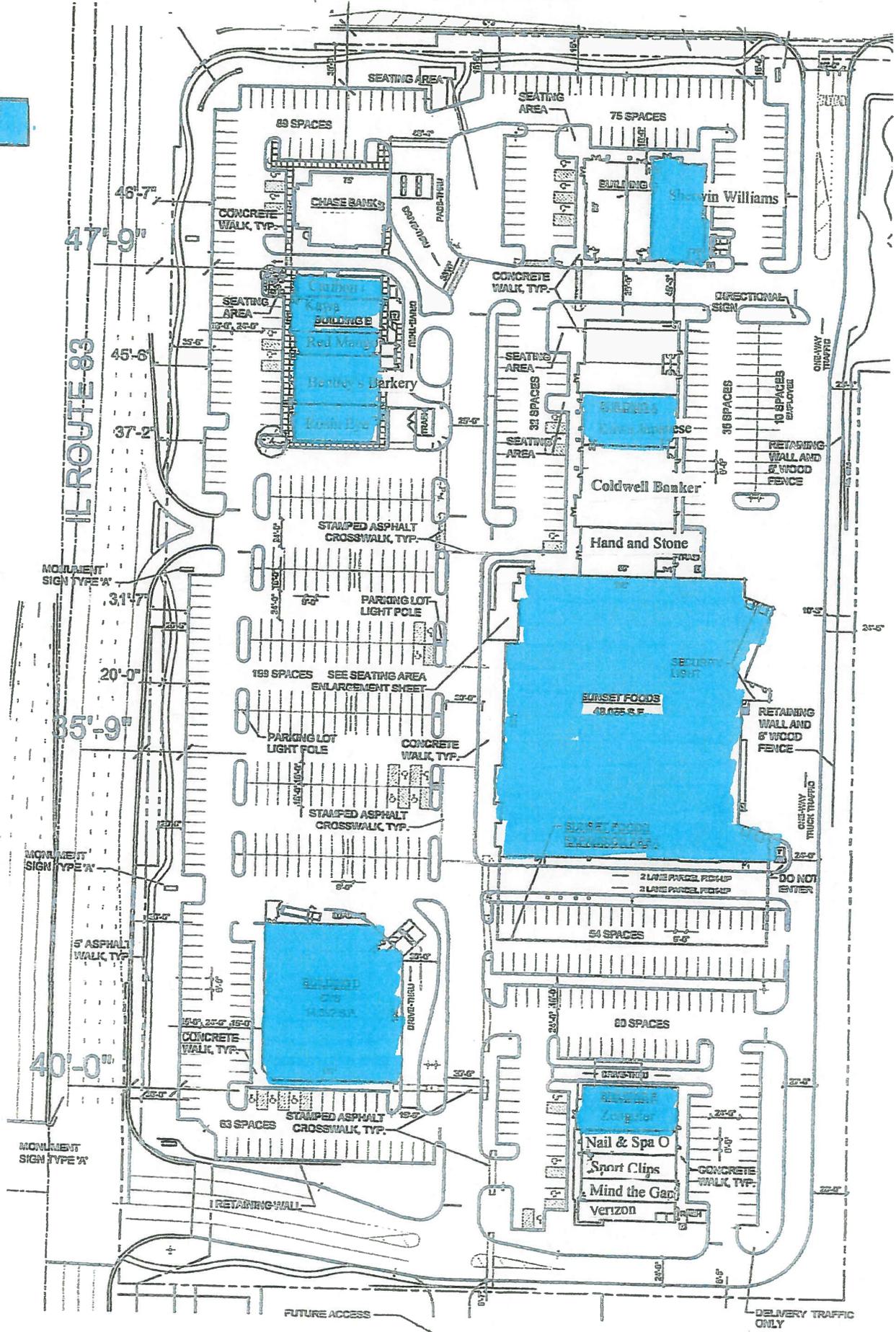
**SUNSET GROVE SHOPPING CENTER
LEASE SUMMARY**

Tenant/Type of User	Suite Pad	Type of Lease	Rentable Sq. Ft.	Leased Non Retail	Leased Retail	Delivery of Premises	STATUS	Initial Term	Lease Options
Sunset Foods	Anchor	NNN	48,055		Retail	15-Jan-11	Signed Lease	20 years	
CVS Pharmacy	Bldg D	NNN	14,392		Retail	23-Jan-11	Signed Lease	25 years	
Zengeler Cleaners	Bldg E	NNN	3,230		Retail	3-Dec-10	Signed Lease	10 years	
Nail & Spa O	Bldg E	NNN	1,547	Non		20-Jul-11	Signed Lease	5 years	5 year extension option
Sport Clips	Bldg E	NNN	1,256	Non		23-Jun-11	Signed Lease	5 years	
Mind the Gap	Bldg E	NNN	1,597	Non		14-Jun-13	Signed Lease	3 year	
Verizon Wireless Zone	Bldg E	NNN	1,370	Non		1-Sep-11	Signed Lease	5 years	
Chase Bank	Bldg B1	GL	4,250	Non		17-Jan-11	Signed Lease	20 years	(4) 5 year extension options;
Caribou Coffee	Bldg B	NNN	1,750		Retail	30-Sep-12	Signed Lease	10 years	(2) 5 year extension options;
Kawa Sushi	Bldg B	NNN	1,424		Retail	9-May-13	Signed Lease	10 years	
Red Mango	Bldg B	NNN	1,593		Retail	15-Apr-13	Signed Lease	10 years	
Bentley's Bakery	Bldg B	NNN	3,030		Retail	14-Jun-13	Signed Lease	7 years	
Rosin Eye	Bldg B	NNN	2,453		Retail	9-Oct-12	Signed Lease	5 years	5 year extension option
Food Service Unit A	Bldg A		2,853				Available		
Food Service Unit B	Bldg A		1,731				Available		
Kawa Japanese Restaurant	Bldg A	NNN	3,939		Retail	15-Oct-14	Signed Lease	10 years	
Unit D - Coldwell Banker	Bldg A	NNN	1,550	Non					
Unit E - Coldwell Banker	Bldg A	NNN	1,907	Non			Signed LOI	7 years	(3) 3 year extensions
Unit F - Coldwell Banker	Bldg A	NNN	2,016	Non					
Hand and Stone	Bldg A	NNN	3,004	Non		15-Oct-14	Signed Lease	10 years	
Food Service Unit A	Bldg C		2,785				Available		
Food Service Unit B	Bldg C		1,700				Available		
Sherwin Williams	Bldg C	NNN	3,515		Retail	15-Oct-14	Signed Lease	25 years	(3) 5 year extension options;

SHOPPING CENTER TOTAL	110,947	18,497	83,381	16.67%	75.15%
<p style="text-align: center;">PUD Restriction of Non-Retail Use Maximum - 16,000 Sq. Ft.</p> <p style="text-align: center;">HR-1 Zoning Non Retail Restriction is 16% - 17,752 Sq. Ft.</p>					

SUNSET GROVE SHOPPING CENTER LEASE SUMMARY

Leases
Detail





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

RECEIVED

AUG 21 2014

VILLAGE OF LONG GROVE

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 2008-O-27

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

Environmental Planning & Design, Kurt Wandrey

Name of Applicant

Jack Summ *8-21-14*

Signature of Owner

Date

Signature of Applicant

Date

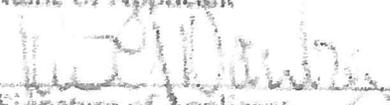
As Agent for Sunset Grove, LLC

- 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

Environmental Planning & Design, Kurt Wardrey
Name of Applicant

Signature of Owner Date

 20 Nov 2014
Signature of Applicant Date

VILLAGE OF LONG GROVE

ORDINANCE NO. 2014-O-____

**AN ORDINANCE AMENDING THE LONG GROVE ZONING CODE REGARDING
NON-RETAIL USES IN THE HR-1 DISTRICT**

WHEREAS, the Village has determined that certain modifications should be made to the Long Grove Zoning Code ("**Zoning Code**") concerning use regulations for non-retail business uses in the HR-1 District; and

WHEREAS, pursuant to notice duly published, the Plan Commission and Zoning Board of Appeals (the "**PCZBA**") conducted a public hearing that commenced on September 2, 2014 and concluded on _____, 2014 to consider proposed amendments to the Zoning Code concerning the percentage of aggregate gross floor area devoted to non-retail uses in certain planned unit developments in the HR-1 District; and

WHEREAS, at the conclusion of the public hearing, the PCZBA [*recommended*] that the Zoning Code be amended to increase the percentage of aggregate gross floor area devoted to non-retail uses in planned unit developments containing grocery stores within the HR-1 District from 16% to 18.5%, as set forth in the PCZBA's recommendation to the President and Board of Trustees; and

WHEREAS, the President and Board of Trustees have considered the PCZBA's recommendation and determined that amendments to the HR-1 District regulations concerning non-retail business uses as set forth in this Ordinance are necessary, desirable, and appropriate;

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 incorporated into this Ordinance as the findings of the President and Board of Trustees.

SECTION TWO. **Amendment to Section 5-4-9.** Section 5-4-9 of Chapter 4, titled "Business Districts" of Title 5, titled "Zoning Regulations" of the Long Grove Village Code is hereby amended in part as follows:

5-4-9 USE LIMITATIONS:

* * *

(E) Special HR-1 District Use Limitations:

1. Nonretail Uses: Notwithstanding the regulations contained in this title that are otherwise applicable, the aggregate gross floor area devoted to nonretail uses in connection with an approved planned unit development shall be limited as follows, unless otherwise expressly authorized in the ordinance granting approval of the planned unit development:

(a) In a planned unit development containing a grocery store, the aggregate gross floor area devoted to nonretail uses shall be limited to ~~sixteen percent (16%)~~ **eighteen and one-half percent (18.5%)** of the gross floor area in the planned unit development.

(b) In a planned unit development that, because of physical limitations or recorded use restrictions, is not designed to include a grocery store, the aggregate gross floor area devoted to nonretail uses shall be limited to fifty percent (50%) of the gross floor area in the planned unit development.

* * *

SECTION THREE. **Effective Date.** This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED THIS ____ DAY OF _____, 2014.

AYES: ()

NAYS: ()

ABSENT: ()

ABSTAIN: ()

APPROVED THIS ____ DAY OF _____, 2014.

Angela Underwood, Village President

ATTEST:

Heidi Locker-Scheer, Village Clerk

VILLAGE OF LONG GROVE, ILLINOIS
NOTICE OF A PUBLIC HEARING FOR CONSIDERATION OF AMENDMENTS TO THE ZONING CODE OF THE VILLAGE OF LONG GROVE, ILLINOIS REGARDING THE NON-RETAIL USE LIMITATION WITHIN THE R-1 ZONING DISTRICT AND MODIFICATION OF THE PREVIOUSLY APPROVED SUNSET GROVE PLANNED UNIT DEVELOPMENT AS IT RELATES TO MAXIMUM SQUARE FOOTAGE OF NON-RETAIL USES.

RECEIVED

AUG 21 2014

VILLAGE OF LONG GROVE

PUBLIC NOTICE IS HEREBY GIVEN that on Tuesday September 2, 2014 at 7:00 P.M., a public hearing will be held at the regular meeting of the Plan Commission & Zoning Board Appeals of the Village of Long Grove, Lake County, Illinois at the Long Grove Village Hall, 3100 Rte. 1, Long Grove, Illinois 60047 (unless otherwise posted), in connection with a request from the Sunset Grove LLC for: (1) amendment to the Zoning Code to increase the maximum percentage of non-retail uses allowed in the R-1 Highway Retail Zoning District for the Village of Long Grove and (2) amendment to the previously approved Sunset Grove Planned Unit Development (PUD), to increase the maximum square footage of non-retail uses within the development from 16,900 square feet to 18,500 square feet on property legally described as follows:

Legal Description
Lots 1 through 4 of the Sunset Grove Subdivision being a subdivision of that part of the East Half of the Northeast Quarter of Section 30, Township 43 North, Range 11 East of the Third Principal Meridian, in Lake County Illinois.
Persons attending the hearing shall have the opportunity to provide written and oral comments and questions concerning the proposed amendments.
The Plan Commission & Zoning Board of Appeals reserve the rights to continue the hearing to a later date and time should that become necessary.
James M. Hogue
Village Planner
Village of Long Grove
Published in Daily Herald
August 16, 2014 (4383090)

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 August 16, 2014 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 Daulla Baltz
Authorized Agent

Control # 4383090