

Item #4:

Ord. Approving Special Use Permit For Long Grove Senior Care

VILLAGE OF LONG GROVE

ORDINANCE NO. 2014-O- ____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE DEVELOPMENT OF A SENIOR LIVING AND MEMORY CARE FACILITY ON IL ROUTE 53 BETWEEN MARDAN DRIVE AND LONG GROVE ROAD, GRANTING VARIATIONS FROM THE MINIMUM PARKING STANDARDS AND GROSS FLOOR AREA LIMITATIONS, AND AUTHORIZING SANITARY SEWER CONNECTIONS

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ____ day of _____, 2014

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ____ day of _____, 2014

VILLAGE OF LONG GROVE
ORDINANCE NO. 2014-O-___

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE DEVELOPMENT OF A SENIOR LIVING AND MEMORY CARE FACILITY ON IL ROUTE 53 BETWEEN MARDAN DRIVE AND LONG GROVE ROAD, GRANTING VARIATIONS FROM THE MINIMUM PARKING STANDARDS AND GROSS FLOOR AREA LIMITATIONS, AND AUTHORIZING SANITARY SEWER CONNECTIONS

WHEREAS, Long Grove Senior Care LLC ("**Petitioner**") is the contract purchaser of that certain real property located on the south side of Illinois Route 53 between Mardan Drive and Long Grove Road, which property consists of approximately 9.46 acres of land (the "**Property**"); and

WHEREAS, the Property is located in the Village's R-2 Single Family Residence District; and

WHEREAS, the Property is presently vacant, and the majority of the Property is covered by natural woodland, including numerous trees that are protected by the Village's Tree Preservation Ordinance; and

WHEREAS, Petitioner has proposed to build and operate on the Property an approximately 95,000 square foot, two-story nursing home facility consisting of 100 residential units (40 of which would be designated as memory care units, and 60 of which would be designated as assisted living units) to provide senior living and care and ancillary services to residents of the facility (the "**Proposed Facility**") as depicted on the site plan attached hereto as Exhibit A (the "**Site Plan**"); and

WHEREAS, Section 5-3-6(l) of the Long Grove Zoning Code ("**Zoning Code**") authorizes nursing home uses in the R-2 District, subject to the issuance of a special use permit; and

WHEREAS, the Petitioner has applied for a special use permit authorizing the construction and operation of the Proposed Facility on the Property (the "**Requested SUP**"); and

WHEREAS, the Proposed Facility would have a gross floor area of approximately 95,000 square feet, as depicted on the Site Plan; and

WHEREAS, pursuant to Section 5-3-12(A) of the Zoning Code, the maximum allowable gross floor area for a principal building on a lot within the R-2 zoning district is 13,000 square feet; and

WHEREAS, the Petitioner has applied for a variation from the gross floor area limitation of Section 5-3-12(A) of the Zoning Code (the “**Requested Floor Area Variation**”); and

WHEREAS, the Proposed Facility would include development of an on-site parking lot containing 65 parking spaces, including 7 handicapped-accessible spaces, and landbanking of open space sufficient to accommodate 19 additional parking spaces; and

WHEREAS, pursuant to Section 5-9-4(D) of the Zoning Code, the Proposed Facility would require 472 on-site parking spaces; and

WHEREAS, the Petitioner has applied for a variation from the parking requirements of Section 5-9-4(D) (the “**Requested Parking Variation**,” and, collectively with the Requested Floor Area Variation, the “**Requested Variations**”); and

WHEREAS, pursuant to notice duly published in the *Daily Herald*, the Plan Commission & Zoning Board of Appeals (“**PCZBA**”) conducted a public hearing commencing on July 1, 2014 and concluding on August 5, 2014 for the consideration of the Requested SUP and the Requested Variations; and

WHEREAS, at the conclusion of the public hearing, the PCZBA recommended that the Village Board issue the Requested SUP and approve the Requested Variations, subject to certain conditions, as fully described in the PCZBA’s report to the Village Board; and

WHEREAS, the Village Board has entertained further comments from the Petitioner and the public in connection with its consideration of the Proposed Facility and the recommendation of the PCZBA; and

WHEREAS, the Village Board has authority pursuant to Sections 5-3-6(l) and 5-11-17 to grant the Requested SUP; and

WHEREAS, the Village Board has authority pursuant to Section 5-11-15(E)(1)(f) of the Zoning Code to grant the Requested Variations in conjunction with the grant of the Request SUP; and

WHEREAS, to manage sanitary sewage to be generated from the Proposed Facility, Petitioner has requested that the Village approve the connection of the Proposed Facility to existing sanitary sewer facilities (the "**Sewer Facilities**") that are available to the Village pursuant to the Intergovernmental Agreement between the Village and the County of Lake (the "**County Sewer IGA**"), as well as the Intergovernmental Agreement between the Village and the Village of Kildeer (the "**Kildeer IGA**"); and

WHEREAS, the Village has determined that the Sewer Facilities have sufficient capacity available for the Proposed Facility and other existing and potential users within the Village's intended service area for the Sewer Facilities; and

WHEREAS, the Village Board has authority pursuant to the County Sewer IGA and the Kildeer IGA to grant approval for the connection of the Proposed Facility to the Sewer Facilities; and

WHEREAS, the President and Board of Trustees have considered the materials submitted by the Petitioner, the evidence presented at the public hearing, the recommendations of the PCZBA, and further comments from the public and Petitioner, and being fully advised in the premises, have determined that it is in the best interests of the Village and its residents to (i) grant the Requested SUP to allow the establishment of the Proposed Facility on the Property; (ii) approve the Requested Variations; and (iii) authorize connection of the Proposed Facility to the Sewer Facilities, all 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 herein.

SECTION TWO. **Findings.** The President and the Board of Trustees, having fully considered the evidence and testimony presented and the recommendations of the PCZBA, find as follows:

1. The Property is located in the R-2 Single Family Residence District under the Long Grove Zoning Code.
2. Petitioner proposes to construct and operate the Proposed Facility on the Property.
3. The Proposed Facility would have a gross floor area of approximately 95,000 square feet.
4. In connection with the Proposed Facility, the Petitioner proposes to provide off-street parking facilities on the Property consisting of 65 paved surface outdoor parking spaces, including 7 handicapped-accessible parking spaces, and landbanked open space sufficient for the future construction of 19 additional parking spaces as further provided in Section 7.F of this Ordinance.
5. The evidence presented demonstrates that, subject to the conditions set forth in this Ordinance:
 - i. construction and operation of the Proposed Facility on the Property is necessary for the public convenience;
 - ii. the Proposed Facility is designed, located, and proposed to be operated in a manner that will protect the public health, safety, and welfare;
 - iii. construction and operation of the Proposed Facility on the Property will not cause substantial injury to the value of other lots in the neighborhood;
 - iv. the Proposed Facility conforms to the applicable regulations of the R-2 Single Family Residence District, subject to approval of the Requested Variations;

- v. the Petitioner has demonstrated that it has the capability and capacity, including, without limitation, the technological, personnel, and financial resources, to construct and operate the Proposed Facility on the Property; and
 - vi. the Petitioner's proposal satisfies the requirements and standards for granting the Requested SUP, subject to the terms and conditions hereinafter set forth.
6. The evidence presented demonstrates that strict enforcement of the applicable gross floor area limitations to the Property and the Proposed Facility would create a particular hardship and a practical difficulty because:
- i. the Property cannot yield a reasonable return if permitted to be developed with only a 13,000 square foot principal structure as a result of: (i) the size, existing physical condition, and particular physical surroundings of the Property; and (ii) the conditions upon which the petition for variation is based, including use of the Property for a nursing home facility pursuant to the Requested SUP, which conditions are not generally applicable to other lots within the same zoning classification;
 - ii. the hardship and practical difficulties relating to the Requested Floor Area Variation are based on the existing, unique conditions of the Property and the unique circumstances and conditions of the proposed nursing home use;
 - iii. the Requested Floor Area Variation, if granted and implemented in conformity with the conditions hereinafter set forth, will not alter the essential character of the locality and will not be detrimental to the public welfare or injurious to other lots or improvements in the neighborhood, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
 - iv. the Petitioner's proposal satisfies the requirements and standards for granting the Requested Floor Area Variation, subject to the terms and conditions hereinafter set forth.
7. The evidence presented demonstrates that strict enforcement of the applicable minimum parking standards to the Property and the Proposed Facility would create a particular hardship and practical difficulty because:
- i. as a result of the size, configuration, and physical condition of the Property, including the presence of natural woodland and protected trees, it is not feasible to construct 472 off-street parking spaces to serve the Proposed Facility, and the Property cannot yield a reasonable return if permitted to be used only in strict conformity with the generally-applicable minimum parking standards;
 - ii. the conditions upon which the Requested Parking Variation is based, including use of the Property for a nursing home facility in accordance

with the Requested SUP and the anticipated vehicular demands of such use, creates a unique circumstance that is not applicable to other lots in the same zoning classification;

- iii. the hardship and practical difficulties relating to the Requested Parking Variation are based on the existing, unique conditions of the Property and the unique circumstances and conditions of the proposed nursing home use, and strict enforcement of the generally-applicable parking requirements would result in the provision of an excessive amount of off-street parking for the proposed use;
- iv. the parking facilities proposed by the Petitioner are sufficient to accommodate the proposed use, and the Requested Parking Variation, if granted and implemented in conformity with the conditions hereinafter set forth, will not alter the essential character of the locality, nor be detrimental to the public welfare or injurious to other lots or improvements in the neighborhood, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- v. the Petitioner's proposal satisfies the requirements and standards for granting the Requested Parking Variation, subject to the terms and conditions hereinafter set forth.

SECTION THREE. Grant of Special Use Permit. Pursuant to Sections 5-3-6(l) and 5-11-17 of the Zoning Code, and subject to the limitations therein and the conditions set forth in this Ordinance, the Board of Trustees hereby grants a special use permit to the Petitioner to permit the Petitioner to construct and operate the Proposed Facility on the Property.

SECTION FOUR. Approval of Floor Area Variation. Pursuant to Section 5-11-15(E)(1)(f) of the Zoning Code, and subject to the limitations and conditions set forth in this Ordinance, the Board of Trustees hereby grants Petitioner a variation from the maximum gross floor area limitations of Section 5-3-12(A) of the Zoning Code to permit the construction and maintenance of the Proposed Facility on the Property with a principal structure having a gross floor area of approximately 95,000 square feet as depicted in the Site Plan.

SECTION FIVE. Approval of Parking Variation. Pursuant to Section 5-11-15(E)(1)(f) of the Zoning Code, and subject to the limitations and conditions set forth in this Ordinance, the Board of Trustees hereby grants Petitioner a variation from the minimum parking standards of Section 5-9-4(D) of the Zoning Code to permit the construction and operation of

the Proposed Facility on the Property with an off-street parking lot consisting of 65 paved surface outdoor parking spaces, including 7 handicapped-accessible parking spaces, as depicted on the Site Plan, plus landbanked open space sufficient for the future construction of 19 additional parking spaces.

SECTION SIX. **Approval of Connection to Sewer Facilities.** The Village hereby approves Petitioner’s connection of the Proposed Facility to the Sewer Facilities pursuant to the County Sewer IGA and the Kildeer IGA, in the manner and location generally depicted on: (i) the preliminary engineering plans attached hereto as Exhibit B (the “***Engineering Plans***”), including page C4 of the Engineering Plans and (ii) Exhibit C hereto, subject to the limitations and conditions set forth in this Ordinance.

SECTION SEVEN. **Conditions on Approval.** The relief granted pursuant to Sections 3, 4, 5, and 6 of this Ordinance shall be, and is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the President and Board of Trustees and in conformance with this Ordinance, render void the approvals granted by this Ordinance.

A. **No Authorization of Work.** This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all permits, approvals (including without limitation the approvals required pursuant to Paragraph 7.K of this Ordinance), and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

B. **Tree Removal and Replacement; Forestry Management.**

i. **In General.** Petitioner shall install landscaping and perform tree removal, replacement, and protection and forestry management activities in general conformity with the plans and specifications attached hereto as Exhibit D (collectively, the “***Landscape Plan***”), as well as the work set forth in Paragraph 7.C. The Village Manager is directed to issue one or more tree removal permits authorizing the work provided for in this Section 7.B pursuant to the Landscape Plan.

ii. **Fee in Lieu.** In addition to completion of the work set forth in the Landscape Plan and Paragraph 7.C of this Ordinance, the Petitioner shall

pay to the Village a fee ("***Fee in Lieu***") in lieu of tree replacement as required by the Village Tree Preservation Ordinance, codified as Title 4, Chapter 10 of the Village Code ("***Tree Preservation Ordinance***"). The Fee In Lieu shall be in an amount equivalent to the cost of replacing all protected trees [as defined in Section 4-10-3(a) of the Village Code] that are removed or destroyed and not relocated or replaced with other trees of species identified on Table A in Section 4-10-6 of the Village Code, as determined by the Village Forester consistent with the Village Code and this Ordinance, minus the amount expended or deposited with the Village for the Removal Work, as defined in Paragraph C of this Section. The Fee in Lieu shall only be used in accordance with the Tree Preservation Ordinance.

- iii. Preservation Compliance. Petitioner's compliance with Paragraphs 7.B and 7.C of this Ordinance shall be deemed to constitute compliance with the requirements of the Tree Preservation Ordinance. After the completion of construction of the Proposed Facilities, Petitioner may remove additional trees as depicted in the Landscape Plan in connection with the installation of additional parking spaces, as provided in Section 7.F of this Ordinance.
- C. Invasive Species Removal. Petitioner shall develop and implement a plan to cause the removal of invasive plant species (the "***Removal Work***") on the nearby Long Grove Park District property depicted on Exhibit E. Such removal will consist of the initial herbiciding or other removal of individual invasive plant species and, if necessary in the discretion of the Village Manager or the Manager's designee, a single follow-up herbicide application to such plants. Such plan is subject to review and approval by the Village Manager, or his designee, and authorization from the Long Grove Park District to perform the Removal Work. In the event that the Long Grove Park District does not authorize the Removal Work, then the Petitioner shall deposit funds with the Village in an amount equal to the estimated cost of completing the Removal Work, as determined by the Village Manager or his designee. Such funds will be used only for the removal and/or abatement of invasive species on public property within the corporate limits of the Village.
- D. Pedestrian Pathway Construction. The Petitioner shall construct and maintain the following pedestrian pathways on the Property: (a) a public pathway (the "***Public Pathway***") on the northern edge of the property along IL Route 53 in general conformity with the Engineering Plans (Exhibit B), including page C3 thereof and specifications to be developed by Petitioner, subject to approval by the Village Engineer and notwithstanding the language on page C3 of the Engineering Plans; and (b) a private pathway (the "***Private Pathway***") in the interior of the Property in accordance with plans to be developed by Petitioner identifying the location of and specifications for the Private Pathway, subject to approval by the Village Engineer. The Private Pathway will be designed for the primary use of residents of the assisted living units within the Proposed Facility and need not connect to the Public Pathway or any other public right-of-way. Petitioner shall construct both the Public Pathway and the Private Pathway prior to the issuance of a final Village certificate of occupancy for the Proposed Facility. After construction

of the Public Pathway, Petitioner shall convey a perpetual easement for the use and maintenance of the Public Pathway to the Village in a form acceptable to the Village Attorney. The plans for the Public Pathway and the Private Pathway shall be subject to review and approval by the Village Engineer or the Village Engineer's designee.

- E. Vehicle Access. Prior to the issuance of a final Village certificate of occupancy for the Proposed Facility, the Petitioner shall cause to be constructed and installed, at no cost to the Village vehicular access facilities and public roadway improvements (the "**Access Improvements**") in general conformity with the Engineering Plans (Exhibit B), including page C6 thereof; provided, however, that, subject to the required approvals discussed below in this Paragraph 7.E, such Access Improvements will include a center left-turn lane extending east to old Hicks Road, notwithstanding anything to the contrary in the Engineering Plans. Petitioner shall be responsible for obtaining all necessary permits and approvals from the Illinois Department of Transportation ("**IDOT**") for the Access Improvements. The final plans for the Access Improvements shall be subject to review and approval by IDOT and the Village Engineer, consistent with the requirements of this Ordinance and applicable law. If the Village Engineer determines that the final, IDOT-approved plans for the Access Improvements do not substantially conform to the requirements of this Ordinance, then the plans shall be subject to review and approval by the Village Board. Unless otherwise determined by the Village Board, the Village Board's review and approval of such plans (a) shall not require an amendment to, or a revocation or rescission of, this Ordinance or the zoning relief granted herein and (b) shall not require further public notices or hearings.
- F. Landbanked Parking. In addition to constructing 65 paved, on-site parking spaces as depicted in the Site Plan (Exhibit A) and required by this Ordinance, Petitioner shall maintain open land sufficient for the future construction of 19 additional, on-site, landbanked parking spaces generally in the locations depicted on the Engineering Plans (Exhibit B), including page C3 thereof, until they are required (if ever) to be used for off-street parking pursuant to this Ordinance. The Village Board shall have the right, in its sole and absolute discretion, to require the Petitioner or its successor at any time to increase the number of parking spaces provided on the Property by any amount up to 19 total additional spaces. Petitioner shall construct the additional parking spaces authorized and directed by the Village Board within 210 days after notice from the Village, unless a longer period of time is authorized by the Village Board.
- G. Sanitary Sewer. Petitioner shall construct a sanitary sewer force main in the location generally depicted on the Engineering Plans (Exhibit B), including page C4 thereof, and on Exhibit C, which force main will connect to the Sewer Facilities pursuant to the approval granted by Section 6 of this Ordinance. Petitioner shall be responsible, at its sole cost, for securing all additional required permits and approvals and for paying all applicable costs, fees, and expenses for connection to and utilization of the Sewer Facilities.

- H. Grading and Drainage. Petitioner shall grade the Property in general conformity with the Engineering Plans (Exhibit B), including page C4 thereof.
- I. Building Appearance. Petitioner shall construct the Proposed Facility in general conformity with the architectural plans and photometric plans approved by the Village Architectural Commission, subject to the conditions identified in the Architectural Commission's approval.
- J. Sprinkler System. The fire protection system in the Proposed Facility shall be constructed in accordance with the standards established and approved by the Long Grove Fire Protection District ("**LGFPD**"). In the event of any change to the use of the Proposed Facility or the healthcare services offered therein, the fire protection system shall be modified as required by the LGFPD.
- K. Revisions to Plans; Approval of Plans.
- i. The attached plans and all additional or revised plans to be prepared by the Petitioner in accordance with this Ordinance are subject to review, modification, and final approval by the Village Manager, Engineer, Planner, Forester, and/or Attorney, as deemed appropriate by the Village, consistent with the review letters attached hereto as Exhibit F, applicable law, and the requirements of this Ordinance. Modifications of any plans attached hereto shall not require further public notice or hearing or amendment to this Ordinance, unless otherwise determined by the Village Board.
 - ii. The Petitioner shall not commence any work on the Property until the Village has granted final approval of all plans for the initial phase of construction of the Proposed Facility and all associated facilities and improvements, whether such plans are attached hereto or to be developed pursuant to this Ordinance. For purposes of this Ordinance, the Village Manager shall, upon final approval of the required plans, sign and date each such plan (the "**Final Plans**"). Thereafter, the Village Manager shall cause to be prepared and recorded against the Property a listing of the Final Plans.
- L. Compliance with Plans. Construction, maintenance, and operation of the Proposed Facility on the Property shall be undertaken and completed in substantial conformity with the Final Plans. Minor deviations from the Final Plans may be permitted without amendment to this Ordinance upon written authorization of the Village Engineer and Village Manager to address field conditions or compliance with regulatory requirements and the conditions of this Ordinance.
- M. Compliance with Laws. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village shall continue to apply to the Property except as expressly stated in this Ordinance, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction. To the extent that there is

any inconsistency between the terms of this Ordinance and the attached Exhibits, the Village Manager shall determine which provision or exhibit shall control in order to most fully advance the public health, safety, and welfare interests of the Village and its residents.

- N. Fees and Costs. The Petitioner shall be responsible for paying all applicable fees and costs relating to the granting of the approvals set forth herein in accordance with the Zoning Code or other ordinances or resolutions of the Village, including costs associated with the review and approval of plans and other documents to be prepared by the Petitioner pursuant to this Ordinance. In addition, the Petitioner shall reimburse the Village for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the Village shall have the right to foreclose such lien in the name of the Village as in the case of foreclosure of liens against real estate.
- O. Binding Effect/ Transferees. The rights and obligations set forth in this Ordinance shall be binding on the Petitioner, any and all of the Petitioner's heirs, successors, and assigns of all or any portion of the Property. To the extent that a successor becomes bound to the obligations 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 Petitioner shall be released from its obligations under this Ordinance to the extent of the transferee's assumption of such liability. The failure of the Petitioner to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the Petitioner 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 Petitioner.
- P. Violations; Remedies. The violation of any term or condition of this Ordinance shall, in the discretion of the President and Board of Trustees, render void the approvals granted herein (the "**Approvals**"), subject to the terms of this Section 7.P. In the event that the President and Board of Trustees determine that such a violation has occurred, the Village shall provide the Petitioner with written notice of the violation. Notices under this section shall be deemed effective upon delivery by U.S. mail, e-mail, or personal delivery to the most recent address for the Petitioner on-file with the Village. The Approvals may be revoked by the Village President and Board of Trustees in accordance with the following procedures:
- i. In the event of a violation of Section 7.A or Section 7.O of this Ordinance, the Approvals may be revoked immediately upon delivery of written notice to the Petitioner.
 - ii. In the event that Petitioner fails to make any full and timely payment required by this Ordinance or otherwise violates any financial obligation under this Ordinance, the Approvals may be revoked if the violation is not

cured within 5 calendar days after delivery of written notice to the Petitioner.

- iii. In the event of a violation of this Ordinance that the President and Board of Trustees determine, in their sole discretion, to materially impact the public health, safety, or welfare, the Approvals may be revoked immediately upon delivery of notice to the Petitioner.
- iv. In the event of any violation of this Ordinance other than those identified in Sections 7.P.i through 7.P.iii, the Approvals may be revoked if the violation is not cured within 30 calendar days after delivery of written notice to the Petitioner, which cure period may be extended by the President and Board of Trustees, in their sole discretion, by up to 60 additional days.

In any case, the actual revocation date described in this Section 7.P may be later than herein prescribed if expressly set forth in the notice of violation.

- Q. Acquisition of the Property. The Approvals are granted based on the qualifications of the Petitioner as set forth in the written submittals and oral testimony and presentations of the Petitioner. Accordingly, no permits or authorizations to undertake work on the Property may be issued unless and until Petitioner has delivered to the Village satisfactory evidence (as determined by the Village Manager in consultation with the Village Attorney) that Petitioner (or a related entity that is bound by the terms of this Ordinance) has acquired fee title to the Property.

SECTION EIGHT: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall be of no force or effect unless and until the Petitioner has caused a duly authorized person to execute and thereafter file with the Village the unconditional agreement and consent in the form attached hereto as Exhibit G and by this reference incorporated herein and made a part hereof; provided further that, if the Petitioner does not so file its unconditional agreement and consent within 60 days following the passage of this Ordinance, the Village Board may, in its discretion and without public notice or hearing, deem such failure as a withdrawal of the application, and repeal this Ordinance and thereby revoke the special use permit, variations, and other approvals granted in this Ordinance. Upon this Ordinance having full force and effect, the Village Clerk shall cause it to be recorded in the Office of the Lake County, Illinois Recorder of Deeds.

PASSED this ____ day of October, 2014.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this ____ day of October, 2014.

Village President

ATTEST:

Village Clerk

EXHIBIT A

Site Plan

EXHIBIT B

Engineering Plans

EXHIBIT C

Depiction of Connection Along Route 53 to Sewer Facilities

EXHIBIT D

Landscape Plans

EXHIBIT E

Depiction of Long Grove Park District Property

EXHIBIT F

Village Review Letters

EXHIBIT G

Unconditional Agreement and Consent

Pursuant to Section Eight of Long Grove Ordinance No. 2014-O-___, and to induce the Village of Long Grove to grant the approvals provided for in such Ordinance, the undersigned acknowledges for itself and its successors and assigns in interest to the Property that the undersigned:

1. has read and understands all of the terms and provisions of said Ordinance No. 2014-O-___;
2. hereby unconditionally agrees to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, the Zoning Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the Proposed Facility or use of the Property, and that the Village's issuance of any permit does not, and shall not, in any way, be deemed to insure the Petitioner against damage or injury of any kind and at any time;
4. acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right;
5. agrees to and does hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of these parties in connection with the Village's adoption of the Ordinance granting the approvals to the Petitioner pursuant to the Ordinance; and
6. represents and acknowledges that the person signing this Unconditional Agreement and Consent is duly authorized to do so on behalf of the Petitioner.

LONG GROVE SENIOR CARE LLC

By: _____

Its: _____