



STAFF REPORT

TO:	LONG GROVE PCZBA
FROM:	JAMES M. HOGUE, VILLAGE PLANNER;
DATE:	2.23.21
RE:	PCZBA REQUEST 20-05 - Phillip Estates PUD; Phillip Estates LLC

Status: Petition submitted received 4/21/20. Referral by Village Board referral completed 7/28/20. Filing fees & Escrow submitted 3/17/20. Publication occurred on 2/11/21 and is therefore timely.

Proposal:

Reclassification of property from the R-1 PUD District to the R-2 PUD District classification (with a 15% density bonus) and preliminary PUD plan\plat approval to allow for the creation of 19 lot single family lots (to be serviced by a private water main system and public sanitary sewer) for vacant property on Cuba Road to be known as the Phillip Estates PUD (formerly the Canterbury Park PUD).

History:

The property consists of 34.82 gross acres +/- of land area. The property is presently zoned R-1 PUD District and received final approval as the Canterbury PUD. The property is presently vacant.

The Canterbury project received preliminary PUD approval\ zoning by the Long Grove Plan Commission on June 7, 2005. Subsequently the Village Board also granted preliminary approval in April of 2006 via Ordinance #2005-O-23. Per the Village Subdivision\PUD regulations and preliminary approval ordinance, a final plat was to be submitted within two years of the preliminary plat approval. For a number of reasons this was not accomplished and an extension on the submission of the final plans and plat was granted until July 2008.

The final plan\plat to allow twelve (12) single-family home sites to be situated on the property to be known as Canterbury Park was recommended for approval by the PCZBA on April 15, 2008. Subsequently the Village Board approved the final plan\plat via Ordinance 2008-O-16 on May 13, 2008. The property was to be serviced by a communal septic system and private wells.

Despite these approvals, the property has remained and continues to remain vacant. The applicant and property owner note the present configuration of the property and lot sizes have made this property unmarketable. They are requesting reclassification of the property to the R-2 PUD District (with a density bonus) to allow 19 single family lots, to now be served by public sewer and a private water main system, for this property. Reclassification requires referral from the Village Board to the PCZBA which was completed 7.28.20.

Land Use, Zoning and Locational Data:

1. Proposed Zoning: R-2 & Special Use PUD classification allow 19 single family dwelling units within the R-2 PUD District (including a density bonus).

2. Surrounding Land Uses and Zoning;

<i>Direction</i>	<i>Existing Use</i>	<i>Land Use Plan Designation/Zoning</i>
NORTH	Single Family Residential/Open Space	Single Family / R-2 (Glenstone Subdivision) Open Space: Conservation / R-1 (LCFPD Property)
SOUTH	Single Family Residential	Single Family Residential/R-1 (Spring Valley)
EAST	Residential/Agricultural	Agricultural/R-1
WEST	Vacant	Transportation; Utility Infrastructure/ R-1 (Route 53 Extension ROW)

3. Location; South side of Cuba Road east of the intersection of Deerwood Dr. & Cuba Rd. (adjacent to the “Glenstone” PUD/Subdivision to the north).

4. Acreage; 34.82 Acres +/- (1,516,881 Sq. Ft.)

5. Based upon information available through Lake County GIS, LCWI wetlands are present on the property.

6. Topography; See attached Map from Lake County GIS.

Zoning Data

	Existing	Proposed*	Zoning Code	PUD**
Lot Area	1,516,881 sq. ft.	19 Lots for SFR Development (Density Bonus requested)	33,000 Min. lot size (R-2\PUD request)	N/A
Floor Area (Total Floor Area)	N/A	Unknown	5,500 sq. ft. +.098 for each sq. ft. over 10,000	N/A
Lot Coverage (In Square Feet)	N/A	Unknown	.40 (lot coverage)	N/A
F.A.R.	N/A	Unknown	No Standard Identified	N/A
Height	N/A	Unknown	35 feet	N/A

* Proposed lot sizes range from 40,148 sq. ft. to 51,386 sq. ft.

** If approved the Canterbury approval ordinance will be supplanted and the plat will be vacated and the Phillip Estates approvals recorded in its place.

Yard & Setback Requirements

	Existing	Proposed	Zoning Ordinance (R-2 Standards)	P.U.D**. (** See Above)
Front Yard	N/A	75'	75'	N/A
Side Yard	N/A	40'	40'	N/A
Side Yard	N/A	40'	40'	N/A
Rear Yard	N/A	40'	40'	N/A

ANALYSIS:

Comprehensive Plan – Although not part of a sub-area, the property in question is specifically identified in the “Long Grove Master Plan” adopted in 2018 as developing for single residential purposes within the Village. Goals and Objectives for residential neighborhoods and housing call for the following;

Residential Neighborhoods and Housing

Long Grove is primarily a residential community, and the preservation of neighborhoods for families and individuals is central to providing a high quality living environment. (1991)

I. Goal:

Maintain the high quality of existing residential areas and encourage a high quality of life in new residential areas. (1991)

Objectives:

- 1. Maintain single-family housing, while exploring a greater diversity of housing types to serve a variety of people. (1979, 1991, 2018)*
- 2. Housing units in the Village should be sympathetic from both a visual and a land use intensity standpoint to the visual quality and character of adjacent areas and neighborhoods. The design of housing units in the Village should follow the general bulk and land use intensity guidelines set forth in the applicable Village ordinances and codes. (1991)*
- 3. Existing and new residential areas should accommodate the preservation of environmentally-sensitive areas and not adversely impact those areas. (1991)*
- 4. Narrow private streets are encouraged in residential areas to provide safety and environmental aesthetics. (1991)*
- 5. Landscaping may be required of developers and residents of individual housing units to provide privacy for residents. (1991)*
- 6. Continue enforcement of building, zoning, and subdivision control codes for the protection and improvement of existing and new residential areas. (1979)*

Furthermore, with regard to new development the 2018 plan notes the following;

Open Space Preservation. Long Grove’s character is primarily due to the preserved open spaces. All new development must maintain and expand open spaces, and be linked together by open space corridors such as the Village-required scenic corridors, buffers and conservancy easements.

Zoning – The current PUD regulations allow for lot sizes as small as 33,000 square feet. As requested lot sizes range from 40,148 sq. ft. to 51,386 (average lot size 43,332 sq. ft. in area. As proposed these are in conformance with the PUD and subdivision regulations which require a minimum of 33,000 sq. ft. of land area. Additionally, setbacks are proposed to be in conformance with the R-2 District regulations. Although available through the PUD process, no relief is sought from the R-2 standards with regard to setbacks.

Aside from the density bonus and reduction in lot size (both permissible per PUD regulations), no other relief from the R-2 standards is required or being requested.

Density – As noted above the site consists of 34.82 gross acres and is comprised of many parcels per the recorded Canterbury Park plat (although the property is vacant and essentially a single parcel). Per the PUD regulations site density is calculated on a net acreage which subtracts 50% of wetland and conservancy areas and property in contained in exterior road rights-of-way. Exterior ROW in this instance is not applicable; wetlands and conservancy easements total 4.91 acres of land area. Subtracting out 50% of the wetland, conservancy areas leaves a net site area of 32.37 acres of land area.

With a 15% density bonus a total of 19 lots could be places on-site which is requested by the applicant. The density bonus may be recommended by the PCZBA as part of a PUD approval.

Stormwater Management - Stormwater management will be accomplished via a 3 detention ponds located on the property. Lake County Stormwater Management (LCSMC) regulations will need to be complied with. New more stringent detentions standards from LCSMC based on higher rainfall data (“Bulletin 75”) have been implemented by the county.

The Village Engineer has indicated that the initial date of submittal (4/20) predates the “Bulletin 75” data and the previously adopted standard (“Bulletin 70”) actually applies in this instance. The applicant notes that although the old standard is applicable modeling indicates that there is sufficient detention capacity built into the design of the detention facilities to accommodate higher rainfall data identified in Bulletin 75.

Floodplain/Floodway/Wetlands - Review of the preliminary plans indicate that there is a small area of floodplain on-site in the very south east corner of the property. This is contained within an open space and conservancy easement identified as “Outlot G”. ADID wetlands on-site are situated on the property and are contained within Outlots “D” & “G” on the proposed PUD plan. Wetland areas will be protected, enhanced with natural plantings and incorporated as design elements of the proposal. Compliance with LCSMC regulation will be required for this aspect of the development as well.

Access – Principal access to the development will be off Cuba Road. A traffic study has been completed and is included with the submittal. Conclusions from the traffic study are attached. A low volume of traffic is anticipate with the development. Traffic impacts from the development are not expected to be significant and no major impacts to Cuba Road and its function with Deerwood Drive and Nottingham Drive are anticipated. A secondary emergency access to Cuba Road (which is desirable) from Phillip Court is proposed between lots 3 & 4. This will be a “grass-crete” access point and have a 4’ crushed limestone pathway centered in the access way.

Per the traffic study no improvements are required or are being recommended for Cuba Road.

Internal subdivision streets will be private and contained in “Outlot C” which is desirable and considered as common area (2.65 acres/115,426 sq. ft.). The roadway widths will be 22 feet with a stone aggregate base of 11 inches per the Village Engineers recommendations.

Pathways will be included from the end of Phillip Drive (between Lots 17 & 18) along the western edge of the development as well as in the 100’ Scenic Corridor Easement. Pathways will measure 4’ in width with 1’ shoulders on each side. This pathway segment, partially proposed to be in the Cuba Road right-of way, will provide connectivity between Deerwood Drive on the west with Lake County Forest Preserve property (Heron Creek) on east side of the development. Pathways in the Cuba Road right-of-way (R.O.W.) will require the approval of the Village Board and may be considered as part of the overall approval of the development proposal. The Village Engineer suggests 6’ pathways instead of the 4’ pathways proposed.

Staff notes pathways as proposed loop within the development between the internal access roads, pathway segments and the grass-crete emergency access. Should pathways ultimately become part of the Route 53 Extension R.O.W. (to the west) the location of the pathway segment along the west property line provides the potential for easy connectivity to any future pathways contemplated for this R.O.W.

Utilities – The applicant has submitted a letter (attached) from the Glenstone HOA acknowledging an agreement between Glenstone and Phillips Estates for the provision of water and sanitary sewer service. The applicant states a required easement has been negotiated and approved with Glenstone HOA. The easement would traverse “Outlot C” (scenic corridor along the north side of Cuba Road) is necessary to make the connection to these utilities/services.

The exact method for the connection is not known. If trenching across the scenic corridor is anticipated/required, then plans for such work, and more importantly restoration plans for the disturbed area, will be required for CSCC review and approval. This applies to any disturbance to “Outlot A” of the scenic corridor on the subject property was well.

The development is proposed to be served with sanitary sewer. The property is within the Long Grove Sanitary Sewer Service Area. Lake County has agreed to provide sanitary sewer service to the development. Sanitary sewer service is available from a line located within Turnberry Drive in the Glenstone Subdivision. An 8” sanitary sewer service is proposed to service the development discharging into a lift station located on Outlot E. The lift station will discharge from Phillip Estates across Cuba Road and into the existing Lake County sewer line in Glenstone. As Lake County will own and maintain the system they have requested the proposed lift station be sized to accommodate future development on the vacant agricultural land east of the proposed development. The sanitary sewer system will be built to Lake County specifications.

A private water system will provide domestic water service to the development. The source of the water supply is via an extension of the existing water system in the Glenstone PUD/Subdivision also located in Turnberry Drive. A 6” water main will provide water service to the development. Per a memorandum regarding project water demand prepared by RHM Engineering Inc. (included with this report) the demand calculation was based on a 25 lot subdivision, not 19 lots as now being proposed for Philip Estates. As the water system reviewed could service 25 lots, the proposed water system should sufficiently supply water to the 19 lot Phillip Estates proposal.

Glenstone resident, Mr. Phil Goldberg, has disputed the validity of the agreement with the Glenstone HOA to provide services (see attached e-mail correspondence). Mr. Goldberg indicates the HOA and the applicant infringe on his legal rights and constitute trespass to his property. The PCZBA (and Village Board) should be aware this is not a matter for the PCZBA (or Village Board) to consider but a matter for a court of law. The PCZBA should not attempt to assess the legality of Mr. Goldberg’s arguments or become involved in what is a private property dispute.

In order for the proposed development (or any development) to proceed, the applicant must provide for adequate utilities. The applicants have a fully executed contract with the Glenstone HOA through which they propose to furnish water and sewer service to Phillips Estates. The PCZBA should consider whether the utilities as proposed by the applicant would adequately serve the project. The focus of the PCZBA should be from a zoning and development perspective and assessing the application based on the Village Code standards for PUD approvals.

Please note that any recommendation and/or approval can be conditioned on the applicant’s provision of utility services in the proposed manner. If this condition cannot be met the development plans would need to be amended to propose alternatives to adequately provide utility services for the development. This would require additional data and testimony and public hearing(s) for consideration by the PCZBA.

Landscaping/ Tree Preservation Ordinance – The property will be subject to the Village Tree Preservation Ordinance. Landscaping, per Title 6 of the subdivision code will be required at a minimum. A preliminary landscape plan (included with the submittal) has been reviewed by the Village Arborist. His comments are attached to this report. He notes proposed plantings are generally in conformance with recommended and acceptable plant species for the village. Field verification of the existing tree inventory will need to occur as will further review of species to be removed for mitigation purposes. Village Arborist review and recommendations regarding the landscape and tree removal/tree protection should also be considered in any recommendations on the proposal.

Review and approval of the landscape plan by the Architectural Commission (AC) will ultimately be required and is scheduled for their March 15th meeting.

Lighting - The petition appears indicated street lighting is not being considered as part of the proposal. Should lighting be proposed AC review will be required.

Signage – Illuminated monument signage for subdivision identification being proposed for identification of the development. Signage will be placed in a landscaped island at the entrance to the development outside of the Cuba Road R.O.W. AC review and approval of subdivision entrance signage will ultimately be required signage of this type be considered. The signage appears approvable and will be placed on the March 15th AC agenda as well.

Open Space\Conservancy District Soils\Scenic Corridors - The CSCC reviewed and made recommendation on the proposal at their August 19th 2020 meeting.

As proposed, preserved open space will comprise 13.27 acres (578,153 sq. ft.) of the site. Open Space will include the 100' Scenic Corridor along Cuba Road (outlots A & B), as well as Conservancy Easements\Stormwater detention ponds (outlots D, F,&G). Open Space is well distributed throughout the development. Wetlands exist on the property as well. The petitioner has worked to preserve and enhance the wetlands to the greatest extent possible.

The 100' Scenic Corridor is proposed along Cuba Road on the north side of the development. Per the Comprehensive Plan Cuba Road is considered a “Scenic Road” in the Village.

The Village Code notes the following with regard to scenic corridors and planting thereof;

“If no significant natural vegetation exists and where suitable topsoil is available, berms may be constructed in accordance with the approved plans and specifications for the subdivision or planned unit development. Nonnative flowering plants and evergreen trees may be utilized, if approved by the plan commission or the CSC. It is the intent that the vegetation, whether it be native or otherwise, shall constitute a suitable screen between the development of the lot upon which the scenic corridor exists and the adjacent road right of way to ensure that visual evidence of human occupancy is minimal”.

“Dimensions: The dimensions of the scenic corridor shall be as follows:

On all other property sought to be subdivided or developed as a planned unit development which lies adjacent to all other remaining state, county and streets designated as collector streets within the village, including, but not limited to, Route 53, Route 83, Route 22, Old McHenry Road, Cuba Road, Aptaksic Road, Indian Creek Road, Diamond Lake Road and Gilmer Road, there shall be a one hundred foot (100') easement, measured from the right of way, on either side of said roads.”

“Governing Provisions: In those locations where a conservancy district area overlaps with a scenic corridor area, to the extent there is any conflict among applicable village code provisions, the scenic corridor provisions shall govern. (Ord. 2000-O-17, 8-8-2000)”

The petitioner proposes a 100’ Scenic Corridor Easement that is consistent with village code requirements. Based upon the submitted plans it appears that existing vegetation will largely be maintained in the corridor.

The CSCC made the following recommendations;

- The conservancy district and scenic corridor district boundaries as identified on the preliminary plan\plat were found to be logical and contiguous as proposed. The CSCC noted the trade-off between on private non-conservancy open space land in Outlot “G” was acceptable as were the boundaries of the proposed scenic corridor and conservancy easements as proposed.
- The comments of the Village Arborist are hereby incorporated into this recommendations of the CSCC as applicable.
- The proposed plantings in the detention, conservancy and scenic corridor areas were determined to be suitable and of high quality with the exception of *Lolium multiflorum* (Italian Rye) any of the following may be substituted for this species in the seed mix;- *Elyhordeum Macounii*, *Elyhordeum Montanense*, *Elymus Canadensis*, *Elymus Macgregoril*, *Elymus Riparius*, *Elymus Submuticus*, or *Elymus villosus* (all native ryes).
- Pathways as identified in the development are accepted and appropriate as they relate to the scenic corridor and conservancy easements.

A motion was made by Commissioner Burger, Seconded by Commissioner Seitz, to forward these recommendations on to the PCZBA for their consideration at public hearing. On a voice vote; all aye.

Preliminary Engineering- Preliminary engineering has been submitted and reviewed by the Village Engineer. His comments are attached.

Preliminary PUD Plat- The PUD Plat in combination with the proposed site plan is in conformance with the Village regulations including a soils map depicting soil conditions, conservancy easements and other easements on-site.

A 100’ scenic corridor easement is depicted along Old Hicks Road as required by the Village Subdivision Regulations. A pathway is proposed in this easement which was reviewed and approved by the CSCC.

50’ road easements are proposed with a 22’ pavement width. Roads are to be private and are contained in Outlot C as identified on the plat.

The plat is consistent with the PUD plan also submitted for consideration. As side note, the PCZBA had raised the following concerns with the previously approved Canterbury Park proposal;

The Plan Commission raised the following questions/comments: (1) cul-de-sac orientation/design; (2) “flag-lot” concerns and (3) Septic field design questions (similar questions have been raised by the Village Board).

The proposal currently before the PCZBA has eliminated all of these concerns ultimately resulting in a much better development design than previously approved.

PUD STANDARDS

The petitioner has requested a 15% density bonus and lot sizes of less than 2 acres (but greater than 33,000 sq. ft.); the PUD regulations make the following exceptions in these areas;

(G) Authority To Vary Regulations:

1. Subject to the limitations contained in subsections (E)2(m), (E)2(n), and (G)2 of this section, the planned unit development may depart from strict conformance with the required density, dimension, area, bulk, use, and other regulations for the standard zoning districts and other provisions of this title to the extent specified in the preliminary land use and zoning plat and documents authorizing the planned unit development so long as the planned unit development will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The following standards are identified in the Village Code with respect to the PUD's. The PCZBA should use these in evaluating the PUD and requested density bonus.

Definition: PLANNED UNIT DEVELOPMENT: A tract of land that is developed as a unit under single ownership or unified control, that includes two or more principal buildings or uses, and is processed under the planned development procedure contained in section 5-11-18 of this code. A planned unit development is intended to provide residential or nonresidential users freedom to create flexible standards tailored to the individual development proposal in return for superior design quality.

(m) Residential District Density

- (1) Calculation of Density. Except as otherwise expressly allowed under subsection (E)2(m)(2) or (E)2(m)(3) of this section, the overall density within a planned unit development shall be consistent with the density allowed in the district in which the planned unit development is located. Except as provided in subsection (E)2(m)(2) of this section, no lot within a planned unit development shall contain less than 33,000 square feet in lot area. The number of lots permitted within a planned unit development will be based upon the gross area of the planned unit development excluding: a) exterior roads and b) 50 percent of wetlands and conservancy district areas.
- (2) Exception for Annexed Lots. Notwithstanding the requirements of subsection (E)2(m)(1) of this section, the village board may, pursuant to an annexation agreement with the owner of property located in unincorporated Lake County and proposed to be annexed to the village, authorize an exception from the 33,000 square foot lot area requirement in subsection (E)2(m)(1) of this section, but only to the extent that the applicable county development regulations would have permitted development on less than 33,000 square feet in lot area.
- (3) Density Increase. The plan commission may recommend, and the village board may approve, an increase in the number of lots of up to 15 percent over what is otherwise allowed in the district in which the planned unit development is located based on the developer's ability to substantially improve the quality of the project in light of the goals and standards in this section and this code. as part of such increase in the number of lots, an appropriate decrease in average lot area within the planned unit development may also be authorized. in no event may the lot area for any individual lot be less than 33,000 square feet, unless as provided in accordance with subsection (E)2(m)(2) of this section.

Standards for Planned Unit Developments.

1. Special Use Permit Standards. No special use permit for a planned unit development shall be recommended or granted pursuant to this section unless the owner shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to section 5-11-17 of this code.
2. Additional Standards for All Planned Unit Developments. No special use permit for a planned unit development shall be recommended or granted unless the owner shall establish that the proposed development will meet each of the following additional standards:
 - (a) Variance from Applicable District Regulations. The degree to which the development differs in its performance from what would be possible under the normal standards of the district in which it is located. In evaluating this element, the plan commission shall look for the following:
 - (1) Residential Developments:
 - (i) The proposed development has substantially increased the amount of common open space above what would have been required to preserve and protect conservation areas; or
 - (ii) The proposed development plan has provided a trail system for residents; or
 - (iii) The amount of landscaping is substantially greater than the minimum required by the code.
 - (2) Permitted Nonresidential Uses: When commercial uses are proposed in an area where existing uses are at a much higher intensity than those permitted in the B2 district, the planned unit development is intended to permit development that is superior to that of the surrounding uses, but which may be of a higher intensity than the B2 district would permit as a matter-of-right. The commercial use shall demonstrate that the signs are fully in keeping with village ordinances, and are substantially better than those on surrounding lots; and
 - (b) Promotion of Character. The degree to which the development exhibits extra care and attention to details which enhance the character of the development and promote the rural character of the village that sets the development apart from projects that could be built without the aid of this section. The plan commission shall be looking for the following traits:
 - (1) Roads shall be planted with hedgerows to screen views into a development;
 - (2) Buildings in open fields shall be masked by berms and reforested areas;
 - (3) Buildings shall have a low horizontal profile when built in old fields or grasslands;
 - (4) Front yards or rights of way should be planted with natural landscaping;
 - (5) Open spaces larger than scenic easements are preferred and should be planted with prairie mixes or reforested.
 - (c) Design Enhancements. The degree to which any requested increase in density reflects an investment in better design, landscaping, or facilities. The plan commission should have review materials presented by the developer indicating that the credits sought are based in real investments in excess of what is required under the minimum standards of the ordinance.

- (d) Amenities. The degree to which the developer has gone to better preserve critical natural environments, restore or mitigate degraded or distressed environments, alleviated off-site problems, or provided other improvements that benefit all residents of the community. The plan commission should review both an inventory of natural features on the site and plans demonstrating the developer is taking greater care in preserving resources than is required by the village ordinances.
- (e) Comprehensive Plan. A planned unit development must conform to the intent and spirit of the proposals of the comprehensive village plan.
- (f) Minimum Area. The site of the planned unit development must be under single ownership and/or unified control and be not less than five (5) acres in area.
- (g) Compatibility. The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.
- (h) Need. A clear showing of need must be made by means of an economic feasibility, land utilization and marketing study.

The PUD regulations (as noted above) do however make an exception for smaller lot sizes for PUD Developments;

Standards for Special Use Permits.

1. General Standards. No special use permit shall be recommended or granted pursuant to this section unless the owner shall establish that:
 - (a) It is deemed necessary for the public convenience at that location;
 - (b) It is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
 - (c) It will not cause substantial injury to the value of other lots in the neighborhood in which it is located;
 - (d) It conforms to the applicable regulations of the district in which it is to be located, except as may be recommended by the plan commission and approved by the village board or, except in the case of a planned development; and
 - (e) Owner can demonstrate, to the satisfaction of the village, that it has the capability and capacity, including, without limitation, the technological, personnel, and financial resources, to complete the project as proposed.
2. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the owner shall establish compliance with such special standards.
3. Considerations. In determining whether the owner's evidence establishes that the foregoing standards have been met, the plan commission shall consider:
 - (a) Public Benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of

the public convenience or that will contribute to the general welfare of the neighborhood or community.

- (b) Alternative Locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
- (c) Mitigation of Adverse Impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Standard for Amendments - The wisdom of amending the zoning map or the text of this title is a matter committed to the sound legislative discretion of the board of trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied the board of trustees should be guided by the principle that its power to amend this title is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the board of trustees should weigh the factors that the owner is required to address in its application.

Conclusions

The proposal is generally consistent with the comprehensive plan for this area of the village. Furthermore, the proposal serves to implement the Residential Neighborhoods and Housing goals and objectives of the plan by maintaining single-family housing, while complying with the general bulk and land use intensity guidelines set forth in the applicable Village ordinances and codes. The development will accommodate the preservation of environmentally-sensitive areas and not adversely impact those areas but work to enhance them.

The development will maintain and expand open spaces by linking them together via the pathway system proposed for the scenic corridor and conservancy easements. This system provide the opportunity for connectivity from the development to Lake County FPD property and provides a pathway segment across the frontage from Deerwood Drive to the LCFPD property. The pathway system could be easily connected to the Route 53 extension ROW, should pathways become part of that property. Future development may easily connect to and expand the pathway system as well.

The plat is consistent with the PUD plan also submitted for consideration. From an engineering perspective the project is feasible and is viable as proposed.

As noted, the PCZBA had raised concerns with the previously approved Canterbury Park proposal. The current proposal before the PCZBA has eliminated all of these concerns ultimately resulting in much better development design than previously approved.

The development is proposed to be served with sanitary sewer, private water system will provide domestic water service for the development. These services will provided via connections to existing services within the Glenstone Subdivision. Services proposed appear adequate for the new development. The property is within the Long Grove Sanitary Sewer Service Area. Lake County has agreed to provide sanitary sewer service to the development. The sanitary sewer system will be built to Lake County specifications and ultimately owned by the County.

The applicant has submitted a letter from the Glenstone HOA acknowledging an agreement between Glenstone and Phillips Estates for the provision of water and sanitary sewer service. A required easement has also been

negotiated and approved with Glenstone HOA. The easement is necessary to make the connection to these utilities/services.

A Glenstone resident, has disputed the validity of the agreement with the Glenstone HOA to provide these services. Again the PCZBA (and Village Board) should be aware this is not a matter for the PCZBA (or Village Board) to consider but a matter for a court of law. The PCZBA should not attempt to assess the legality of the agreement or become involved in what is a private property dispute.

The PCZBA should consider whether the utilities as proposed by the applicant would appropriately serve the project. The focus of the PCZBA should be from a zoning and development perspective and assessing the application based on the Village Code standards for PUD approvals as listed above.

Any recommendation and/or approval can be conditioned on the applicant's provision of utility services in the proposed manner. If this condition cannot be met the development plans would need to be amended to propose alternatives to adequately provide utility services for the development. This would require additional data and testimony and public hearing(s) for consideration by the PCZBA.

Issues for PCZBA Consideration

The following issues are noted per staff review of the proposal. This list may not be all inclusive as further issues may arise as part of the public hearing process.

- The appropriateness of the use of the property for the "R-2 PUD District" purposes as identified in the adopted Comprehensive Plan;
- Consideration of the proposal in light the goals and objective and other aspects of the Comprehensive Plan.
- Consideration of the density bonus (15% maximum) lot sizes (permissible per the PUD regulations) in light of the quality (open space, landscaping, overall design) of the development;
- Referral of preliminary plat, landscape plan and signage to the AC (3.15 meeting); lighting would require further review and approval if proposed in the future;
- The arborist review of the landscape & tree removal\protection plan; a condition on those findings may be appropriate;
- Consideration the scenic corridor, conservancy easements, pathways and plantings and the findings of the CSCC (suggested as a condition on the proposal) ;
- Consideration of the Preliminary PUD Plan, Plat and development plans in relation to the "standards" for such development;
- Consideration of the "quality of the development" in light of the relief requested and benefits to the Village and impact to the character of the area.

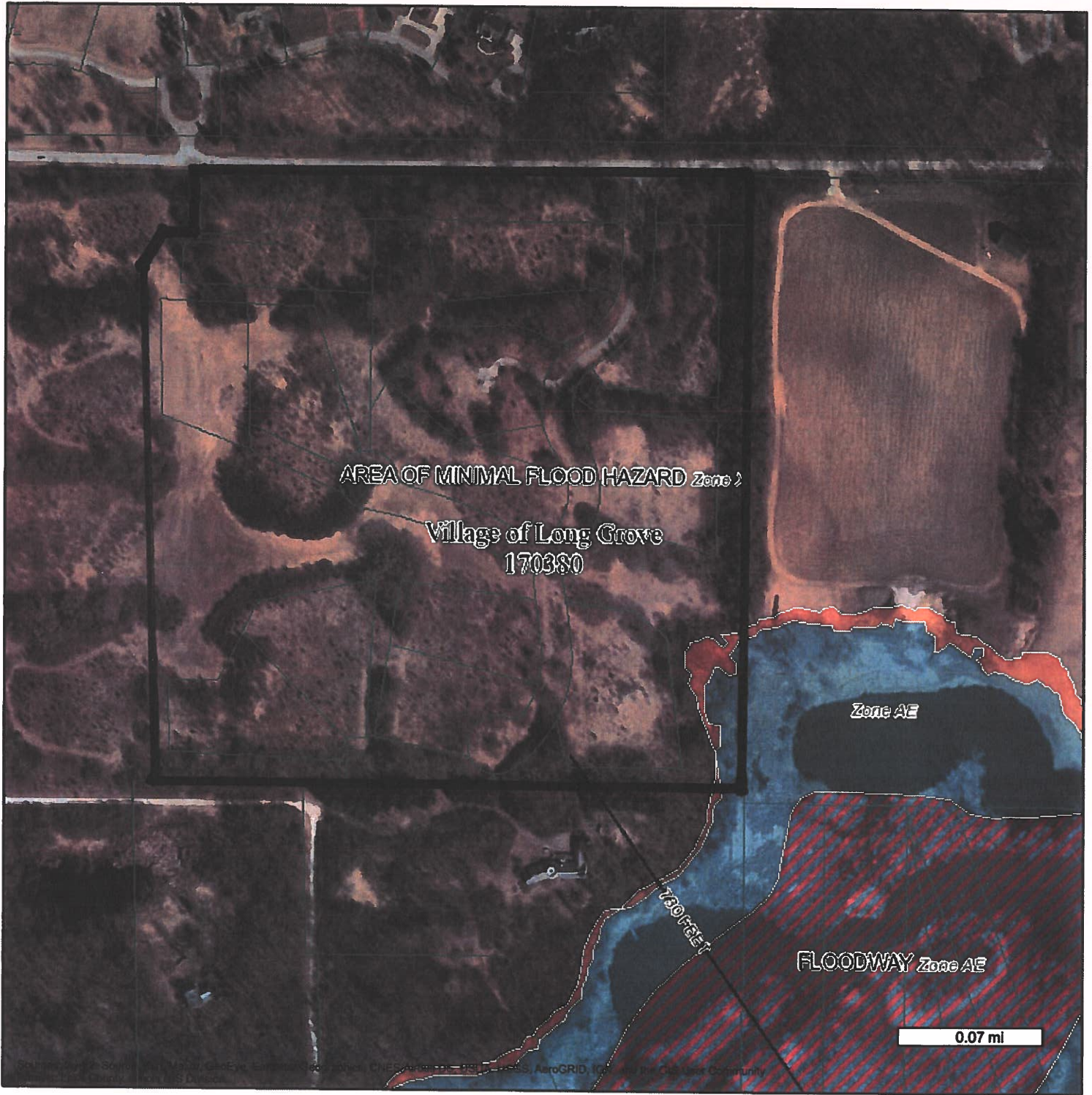
The Commission is reminded that as a Special Use necessary and reasonable conditions may be placed on proposal to help to mitigate any "externalities" associated with the project.

Respectfully Submitted,

James M. Hogue

Village Planner

Lake County, Illinois



Lake County, Illinois

LakeCounty

Map Printed on 12/14/2020

P.I.Q.

N

Flood Hazard Zones

1% Annual Chance Flood Hazard	1% Annual Chance Flood Hazard
Regulatory Floodway	Regulatory Floodway
Special Floodway	Special Floodway
Area of Undetermined Flood Hazard	Area of Undetermined Flood Hazard
0.2% Annual Chance Flood Hazard	0.2% Annual Chance Flood Hazard

Future Conditions 1% Annual Chance Flood Hazard

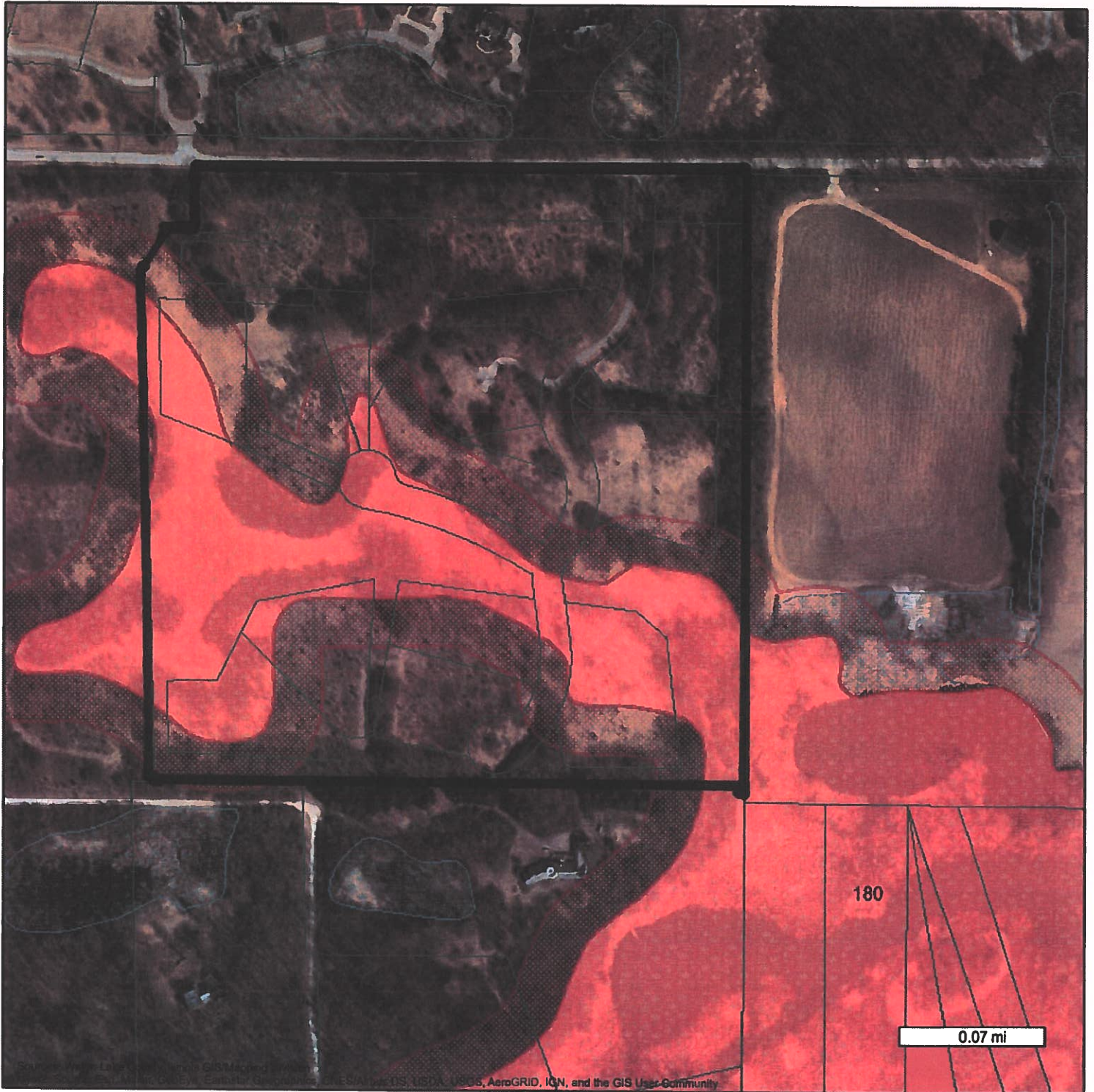
Future Conditions 1% Annual Chance Flood Hazard	Future Conditions 1% Annual Chance Flood Hazard
Area with Reduced Risk Due to Levee	Area with Reduced Risk Due to Levee

Flood Hazard Boundaries

Other Boundaries	Other Boundaries
Limit Lines	Limit Lines
SFHA / Flood Zone Boundary	SFHA / Flood Zone Boundary

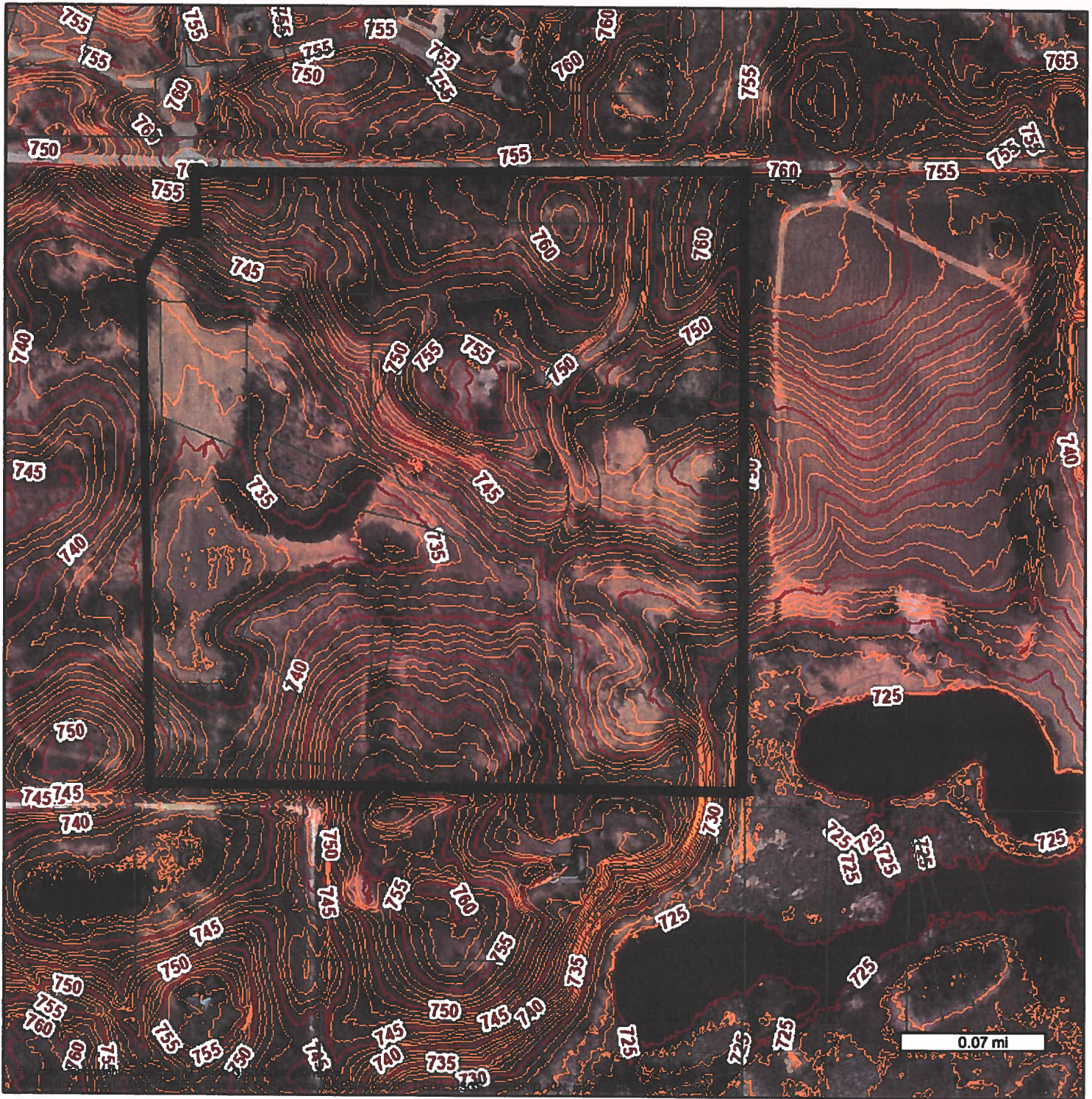
Disclaimer: The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

Lake County, Illinois



<p>Lake County, Illinois</p>	<p>LakeCounty</p>	<p>N</p>	<ul style="list-style-type: none"> Tax Parcel Lines Tax Parcel Information Lake County Wetland Inventory 	<ul style="list-style-type: none"> ADID with 100ft Buffer ADvanced IDentification Wetlands P.L.Q.
<p>Disclaimer: The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.</p>				

Lake County, Illinois



<p>Lake County, Illinois</p>	<p>LakeCounty</p>	<p>N</p>	<p>□ Tax Parcel Lines Tax Parcel Information</p>	<p>□ P.I.Q.</p>
			<p>1ft Contours (2017)</p>	
			<p>— Index Index</p>	
			<p>— Intermediate Intermediate</p>	

Disclaimer: The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

Glenstone Homeowners Association
Long Grove, Illinois 6047

July 27, 2020

Board of Trustees of the Village of Long Grove
c/o Mr. David Lothspeich, Village Manager
3110 Old McHenry Road
Long Grove, IL 60047

Re: Philip Estate Subdivision PUD- Request for Referral

Dear Members of the Village of Long Grove Board of Trustees

This letter is to confirm the support of the Glenstone Homeowners Association ("Association") for the proposed Philip Estate Subdivision PUD.

The Association has entered into an Agreement with Canterbury Park, LLC to allow Canterbury Park LLC to tap into the Association's water main so as to provide potable water service for its proposed development from the deep potable water well located within the Association, and to provide an easement across and under the Glenstone Parcel for the purpose of; (i) utilizing the Well and (ii) installing a sanitary sewer service line connecting to the Lake County sanitary sewer located on the Glenstone Parcel, so as to provide sanitary sewer service to its proposed development.

The Agreement was properly adopted pursuant to the Association's Declaration of Covenants, Conditions, and Restrictions, and By-Laws.

Please let me know if you have any questions

Very Truly Yours,

Board of Directors of Glenstone Homeowners Association

By: 

Frank Mondane, President

From: Degrave, Charles J. [<mailto:CDegrave@lakecountyil.gov>]
Sent: Tuesday, January 30, 2018 2:48 PM
To: Steve Cross <scross@crossengineering.net>
Cc: Galan, Heather L. <HGalal@lakecountyil.gov>; Geoff Perry <gperry@gha-engineers.com>
Subject: RE: Canterbury Park - sanitary sewer

Steve

Here are our comments responding to your email below:

1. Per your request I have not sought input from other County Departments (including but not limited to the Health Dept., Dept. of Transportation, and Stormwater Management).
2. Lake County Public Works has an agreement to provide retail sewer service to a specific sewer service area within the Village. The Canterbury Park property is located within the Village of Long Grove sewer service area.
3. Lake County Public Works would ultimately own and operate sanitary sewer system including the lift station. Therefore the sewer system would need to be built to County standards, within agreeable easements and a Bill of Sale will be required at the end of the construction project.
4. As you know easements would be required from Glenstone Subdivision Association in order to connect the proposed force main to the existing sewer
5. Consideration should be given to serving undeveloped properties to the East of Canterbury. (See attached map). Please provide preliminary design info which supports this request.
6. Current sewer connection fees are as follows:
 - \$9,020 per unit connection fee
 - \$100 per unit inspection fee

Feel free to contact me with any questions
Chuck



Chuck DeGrave, P.E.
Department of Public Works
Principal Civil Engineer
(847)377-7140 office
cdegrave@lakecountyil.gov
www.lakecountyil.gov

From: Steve Cross [<mailto:scross@crossengineering.net>]
Sent: Monday, January 15, 2018 2:31 PM

To: Galan, Heather L. <HGalan@lakecountyil.gov>
Subject: Canterbury Parc - sanitary sewer

Heather,

Thanks for going over the project with me today, and also making time to meet tomorrow at a short notice. I appreciate that.

Attached are exhibits for the project. The property is on the south side of Cuba Road, and is approximately 35 acres in size. As I mentioned, the Canterbury Parc subdivision is already approved and platted for 12 lots, with a community wastewater system and individual wells.

We are looking to re-subdivide the property into 25 lots and construct a lift station to discharge our wastewater into the existing County sanitary sewer on the north side of Cuba Road located at the end of Turnberry Lane. We are finalizing negotiations with the HOA of the development to the north to get an easement to cross their Outlot C to get to the sewer. We are also working on an agreement to tap into their private community water system.

Prior to finalizing any agreements with the HOA, we would like confirmation on a conceptual basis that the proposed plan to connect to the County sewer, subject to paying connection fees and submitting final plans, is acceptable.

I look forward to meeting with you tomorrow afternoon at your office between 2:30 and 3:00 pm to go over this with you.

Regards
Steve

Stephen J. Cross, P.E.
President

Cross Engineering & Associates, Inc.
1955 Raymond Drive, Suite 119
Northbrook, IL 60062

Tel: 847/498-0800
Cell: 847/208-8595
Email: scross@crossengineering.net



RHMG ENGINEERS, INC.

www.rhmg.com

975 Campus Drive, Mundelein, IL 60060
847.362.5959 | Fax 847.362.0864

847 South Randall Road
Unit 183, Elgin, IL 60123

October 30, 2017

Mr. David Loeb
Land Partners, LLC
3405 N. Kennicott Ave.
Suite A
Arlington Heights, IL 60004

Re: ~~Canterbury Parc~~ Renamed "Philip Estate Subdivision"
Water Supply
Project No. 21843000

Dear Mr Loeb:

Per your request, we have reviewed the adequacy of the water supply for the existing Glenstone Subdivision Development in Long Grove with respect to its potential reserve capacity to serve the proposed Canterbury Parc Subdivision. We hereby present our findings.

Canterbury Parc Projected Water Demand

The Canterbury Parc Development is proposed to consist of 25 single family homes. The associated water demands for this development are:

$$\begin{aligned} \text{Average Day Demand} &= 25 \text{ homes} \times 3.5 \text{ P.E./home} \times 100 \text{ GPD/P.E.} \\ &= 8,750 \text{ GPD} \end{aligned}$$

$$\begin{aligned} \text{Peak Day Demand} &= \text{Average Day Demand} \times 2.5 \\ &= 8,750 \text{ GPD} \times 2.5 \\ &= 21,875 \text{ GPD} \end{aligned}$$

Glenstone Subdivision Water Demand

The Glenstone Subdivision is comprised of 21 single family homes with a reported population of 49. This equates to 2.33 P.E./home. In order to be conservative for estimating purposes, 3.5 P.E./home will be used in this analysis. The resulting estimated water demands are as follows:

$$\begin{aligned} \text{Average Day Demand} &= 21 \text{ homes} \times 3.5 \text{ P.E./home} \times 100 \text{ GPD/P.E.} \\ &= 7,350 \text{ GPD} \end{aligned}$$

$$\begin{aligned} \text{Peak Day Demand} &= \text{Average Day Demand} \times 2.5 \\ &= 7,350 \text{ GPD} \times 2.5 \\ &= 18,375 \text{ GPD} \end{aligned}$$



Mr. David Loeb
Land Partners, LLC
Re: Canterbury Parc
Water Supply
Project No. 21843000
October 30, 2017
Page 2

Glenstone Subdivision Well Capacity

The Glenstone Subdivision is served by two wells:

Shallow Well – 80 GPM Capacity

Deep Well – 190 GPM Capacity

The firm pumping capacity (capacity with the largest unit out of service) of the wells is 80 GPM or 115,200 GPD. Illinois EPA requires that the well supply be able to meet the maximum day demand with the flow capacity. Based on the existing Glenstone Subdivision demand, the reserve capacity of the Glenstone wells equals $115,200 - 18,375 = 98,825$ GPD.

Glenstone Subdivision Storage Capacity

Water storage within the Glenstone Subdivision consists of one 8,000 gallon hydro-pneumatic tank. The Illinois EPA requires that community water systems using hydro-pneumatic storage must have a total storage capacity exceeding 35 gallons / person. Therefore, the Glenstone hydropneumatic tank can serve $8,000 \text{ gal} / 35 \text{ gal} / \text{person} = 228$ persons (P.E.). Based on the existing Glenstone Subdivision P.E., the reserve capacity of the hydropneumatic storage tank equals $228 - (21 \text{ homes} \times 3.5 \text{ P.E.} / \text{home}) = 154$ P.E.

Glenstone Subdivision Watermains

All of the watermains within the Glenstone Subdivision are 6-inch diameter. Although not sized for fire protection purposes, the 6-inch mains are more than adequate for domestic water supply purposes. Service for the Canterbury Parc Subdivision could be extended roughly from Turnberry Lane across Cuba Road via a 6-inch watermain. The logical watermain routing would be parallel to the proposed sewage forcemain from the east end Turnberry Lane southeast to Canterbury Drive.

Summary and Conclusion

The Glenstone Subdivision has adequate reserve water supply and storage capacity to serve the proposed Canterbury Parc Subdivision. The two systems could be connected via the construction of a 6-inch watermain paralleling the proposed sewage forcemain from the east end of Turnberry Lane southeast to Canterbury Drive.



Mr. David Loeb
Land Partners, LLC
Re: Canterbury Parc
Water Supply
Project No. 21843000
October 30, 2017
Page 3

I trust that this provides you with the information which you require. Please contact me if you have questions or wish to discuss our findings in more detail. We look forward to providing any additional assistance which you may require relative to the water and sewer service for the Canterbury Parc Development.

Sincerely yours,

RHMG ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "W. Rickert", with a long horizontal stroke extending to the right.

William R. Rickert, P.E., BCEE, CFM
President

WRR/kar

cc: Mr. Steve Cross – Cross Engineering

6. Conclusion

Based on the preceding analyses and recommendations, the following conclusions have been made:

- The residential development will generate a low volume of traffic during the weekday morning and evening peak hours and will have a low traffic impact on the surrounding roadway network.
- The results of the capacity analysis indicate that the proposed residential development will not have a significant impact on the operations of Cuba Road with Deerwood Drive and Cuba Road with Nottingham Drive.
- The proposed access system will be adequate and efficient in serving the proposed residential development traffic.
- Based on the projected traffic volumes, an eastbound right-turn lane and a westbound left-turn will not be warranted on Cuba Road at the proposed access drive.

February 24, 2021

Mr. Jim Hogue, Village Planner
Village of Long Grove
3110 Old McHenry Road
Long Grove, Illinois 60047

625 Forest Edge Drive, Vernon Hills, IL 60061
TEL 847.478.9700 ■ FAX 847.478.9701

www.gha-engineers.com

Via Email: jhogue@longgroveil.gov

Re: Proposed Philip Estates Residential Subdivision
Southeast of Cuba Road and Deerwood Drive
Preliminary Engineering Review #2

Dear Mr. Hogue:

Our office has completed a preliminary review of the revised preliminary documents submitted for the proposed Philip Estates residential subdivision, located southeast of Cuba Road and Deerwood Drive. This is Review #2 of the proposed 19 lot subdivision. The following were received by our office on February 11, 2021 via email:

- Preliminary Engineering Plans, prepared by Cross Engineering & Associates, Inc., dated February 11, 2021
- Plat of Subdivision, prepared by Edward J. Molloy & Associates, Inc., last revised February 9, 2021
- Preliminary Autoturn Fire truck Exhibit by Cross Engineering & Associates, Inc. dated February 11, 2021
- Preliminary Landscape Plan, Existing Tree Survey and Preservation Plan and Tree Inventory by Allen L. Kracower & Associates Inc., last revised November 10, 2020
- Wetland Delineation Report by Midwest Ecological, last revised November 6, 2020
- Preliminary Stormwater Management Summary by Cross Engineering & Associates, Inc. including SWMM Modeling, last revised February 11, 2021
- Lift Station Design Memo by RHMG Engineers, Inc. dated April 9, 2018
- Water supply review letter by RHMG Engineers, Inc. dated October 30, 2017
- Letter from the Glenstone Homeowners Association dated July 27, 2020

We request that the applicant maintain a list of documents submitted in support of this project with the original and latest revision dates for Village use.

Please note that the Lake County Stormwater Management Commission and the Village of Long Grove recently adopted the revised Watershed Development Ordinance (WDO). There was considerable correspondence last fall on how the new WDO would be applied to this development. The applicant has incorporated these discussions and guidance into the revised plans.

Many of the comments contained below are made based on the level of information received and also some information that will be needed as this project moves from preliminary approvals to final approvals. The comments that should be addressed at this time are in italic text; those that can be deferred to final engineering are made on this document so the applicant can respond at the appropriate time.

General Comments

1. The sanitary sewer, both the new and the existing in Glenstone Subdivision, is under the jurisdiction of the Lake County Public Works Department. We understand the preliminary layout has been discussed with LCPW and discussions will resume when this project moves to Final Engineering. The Village shall be copied on any correspondence with the Lake County Public Works Department and invited to any meetings.
2. The Wetland Delineation Report has been approved by the Village. The applicant needs to make a wetland buffer impact submittal with the final engineering.
3. The Conservancy District Easement on Outlot D should extend to the south property line and rear property lines of Lots 6 & 7.
4. The proposed sanitary sewer will need to be permitted by the Illinois EPA prior to construction.

5. The proposed watermain will need to be permitted by the Illinois EPA and/or Illinois Department of Public Health prior to construction.
6. Our review did not include a review of the Preliminary Landscape Plan.

Preliminary Plat of Subdivision Comments

7. A note is found on the plat (both sheets) "THIS DRAWING HAS BEEN PREPARED FOR PRO-FORMA PURPOSES ONLY AND IS BASED STRICTLY ON OUR CALCULATION OF THE BOUNDARY SHOWN ON THE FINAL PLAT OF SUBDIVISION OF CANTERBURY PARK PUD, RECORDED DECEMBER 22, 2009 AS DOCUMENT 6553804." The final plat will need to show record and measured dimensions of the exterior boundary and all monuments used to establish said boundary.
8. All easements granted on Canterbury Park Subdivision need to be abrogated. Also, all utility companies need to sign off that they have no facilities with the existing easements and will allow them to be abrogated. This can be done on the final plat of subdivision.
9. When the Final Subdivision Plat is prepared please add all certificate that are required by Village Code Section 6-5-B.

Preliminary Engineering Comments

10. We recommend that all paths and sidewalks have a minimum width of 6-feet.
11. We recommend the watermain be looped within the subdivision to improve overall flow and water quality.
12. The existing conditions survey from 2006 can be used for preliminary design. Per response from the applicant, a revised topographic survey will be completed for final design.
13. The lift station calculations will need to be finalized and reflect the approved number of lots for Philip Estates. Will there be a Recapture Agreement for the future connection?
14. The water service calculations will need to be finalized and reflect the approved number of lots for Philip Estates.
15. The existing aerial utilities along Cuba Road should be shown on the final engineering plans. Relocations may be required if there are conflicts with the proposed improvements, specifically sidewalk.
16. The proposed utility extensions under Cuba Road will need to be augered and jacked with a casing pipe. In no circumstance will open cutting of the road be allowed.

Preliminary Stormwater Management Comments

17. *Appendix K was revised with the new WDO. Please add the new Appendix K for the preliminary design. Note: H&H modeling will be required for the final approval.*
18. RVR and Water Quality requirements will be required per Sections 503 and 504. We recommend these be incorporated now to avoid adverse impacts to the stormwater management system layout.
19. The current Lake County Watershed Development Ordinance (WDO), effective October 10, 2020 has been adopted by the Village. The current WDO, including rainfall data, needs to be used for this design unless the final approval is issued before April 13, 2021.
20. Per discussions with the Lake County Stormwater Management Commission, they are seeking concurrence from our office on the acceptance of the proposed impacts to the Base Flood Elevation (BFE) in/around Basin 1. The applicant has provided sufficient documentation of the proposed strategy to maintain the existing BFE and our office generally agrees with the approach. Additional modeling will be required at final engineering for our approval, which will then be sent to the Lake County SMC.
21. Depressional and floodplain (if applicable) floodplain storage will be required for this development. The preliminary plans include this volume. Additional modeling will be required at final engineering for approval.
22. The proposed dry basins are designed with flat bottoms with significant widths. In order for the dry basins to drain properly, a minimal bottom slope or underdrain will be necessary.
23. The final engineering plans will need to show existing contours, vegetation, overland flow paths with high-water levels and depths of flow. As noted above, Bulletin 75 rainfall data is to be used for the design.
24. Please enhance the stormwater report for the basin water levels achieved for the 2, 10, and 100-year storms. The path appears to be constructed at grade across the overland flow path entering the site in three locations from northwest, west and south. The portions of the path that will be inundated need to be constructed with a non-erodible material.

25. The plans note that the lowest opening for the homes adjacent to Basin 1 need to be a minimum elevation of 738.5. The note should be amended to state 'lowest floor 'or lowest opening/lowest floor as opposed to only lowest opening.
26. Per 506.01.C, the following comments pertain to drain tiles:
 - a. Heavy grading will be occurring on top of the existing drain tiles, which are noted as poor conditions, restricted flow rates and sediment impacted. Drain tiles to remain functioning need to be replaced (506.01.C.4). The drain tiles could be tied together and merged into one tile running under the basin. Another option would be to daylight the tile system and use the lower invert to assist with basin bottom sloping. The design should include six (6) observation structures, one at the location of each tile entering the development.
 - b. The observation structures added are located on the main tile servicing the subsurface drainage of the site. The structures shown could be part of a new tile system as noted above.
 - c. Recorded deed or plat restrictions shall be provided for all existing and replaced drain tiles within the ownership parcel which are part of the stormwater management system. (506.01.C.7)
27. The applicant shall notify the downstream property owners, in writing, of any proposed stormwater facility outlet location and design. Please provide a copy of this notification to the Village.
28. It does not appear that the DVSF was applied correctly. The WDO, states "The Detention Volume Safety Factor is equal to one (1) plus 0.05 times the ratio of off-site tributary drainage area to on-site tributary drainage area. This factor and resulting additional storage should be provided in Basin 1. It doesn't appear that additional volume would be required in Basin 2.
29. Please provide summary tables (WDO 401.07) in the stormwater management report that show the stage-storage-discharge relationship for all the detention basins and their outflow designs. Also please provide the discharge rating curves for the outflow control structures and design details of the outflow control/restrictor structures called out on the plans. Is the water feature on the adjacent lot impounded or does it freely discharge to Buffalo Creek?
30. It appears there is potential that stormwater runoff in the parkway, east of Lot 12, may bypass Outlot F. The grading will need to be adjusted to prevent this possibility. In addition, any surcharged standing water must be contained in a stormwater easement and the surrounding area meet freeboard requirements.
31. Detailed ditch capacity and overland flow path calculations will be required at final engineering using Bulletin 75 Rainfall Data. Please note that freeboard requirements must be met per Section 506.03.
32. Documents outlined in Sections 400 and 401 will be required as part of the final engineering submittal.
33. Calculations and sizes for the storm sewer system, including culverts, was not provided in this submittal; therefore, the design of the system could not be evaluated. The storm sewer shall meet the requirements outlined in Section 506.01 of the WDO.
34. A recorded, Long-Term Stormwater Maintenance Plan will be required for this project. Please submit the Plan, for review, with the final engineering.
35. Per Section 507.01, the top of the impounding detention structure shall be a minimum of one (1) foot above the design high water level within the emergency overflow structure based on the critical duration base flow. The 1-foot freeboard of the is to be measured from the top of the water flowing through the weir.

Additional comments may follow upon review of the revised preliminary engineering or final engineering plans. If you have any questions regarding the above, please do not hesitate to call me at 847-821-6231 or email me at gperry@gha-engineers.com.

Sincerely,
Gewalt Hamilton Associates, Inc.



Geoffrey L. Perry, P.E.,
Village Engineer

cc (via email): Mr. Steve Cross, P.E. – Cross Engineering & Associates, Inc.
Mr. Bill Balling, Interim Village Manager – Village of Long Grove



February 19, 2021

Mr. James Hogue
Village Planner
Village of Long Grove
3110 Old McHenry Road
Long Grove, IL 60047

RE: Philip Estates Subdivision
Revised Preliminary Landscape Plan Review

Dear Jim,

I have reviewed the Preliminary Landscape Plan and Specifications, Existing Tree and Preservation Plan by Allen L. Kracower & Associates, Inc., last revised 11-10-21, for the proposed Philip Estates Subdivision, as requested. The following are my observations and recommendations.

1. Nothing significant has changed since my last review on July 27, 2020. I will still have to review the final engineering at full sized scale to determine the tree mitigation for trees being impacted or removed for the proposed improvements.
2. The Planting Details sheet (LP-4) does show the planting hole to be 3 times the width of the root ball and the top 8" of wire basket to be cut and folded down the side of the root ball. It also includes a note that twine, metal baskets, rope and burlap to be removed from top 1/3 of root ball, as I had recommended. The Typical Tree Planting Detail also shows an elevated subgrade directly below the root ball. The elevated subgrade should be removed from the detail as the root ball will sink on disturbed subgrade. The root ball should be placed on undisturbed subgrade, as it is shown on the Typical Parkway Tree Planting Detail at Road Easement with the root ball 2" above existing grade.
3. I did observe a few existing trees proposed for removal that are colored yellow (fair condition) on the Existing Tree Survey, yet within the Tree Inventory they are listed as good condition. This includes tree #'s 68 and 69. Tree #12 is also shown as yellow but listed as dead on the inventory. The landscape architect should verify that the condition colors of the existing trees on the Existing Tree Survey are in agreement with the condition rating shown on the Tree Inventory listing.

Once the final engineering plans have been submitted, I will review to determine if existing tree protection is adequate and what mitigation requirements there will be.

Sincerely,
URBAN FOREST MANAGEMENT, INC.

Todd R. Sinn
Senior Forester



Urban Forest Management, Inc.

July 27, 2020

Mr. James Hogue
Village Planner
Village of Long Grove
3110 Old McHenry Road
Long Grove, IL 60047

RE: Philip Estates Subdivision
Preliminary Landscape/Existing Tree Survey & Preservation Plan Review

Dear Jim,

I have reviewed the Preliminary Landscape and Existing Tree Survey & Preservation Plan by Allen L. Kracower & Associates, Inc., dated 2-1-20, for the proposed Philip Estates Subdivision, as requested. The following are my observations and recommendations.

1. I will have to review the existing trees in the field to verify the data shown in the Existing Tree Survey.
2. The species of the proposed plantings are in general conformance with recommended acceptable species within the Village of Long Grove.
3. I would recommend the final Landscape plan include a detail that shows there will be a minimum of 6" -8" of topsoil within 2' of the outside edge of all root ball holes within the mass graded areas, such as the right of way. The top third of the root ball should be free of the metal basket, twine, rope and burlap after installation. Trees should be planted so that the top 2" of the root ball is above existing grade.
4. I would also recommend a Landscape Maintenance Specification to maintain the spirit and intent of the approved Landscape Plan. A schedule showing when the tree, shrub, prairie and wetland plantings will be installed, watered, pruned, mulched and otherwise maintained, to reach establishment, should also be included. All proposed plantings should be required to be replaced if in poor condition or dead, by whomever will maintain the common areas.
5. I will have to review the final grading and utility plans to determine which existing trees may require mitigation due to construction impacts.

I will follow up after my review of the existing trees has been completed.

Sincerely,
URBAN FOREST MANAGEMENT, INC.

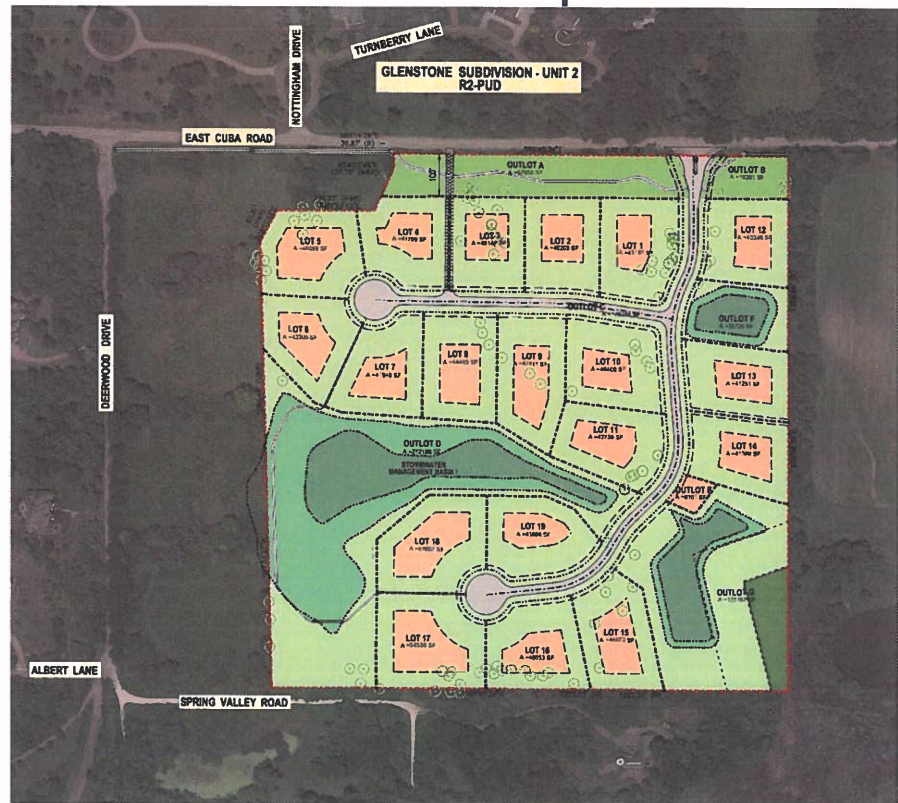
Todd R. Sinn
Senior Forester

Philip Estates Subdivision

3699 Cuba Road

Long Grove, IL

Preliminary Planned Unit Development Submittal



Dated: April 2020

CEAI Project No: 1291

Owner:

Prepared by:

Philip Estates, LLC

8150 W. 159th Street
Orland Park, IL 60462



CROSS ENGINEERING & ASSOCIATES, INC.

1955 Raymond Drive, Suite 119
Northbrook, IL 60062
Tel: 847/498-0800

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 - 1.4. Site Analysis
 - 1.5. Consultant List
- 2. SECTION 2**
 - 2.1. Preliminary PUD Plan
 - 2.2. Preliminary Plat of Subdivision
 - 2.3. Preliminary Engineering Plans
 - 2.4. Preliminary Landscape and Tree Preservation Plans
- 3. SECTION 3**
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SECTION 1

Plan Commission Zoning Board of Appeals General Zoning Application

Rider A – Legal Description

Map Amendment – Supplemental Information

Site Analysis

Consultant List



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

PLAN COMMISSION ZONING BOARD OF APPEALS GENERAL ZONING APPLICATION

1.0 General Information (See Subsection 5-11-8(E) of the Long Grove Zoning Code).

1.1 Applicant Name: PHILIP ESTATES, L. L. C.

Address: 8150 W: 159th Street, Orland Park, IL 60462

Telephone Number: 708-764-3612

E-mail Address: dmcmillan@rizzacars.com

Fax number: _____

Applicant's Interest in Property: Owner

1.2 Owner (if different from Applicant).

Name: Same

Address: _____

Telephone Number: _____

E-mail Address: _____

Fax number: _____

1.3 Property.

Address of Property: 3699 Cuba Road

Legal Description: Please attach Parcel Index Number(s): See Schedule A attached

Present Zoning Classification R-1-PUD Size of Property (in acres) 34.82

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: 2005-0-23
(as amended, 2007)

Describe the nature of the zoning relief granted: Rezone to R-2-PUD

Present use of Property:

Residential _____ Commercial _____ Office _____ Open Space _____ Vacant X

Other (explain) _____

Present zoning and land use of surrounding properties within 250' of Property:

	Zoning Classification	Land Use
North:	<u>R-1, R-2</u>	<u>sf</u>
South:	<u>R-1 PUD</u>	<u>sf and vacant</u>
East:	<u>R-1 PUD</u>	<u>vacant</u>
West:	<u>R-1</u>	<u>sf</u>

1.4 Trustees Disclosure.

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

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
_____ Variation
X Zoning Map Amendment (rezoning)
X Preliminary PUD Plat
_____ Code Interpretation
_____ Special Use Permit (non-PUD)
_____ Zoning Code Text Amendment
_____ 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. See attached schedule

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

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: \$ _____
- 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.

PHILIP ESTATES, L. L. C.

Name of Owner

Name of Applicant



Signature of Owner Date

Signature of Applicant Date

Joseph Rizza,
Manager

RIDER "A"

LEGAL DESCRIPTION

LOTS 1 THROUGH 12, BOTH INCLUSIVE, AND LOTS A THROUGH K, BOTH INCLUSIVE, IN CANTERBURY PARK PUD, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF SECTION 26, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN AS DESCRIBED ON THE PLAT THEREOF RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, LAKE COUNTY, ILLINOIS ON DECEMBER 22, 2009, AS DOCUMENT NO. 6553804.

Pins;

14-26-201-010 through 14-26-201-032, sequentially.

Philip Estates, L.L.C.
Map Amendment – Supplemental Information

- (a) As shown on the Application, the property is bordered by single family development to the north (R-1, R-2), sparse single family to the south (R-1 PUD), vacant property to the east (R-1 PUD) and sparse single family (R-1) to the west).
- (b) The trend of development in the immediate area has remained consistent (single family detached) since the 2005.
- (c) The existing zoning and development plan does not relate to any market demand and, despite marketing efforts, the property has remained vacant and undeveloped for the past 15 years.
- (d) The diminution in value of the property is not offset by any increase in the public health, safety or welfare.
- (e), (f) The property consists of approximately 35 acres. The increase in the number of lots from the currently approved 12 to the proposed 19 will have no adverse impact on the use, enjoyment or value of the surrounding properties.
- (g) The addition of 7 lots will have no impact on the future orderly development of the adjacent properties.
- (h) From a land use perspective the property is suitable for single family development under both the R-1 and R-2 zoning designations. However, the prospect of a successful development under the current zoning and approved plan is extremely remote given prevailing market conditions and development trend.
- (i) The addition of 7 lots will have no adverse impact on either the adequacy of the proposed ingress and egress, or the traffic conditions in the immediate vicinity. Both of these conclusions are supported by the accompanying traffic study prepared by KLOA.
- (j) The current plan was predicated on the development of a private, self-contained sanitary sewer facility, and individual wells. The proposed development will be served by County sanitary sewer and a central water supply from the Glenstone subdivision. The proposed utility service will significantly increase the marketability of the project, and represents positive impact on the health and safety of the community.
- (k) As mentioned above, despite intense marketing efforts, there have been no lot sales since the project was approved in its current configuration (2007). The development has not benefitted from the general (albeit modest) post 2008 market recovery, and, as indicated by those more modest developments approved by the Village, it no longer represents an economically viable undertaking.

(l) The proposed map amendment and Planned Unit Development will, hopefully, transform a vacant parcel encumbered by a failed development program into a viable, high quality single family neighborhood and valuable addition to the Village.

PHILIP ESTATES

SITE ANALYSIS

Total Area:	1,516,881 sf 34.82 acres
Total Number of Lots:	19
Total Lot Area:	841,152 sf (19.31 acres)
Average Lot Size:	44,271 sf (1.02 acres)
Minimum Lot Size:	40,149 sf
Maximum Lot Size:	54,596 sf
Total Common Open Space:	675,729 sf (15.51 acres)

RIDER TO GENERAL ZONING APPLICATION

CONSULTANTS

PLANNING/ENGINEERING:

Cross Engineering & Associates
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Northbrook, IL 60062
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ATTORNEY:

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TRAFFIC CONSULTANT:

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laboona@kloainc.com



CROSS ENGINEERING & ASSOCIATES, INC.

February 11, 2021

Mr. Jim Hogue
Village of Long Grove
3110 Old McHenry Road
Long Grove, IL 60047

Re: **PHILIP ESTATES SUBDIVISION
LONG GROVE, IL
(CEAI Project # 1291)**

Dear Mr. Hogue:

On behalf of our client, Philip Estates, LLC, we are submitting the following documents for your continued review of the project submittal:

1. Preliminary Engineering Plans by Cross Engineering & Associates, Inc, last revised February 11, 2021.
2. Preliminary Plat of Philip Estates Subdivision by Edward J. Molloy & Associates, Inc., last revised February 9, 2021.
3. Preliminary Autoturn Fire truck Exhibit by Cross Engineering & Associates, Inc. dated February 11, 2021.
4. Preliminary Landscape Plan, Existing Tree Survey and Preservation Plan and Tree Inventory by Allen L. Kracower & Associates Inc., last revised November 10, 2020.
5. Wetland Delineation Report by Midwest Ecological, last revised November 6, 2020.
6. Preliminary Stormwater Management Summary by Cross Engineering & Associates, Inc. including SWMM Modeling, last revised February 11, 2021.
7. Lift Station Design Memo by RHMG Engineers, Inc. dated April 9, 2018.
8. Water supply review letter by RHMG Engineers, Inc. dated October 30, 2017.
9. Letter from the Glenstone Homeowners Association dated July 27, 2020.

The plans and reports have been revised in response to the review comments in a letter from Gewalt Hamilton Associates, Inc dated July 23, 2020. Below are the review comments followed by our responses:

GENERAL COMMENTS

1. The watermain and sanitary sewer connections flow into the systems in the Glenstone Subdivision. The applicant states that easements are negotiated and approved with Glenstone. The applicant shall provide these documents for the Village files.
Response: A copy of a letter from the Glenstone HOA President is included in this resubmittal.
2. The sanitary sewer, both the new and the existing in Glenstone Subdivision, is under the jurisdiction of the Lake County Public Works Department. The applicant shall advise if there has been a pre-application / conceptual meeting with their office. The Village shall

be copied on any correspondence with the Lake County Public Works Department and invited to any meetings.

Response: *We have had preliminary discussions with Lake County Public Works back in January 2018. See attached email from Chuck DeGrave dated January 30, 2018. We will contact the county again prior to proceeding with final engineering plans.*

3. A truck turn exhibit should be included in the next submittal, which shows the largest fire truck maneuvering through the site

Response: *An Autoturn exhibit demonstrating the fire truck maneuvering through the site is included in this resubmittal.*

4. Please see the attached Wetland Review by the Village's wetland consultant, Christopher B. Burke Engineering Ltd., dated July 14, 2020.

Response: *See responses to the CBBEL letter.*

5. The exhibit showing the proposed conservancy easements needs to be updated for this subdivision and should show the topographic wetness index on it. This exhibit will be used to evaluate the location of the easements.

Response: *The topographic wetness index from the Lake County GIS website is shown on Sheet 6 of the engineering plans.*

6. A preliminary long-term stormwater maintenance plan should be submitted with the next submittal.

Response: *Based on a follow-up telephone call with the Village Engineer we will provide the maintenance plan that complies with the guidance provided by the Lake County Watershed Development Ordinance during final engineering.*

7. Our review did not include a review of the Preliminary Landscape Plan.

Response: *Noted.*

Preliminary Plat of Subdivision Comments

8. Please add a location map. Item 6-3-2-B-9.

Response: *There is a Vicinity Map (Location Map) on Page 2.*

9. The surveyor needs to show the existing wetland buffer areas and make notes as to the restrictions as shown on Canterbury Park Subdivision noted above.

Response: *The wetland buffer areas and the wetland areas have been added to Page 1 and the "Wetland and Wetland Buffer Restrictive Covenant by Plat" has been added to Page 2.*

10. The width of the private roads needs to be labeled.

Response: *The width of the private roadway easement has been labeled in multiple locations.*

11. If utilities are to be allowed within the private roads, then a note needs to be added that matches what is stated in the provisions.

Response: *Yes, utilities will be allowed within the private roads. Public Utility Easements have been added to Outlot C.*

12. The "PUBLIC UTILITY EASEMENT PROVISIONS" do not state the location of the easements. There is a "PUBLIC UTILITY EASEMENT" shown as "HEREBY GRANTED" along the front of all lots plus the side lot line between 13/14. Please add the words to the provisions that will designate the location of these easements.

Response: *The Public Utility Easement Provisions have been revised to call out the areas dashed or dotted on the plat and labeled Public Utility Easements.*

13. "DRAINAGE AND DETENTION EASEMENT PROVISIONS" are on this plat; however, there are no notes on any lot showing "DRAINAGE AND/OR DETENTION EASEMENTS" being granted. The provisions only show exclusions. Please add the words that will designate the location of these easements.

Response: *Notes have been added to Outlots D, F and G indicating there is a "Drainage and Detention Easement" over them. Provisions have been revised to indicate the use and requirements related to the easement.*

14. A note is found on the plat (both sheets) "THIS DRAWING HAS BEEN PREPARED FOR PRO-FORMA PURPOSES ONLY AND IS BASED STRICTLY ON OUR CALCULATION OF THE BOUNDARY SHOWN ON THE FINAL PLAT OF SUBDIVISION OF CANTERBURY PARK PUD, RECORDED DECEMBER 22, 2009 AS DOCUMENT 6553804." The final plat will need to show record and measured dimensions of the exterior boundary and all monuments used to establish said boundary.

Response: *Noted. The final plat will be based on an up-to-date ground survey and the note will be removed.*

15. All easement granted on Canterbury Park Subdivision noted above need to be abrogated. Also, all utility companies need to sign off that they have no facilities with the existing easements and will allow them to be abrogated. This can be done on the final plat of subdivision.

Response: *There are no facilities within the existing onsite easements. As stated, the utility companies can sign-off at the time of the final plat.*

16. When the Final Subdivision Plat is prepared please add all certificate that are required by Village Code Section 6-5-B.

Response: *The village required certificates will be updated with the final subdivision plat.*

Preliminary Traffic Impact Study Comments

17. KLOA followed the ITE guidelines and their analysis is reasonable for trips generated, trip distribution, traffic assignments, capacity analyses.

Response: *Noted.*

18. The proposed traffic does not meet the Illinois DOT Bureau of Design and Environment thresholds for separate left and right turn lanes on Cuba Road.

Response: *Noted.*

19. The sight distance seems reasonable at the site access.

Response: Noted.

20. The maintenance of the emergency access drive should be specifically documented in the site documents. Common issues are overgrown vegetation, lost lock keys to gate, rusted gate locks, etc.

Response: Noted.

Preliminary Engineering Comments

21. The source and date of the topography should be confirmed and noted on the plans. An onsite topographic survey will be needed for this development and should be completed for preliminary engineering approval.

Response: The source and date of the topography has been noted on the Cover Sheet. This is a ground topographic survey, however, due to the age of the survey a new ground topographic survey will be completed for use during final engineering.

22. The proposed path cross section and width need to be added to the engineering plans. We recommend that all paths have a minimum width of 6-feet.

Response: The path cross-section detail has been added to Sheet 3 of the engineering plans. We believe that a 4-foot wide with clear 12-inch wide shoulder adjacent to each side is adequate for this type of walking path and respectfully request to keep the path at 4 feet wide as proposed.

23. The roadways should be a minimum of 22-feet wide to match other rural cross section roads in the Village. In addition, the roadway stone aggregate base thickness should be increased to 11.”.

Response: The roadway widths have been revised to 22 feet and the stone aggregate has been revised to 11 inches.

24. Please add a cross section of the emergency access drive

Response: An emergency access cross section detail has been added to Sheet 3 of the engineering plans.

25. Please add the cross section of the proposed public sidewalk.

Response: A public sidewalk cross section detail has been added to Sheet 3 of the engineering plans.

26. The proposed ditches are “v” shaped and need to be revised to include a 2-foot wide flat bottom. In addition, please label the sideslopes with a maximum slope of 4:1. The detail needs to be revised to reflect these revisions.

Response: The roadway typical section detail has been revised to show the 2-foot wide flat bottom and a maximum slope of 4:1.

27. The maximum allowable slopes are 4:1. Please label the slopes on Lots 5-7 and adjust as needed.

Response: The slopes on Lots 5-7 have been labeled "4:1 Max."

28. The preliminary storm sewer sizes need to be shown on the plans.

Response: The preliminary storm sewer sizes have been shown on the plans.

29. A lift station is proposed that will be sized for future development. Exhibits and flow calculations for the future service area need to be provided.

Response: A memorandum with flow calculations and exhibits prepared by RHMG Engineering Inc. is included in this resubmittal. Please note that the calculations are based on a proposed lot count of 25 for Philip Estates. The pump calculations are still valid for the proposed 19-lot subdivision.

30. The applicant shall provide a water system model to confirm the proposed size (6") and pressures are adequate.

Response: A memorandum with project water demand prepared by RHMG Engineering Inc. is included in this resubmittal. Please note that the calculation are based on a proposed lot count of 25 for Philip Estates, therefore the existing water supply can still supply sufficient water to the Philip Estates subdivision. Flow tests will be performed during final engineering to verify the pressure at the connection point. Based on general discussions we anticipate a pressure of approximately 40 psi which will be adequate to provide potable water to Philip Estates.

31. We recommend the watermain be looped within the subdivision to improve overall flow and water quality.

Response: Given the site layout it is not practical and cost prohibitive to loop the watermain within the Philip Estates subdivision. The additional connections to the existing water system will improve water quality at the dead-end connection point in the Glenstone subdivision.

32. The existing aerial utilities along Cuba Road should be shown on the plans. Do they conflict with the proposed path?

Response: The existing aerial utilities will be surveyed when the updated ground topography is done for final engineering. They will be added to the final engineering plans. We do not believe the existing aerial utilities will conflict with the proposed path, and if there is a conflict, we believe there is sufficient room to make adjustments to avoid the utility poles.

Preliminary Stormwater Management Comments

33. The current Lake County Watershed Development Ordinance (WDO), which has been adopted by the Village, and proposed amendments (including Bulletin 75 Rainfall Data Table) should be utilized for design.

Response: As discussed with the Village Engineer, we are able to utilize the Bulletin 70 Rainfall Data due to the initial project submittal being made prior to the adoption of the amendments and updated rainfall data. It should be noted that we have run the hydrologic model using the updated Bulletin 75 Rainfall Data to verify the basins have the capacity for the higher rainfall events.

34. The proposed detention sizing is based on Appendix K, which is no longer applicable since Bulletin 75 Rainfall data is required for detention sizing. Since the proposed detention basins are interconnected and discharging to a Zone AE floodplain / floodway, it is recommended an updated stormwater model be developed at this stage to account for basin interconnection and tailwater (such as PondPack or XPSWMM), which will impact the footprint and depth of the proposed basins.

Response: *As discussed with the Village Engineer, we are able to utilize the Bulletin 70 Rainfall Data due to the initial project submittal being made prior to the adoption of the amendments and updated rainfall data therefore Appendix K is still applicable to this project.*

35. All offsite roadway improvements must be accounted for in the detention volume calculations and new impervious directed to the proposed basins

Response: *There are no offsite roadway improvements being constructed as part of this development.*

36. The proposed HWL of Detention Basin 3 is higher than the inverts of the adjacent culverts, which will result in ponding in the ditches. It is not recommended that the detention basin HWL encroach into the ditches. Any surcharged standing water must be contained in a stormwater easement and the surrounding area meet freeboard requirements.

Response: *There revised calculations have lowered the basin HWL and revised the ditch drainage to eliminate ponding in the ditches.*

37. The following comments pertain to existing depressions and BFE's:
- a. The source of all BFE's must be identified in the report and source material provided.
 - b. A BFE, reflective of the updated Bulletin 75 data, must be reviewed and approved by SMC for the existing depression by Stormwater Basin 1.
 - c. BFE's with <20 acres tributary must be established and can be reviewed and approved by the Village, including the depression by Stormwater Basin 3.
 - d. Existing depressional storage volume shall be maintained per Section 501.05. In addition;
 - i. If they have volumes greater than 0.75 ac-ft, they will need to be compensated for based on floodplain requirements.
 - ii. Portions of the existing depressions for Stormwater Basins 1 and 3 may be located outside of the development boundaries. Per Section 704.03 of the WDO, Hydraulically equivalent compensatory storage requirements for development activity in a non-riverine Regulatory Floodplain, that is located partially on-site, with more than 10% of the BFE surface area located on-site, shall be at least equal to 1.2 times the volume of Regulatory Floodplain storage lost or displaced. Such compensation areas shall be designed to access the required volume..

Response: *a. The existing BFE of 736.2 within the west depressional area is taken from the Atwell Hicks report for Canterbury Park, last revised November 6, 2007, that was approved by Lake County SMC. Based on an online meeting with Lake County SMC staff on November 17, 2020 it was discussed that the existing approved BFE of 736.2 would be accepted as the regulatory BFE for the site if it can be shown that*

for the proposed conditions using the new Bulletin 75 Rainfall Data, the high water elevation is no higher than the previously approved BFE. Modeling provided to the County indicates that the calculated BFE is at 736.20. We are awaiting review and confirmation of the model from LCSMC.

b. See response to comment 37.a above.

c. The tributary area is greater than 20 acres.

d. The floodplain compensatory volume of 0.60 acre-feet has been accounted for within the expanded stormwater management area. Detailed compensatory volume calculations will be provided at final engineering.

38. Please enhance the narrative to describe the existing drainage patterns of the site, including how the depressions and wetlands outlet, how drain tiles impact the drainage patterns of the site, the receiving downstream areas, proposed overland flow route paths, etc. All concentrated stormwater discharges must be conveyed into a maintainable outlet with adequate downstream stormwater capacity and will not result in increased flood and drainage hazard. (502.03).

Response: The narrative has been enhanced to provide additional explanation of the existing drainage patterns.

39. On the Existing Conditions and Proposed Conditions Exhibits provided in the stormwater report, identifying labels should be created for the tributary areas.

Response: The onsite tributary area labels have been added.

40. Please submit cross-section views for the stormwater management system showing existing and proposed conditions including principal dimensions of the work, existing and proposed elevations, proposed slopes, normal water and calculated base flood elevations, vegetation type, and overland flow depth and path. Please indicate on the engineering drawings if the detention basins are to be wetland bottom, dry, or wet.

Response: Basin cross sections showing basin details have been added to Sheet 4 of the engineering plans. Basins in Outlot D and G will be dry bottom basins and the basin in Outlot F will be a wetland bottom basin. Overflow weir elevations are shown on Sheet 4. Additional basin design details will be added at final engineering.

41. Detention Basin 1 has a proposed HWL that encroaches onto the adjacent property. All stormwater management facilities must be located onsite and within a dedicated stormwater management easement.

Response: Per my discussion with the Village Engineer the proposed detention volume required for the subdivision is provided at an elevation below which the water would back up over the property to the west. The storage volume above the detention requirement is the flood plain storage, and it should be noted that the existing floodplain storage extends into the adjacent property. The condition is being kept in the proposed condition.

42. A path is proposed to be constructed along the western side of Basin 1. All paths should be located above outside of the basin HWL's.

Response: With the path having to run along the west property line and due to the pond HWL it's not possible to raise the path above the HWL without causing significant fill

within the floodplain. In addition culverts would need to be provided to provide flow path for offsite flows. We have raised the path as high as it can practically be placed across the detention basin area. Any inundation would be at the higher events. The Homeowner's Association will be responsible to maintain the path.

43. The proposed adjacent grades of homes near detention basins must meet the flood protection elevation requirements outlined in Section 507.02.

Response: We have indicated the lowest opening for the homes adjacent to Basin 1 to be 738.5 which is 2.3 feet above the approved BFE of 736.2.

44. Per 506.01.C, the following comments pertain to drain tiles:
- a. There are multiple drain tile lines draining directly into the proposed detention basins. These lines should be intercepted and diverted around the basins with pipes of equivalent size. (506.01.C.4)
 - b. Observation structures, or similar maintenance and inspection access structures, shall be installed within the development at suitable points of ingress or egress. (506.01.C.2)
 - c. The applicant shall notify adjoining downstream property owners in writing of any proposed stormwater facility outlet location and design. The development design shall utilize, where practical and approved by the Enforcement Officer, outflow locations that have an existing tile leaving the development site. A subsurface connection to the tile shall be constructed as a low flow outlet. A surface outlet shall be designed for the development site outflows based on the assumption the downstream tile will cease to function. (506.01.C.3)
 - d. Recorded deed or plat restrictions shall be provided for all existing and replaced drain tiles within the ownership parcel which are part of the stormwater management system. (506.01.C.7).

Response: a. The underdrains are an integral part of the drainage system and are effectively draining the low depression area. We are proposing to maintain the drain tile system to function as it currently does. It would not function if the draitiles were to be routed around the basin. The existing draitile pipes will be protected during construction, and replaced if they are damaged.
b. We have indicated some additional structures to provide maintenance access to the draitile and to be able to observe it operation and flow.
c. I observed the existing draitile discharge location along the east property line. The draitile discharges into a surface outflow into a defined ditch.
d. Noted. This shall be done at final engineering.

45. Per Section 508, onstream detention with a detention volume safety factor shall be provided for the offsite flow tributary to the proposed basins, and the allowable release rate should consider both compensatory storage and the DVSF. The detention volume safety factor and overflow weir sizing must account for tributary areas from existing drain tiles directed to the proposed basins.

Response: DVSF has been provided for within the stormwater basin. See Page 5 of the revised Preliminary Stormwater Management Summary. The DSVF is calculated to be 1.0538.

46. While calculations were not provided for overland flow routes, the design engineer should consider ditch capacity and overland flow paths between the proposed lots for the 100-year event during preliminary engineering as it will impact grading and foundation elevations. Freeboard requirements must be met per Section 506.03.

Response: Detailed ditch calculations will be done at final engineering to ensure they are adequately sized to handle the 100-year storm event.

Comments to be considered during final engineering:

47. Documents outlined in Sections 400 and 401 will be required as part of the final engineering submittal.

Response: Noted.

48. Calculations and sizes for the storm sewer system was not provided in this submittal, therefore the design of the system could not be evaluated. The storm sewer shall meet the requirements outlined in Section 506.01 of the WDO.

Response: Noted.

49. RVR and Water Quality requirements will be required per Sections 503 and 504.

Response: Noted.

50. Per Section 507.01, the top of the impounding detention structure shall be a minimum of one (1) foot above the design high water level within the emergency overflow structure based on the critical duration base flow. The 1-foot freeboard of the is to be measured from the top of the water flowing through the weir.

Response: Noted.

51. As part of the final, post-construction acceptance, all existing drain tiles that remain will need to be cleaned and televised.

Response: Noted.

Following are the responses to the wetland review comments in the review letter by Christopher B. Burke Engineering Ltd. Dated July 14, 2020:

Wetland and Buffer Review # 1

Based on our review the of the provided documentation the following are outstanding.

§1000.02 Wetland Delineation Report

We completed a review of the provided Midwest Ecological Wetland Delineation Report, dated May 20, 2017. The provided wetland delineation report is more than 3-years old and consequently must be updated. The wetland boundaries should be reflagged, and the delineated wetland boundaries confirmed, and the updated boundaries surveyed and added to the engineering plans.

Response: The wetland report has been updated. See attached report dated November 6, 2020.

The provided document is also incomplete. In the southwest quadrant of the site is a potential wetland area that was identified as non-wetland. The wetland delineation exhibit indicates data points taken within the suspect area, but the data forms were not provided. A review of several aerial photos was

completed. Nearly every photo indicates wetland signatures in the area in question. Additionally, the suspect area is mapped as containing hydric soil and field tile.

Response: The requested information is provided in the updated wetland report. Based on a field visit between the Village's wetland consultant and our wetland consultant, it was agreed that the only wetland on the property is located at the southeast corner of the property.

We strongly recommend that prior to the wetland boundaries being surveyed, that a field meeting be set up to allow me to evaluate to confirm the delineated wetlands, including the area in question mentioned above. The area in question is proposed to be converted into an onsite detention pond, and confirmation of the wetland boundaries will be critical to the development.

Response: A field meeting occurred with the Village's wetland consultant and our wetland consultant to evaluate the onsite conditions. It was agreed that the only wetland on the property is located at the southeast corner of the property.

Following the wetland boundary confirmation. The applicant is recommended to obtain a Corps of Engineers Jurisdictional Determination to determine if the Corps will regulate the onsite wetland(s).

Once the regulatory status of the onsite wetland(s) is known, the applicant is recommended to submit a Wetland and Buffer Submittal, prepared in accordance with the Lake County Watershed Development Ordinance addressing proposed wetland and buffer impacts and specific Ordinance requirements.

Response: There are no proposed impacts to the existing onsite wetland. Work within the wetland buffer will conform to the WDO, and will be provided during final engineering.

Following are the responses to the Preliminary Landscape/Existing Tree Survey and Preservation Plan Review by Urban Forest Management dated July 27, 2020:

Wetland and Buffer Review # 1

1. I will have to review the existing trees in the field to verify the data shown in the Existing Tree Survey.

Response: Noted. Please note that we have cleared a significant portion of buckthorn across the property and have performed a new Tree Survey.

2. The species of the proposed plantings are in general conformance with recommended acceptable species within the Village of Long Grove.

Response: Noted.

3. I would recommend the final Landscape plan include a detail that shows there will be a minimum of 6"-8" of topsoil within 2' of the outside edge of all root ball holes within the mass graded areas, such as the right of way. The top third of the root ball should be free of the metal basket, twine, rope and burlap after installation. Trees should be planted so that the top 2" of the root ball is above existing grade.

Response: Noted. This will be shown at final engineering and final landscaping design.

Mr. Jim Hogue
February 11, 2021
Page 11 of 11

4. I would also recommend a Landscape Maintenance Specification to maintain the spirit and intent of the approved Landscape Plan. A schedule showing when the tree, shrub, prairie and wetland plantings will be installed, watered, pruned, mulched and otherwise maintained, to reach establishment, should also be included. All proposed plantings should be required to be replaced if in poor condition or dead, by whomever will maintain the common areas.

Response: Noted. A Landscape Maintenance Plan will be provided at final engineering time.

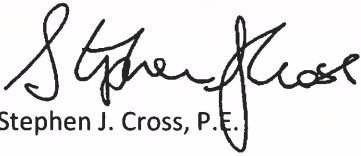
5. I will have to review the final grading and utility plans to determine which existing trees may require mitigation due to construction impacts.

Response: Noted.

We trust that this submittal has addressed the provided comments, and look forward to presenting our project at the March 2nd 2021 PCZBA meeting. If you need additional information at this time, please do not hesitate to contact me.

Sincerely,

CROSS ENGINEERING & ASSOCIATES, INC.



Stephen J. Cross, P.E.

- cc. David Shaw – Horwitch Goldstone & Shaw LLC, via email
Dan McMillan, Philip Estates LLC, via email

kazmerj@hotmail.com; md@dworaklaw.com; richardterrett1@gmail.com;
szr5182@aol.com; wilson5279@comcast.net

Cc: David Lothspeich <dlothspeich@longgroveil.gov>; James Hogue
<jhogue@longgroveil.gov>; publicworks@lakecountyil.gov

Subject: Criminal Trespass to Property - Philip Estates LLC

Ladies and Gentlemen:

Attached is a letter I wrote to Philip Estates, who is now before the PCZBA. For the reasons outlined, I am asking PE to stop trespassing on our property as I think they may have and/or will. In this regard, it is my understanding that Illinois law allows me to use reasonable force to defend my property from trespass in the alternative. Regardless, I am doing my best to resolve our differences over their planned unauthorized use of our property without this, as I have written you repeatedly, only to be ignored by PE and others.

Given this, I am asking for your help to end the controversy by making it a requirement that any approval that Philip Estate obtains from the Village be conditioned on it and Glenstone obtaining a Declaratory Judgement from the court. That DJ must include; 1) that their plans are lawful, 2) not against Glenstone members' interests or rights (in keeping with Glenstone's fiduciary duty), and 3) preferable to a duly adopted amendment to Glenstone's Declaration. If my letter is not enough, then I would point out that Glenstone now has a water supply agreement with Glenstone Unit I office bldg and that agreement (unlike PE's) was duly made part of Glenstone's Declaration to everyone's satisfaction, including the Village. This is a reasonable and sound request.

As 70 year-old, 25-year residents in good-standing I hope we can get this small consideration. I don't think any of you would want to be bullied or deceived as my wife and I feel we have to get to this pt, nor have your property taken from you. As always I remain available to discuss this with all parties concerned, but for the most part until now (except for Dave's input) I have been talking to myself.

I hope you will take time to read the attached that lays out some of the reasons why this is necessary and appropriate given the novelty, controversy and alleged lawlessness outlined in my letter. I await your immediate response.

Thank you and,

Regards,
Phil Goldberg

P.s. I ask that this as well as all prior correspondence regarding this matter be included in the appropriate PCZBA public record.

Mr. Phillip Goldberg
3807 Turnberry Lane
Long Grove, Illinois 60047
(847) 540-1214 / bctd84a@AOL.com

September 8, 2020

Philip Estates, L.L.C.
8150 W. 159th Str.
Orland Park, IL 60464

Attn Mr. Daniel J. McMillan, Registered Agent

RE: Criminal Trespass to Real Property

To whom it may concern:

According to our information, you are planning to have various unknown employees, agents or contractors come onto (and/or under) our private property at 3807 Turnberry Lane, Long Grove, without notice, permission or lawful authority, for the purpose of tapping new water and sewer service for your proposed residential development. See attached plat if there is any doubt who owns the property in question.

I have asked you and members of the Glenstone Homeowners Association ('GHA') board of directors, as their fiduciary duty requires, as well as Lake County Public Works and Long Grove, to provide my wife and I (as the property owners) the specific language from our record Declaration of Covenants, Conditions and Restriction that allows anyone other than we to grant you such access or an easement over our property. Clearly, GHA as an easement holder itself (for maintenance and repair) and not the property owner, cannot grant an easement over property it does not own. Nevertheless, we have not received the courtesy of a response from you in nearly 2-1/2 years. Alternatively, it seems, instead of being neighborly, you and GHA board members appear ready to coerce us into submission, and to cause unnecessary and unwanted controversy.

Even if it were possible under a 'strict compliance' standard applied to our Declaration, which possibility I dispute and you have not shown, its prohibits (without a record amendment) any business activity, including the sale of water by the gallon or sewer access for profit to non-parties (i.e., "No part of the [Glenstone] property... shall be used for... business purposes"). See Article 7, Section 7. Furthermore, the Declaration states all water mains are strictly "for the benefit of the [GHA o]wners" for which the property owner(s) or GHA will hold title. In this case it means my wife and I are the owners of the water main under our property, not GHA. See Article 1, Section 4. Lacking any such legal foundation one can only conclude you and GHA board members are in a conspiracy to criminally trespass and unlawfully take our property, water and sewer.

[Over, please]

To the extent that you are relying on the vote of GHA members on May 9, 2018, that vote according to my information was premised on a materially false and less than full disclosure of the agreement, and not the agreement itself between you and Frank Mondane (signed one day later). You were or should have been aware this at the time. I for one never received a copy of the agreement until last month, and not from you.

Likewise the language you may be relying upon for the vote (at Article 9, Section 10(a) of our Declaration), strictly allows GHA only the right to “seek” or pursue an agreement but nowhere to finalize or execute one. This means the many negotiations Mr. Mondane undertook to seek an agreement, prior to the vote (fraudulent or otherwise) were unauthorized and in direct violation of our Declaration, as well as the agreement’s execution. Regardless, this vote changed nothing to our binding and recorded governing Declaration, which supersedes any agreement you and Mr. Mondane may have. Nor did it change the ownership of our property.

Lastly, as you know it is my belief the GHA board is operating unlawfully in the State and Village with only two eligible directors (with the third being unauthorized under Illinois law to hold office as not a GHA member, and refusing to show otherwise). Therefore the agreement is also null and void from that perspective.

Given this list based on my reading of the law and our Declaration, and your documented disrespect for your neighbors, it is beyond me how anyone could ever think about allowing you to develop a head cold in the Village, let alone a multi-home subdivision.

Until such time that we can amicably resolve our issues and subject to further notice, pursuant 720 ILCS 5/21-3 (a)(2) and (b), you and/or any employee, agent or contractor affiliated with you or your project whatsoever at your direction or otherwise, are prohibited from entering or using our property. Please take care to advise all those affected.

Sincerely

c.c. GHA
Long Grove Board of Trustees
Long Grove PCZBA
Chuck DeGrave, LCPW
David Lothspeich (for himself & LC Sheriff)
James Hogue
Peter Bianchini, Glenstone Unit I

Plat of Survey

R. E. DECKER & COMPANY

114 E. COOK AV., LIBERTYVILLE, ILLINOIS 60048
 TELEPHONE 362-0091 FAX 362-0119
 LAND SURVEYORS

BOOK 25 PAGE 1046 ORDER NO. 251046 LIBERTYVILLE SEPTEMBER 22 1922

ORDERED BY WILCO POTERASE, AND ASSOCIATES

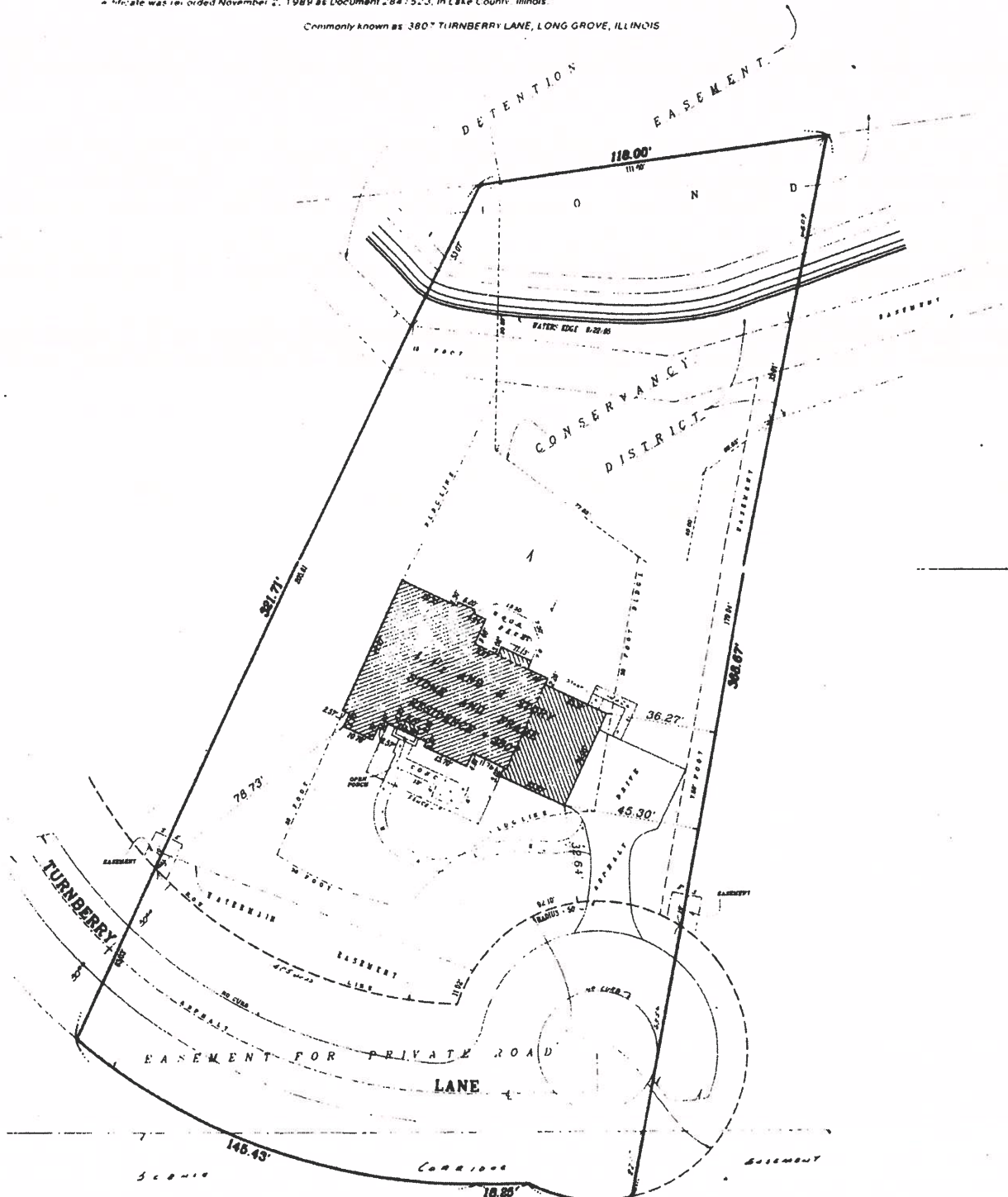
FOR CONEN

Parcel 1 Lot 4 in Glenstone Unit II, being a Subdivision of part of the Southeast 1/4 of Section 23, Township 43 North Range 10, East of the Third Principal Meridian, according to the Plat thereof, recorded September 26, 1989 as Document 2834803, and as amended by Certificate of Correction recorded November 2, 1989 as Document 2847523, in Lake County, Illinois

Parcel 2 Easement for ingress and egress for the benefit of Parcel 1 (except that part falling in Parcel 1) over those areas designated on the Plat of Subdivision of Glenstone Unit II, aforesaid, designated as private roads

Parcel 3 Easement for ingress and egress for the benefit of Parcel 1 over Outlot B as granted by Certificate of Correction to the Plat of Subdivision which Certificate was recorded November 2, 1989 as Document 2847523, in Lake County, Illinois

Commonly known as 380th TURNBERRY LANE, LONG GROVE, ILLINOIS



Scale, 1" = 20 ft.
 TOP OF PLAT IS NORTH

LIBERTYVILLE, ILLINOIS, SEP 22 1922 }
 STATE OF ILLINOIS. }
 LIBERTYVILLE, ILLINOIS, SEP 22 1922 }
 STATE OF ILLINOIS. }

James Hogue

From: bctd84a@aol.com
Sent: Sunday, November 22, 2020 4:26 PM
To: billjacob@comcast.net
Cc: James Hogue; Bill Jacob; Victor.Filippini@filippinilawfirm.com; wilson5279@comcast.net; Bill Balling; cmg3807@me.com; Chris Borawski
Subject: Fraud, Exploitation and Criminal Trespass to Property - Glenstone HOA/Philip Estates LLC

Bill-

We want to summarize for you, the Board and Commission, why the Rizza/Mondane (PE/Glenstone HOA) agreement is not on the up and up, nor individuals involved, to be considered part of a proper PUD application. This includes the prospect of criminal trespass previously brought to your attention, additionally fraud and financial exploitation of us. We hope you find it helpful looking into this matter further. We asked this be made part of the PE record, and that you favor our requests.

The PE/Glenstone Deal

Glenstone HOA's Declaration prohibits Glenstone to "seek" to encumber, sell or transfer, etc. any Common Area or Outlot unless 75 percent of the "Owners" give their *prior written* consent. Article 9, Section 10(a). The word *seek* means among other things to investigate, explore, look into, endeavor or aim to. This means Frank Mondane (as a Glenstone director and officer, and as his fiduciary duty requires) couldn't do anything to encumber or sell access to Glenstone's water/sewer system to PE, until he obtained the *prior written* approval of 75% of the Owners. This includes to explore any such proposal received from Joe Rizza and PE. Aside from this, Mr. Mondane would need consent or involvement of the Owners of the property affected, including the Long Grove Park District, whom own the land. PE left this to Mr. Mondane to decide.

As a fiduciary of Glenstone and the Owners, the burden is on Mr. Mondane to show he has strictly complied with this provision, including full disclosure. The fact that I and others did not attend a meeting at which this topic was discussed does not excuse Mr. Mondane (or Glenstone) of this duty to us.

We have asked Mr. Mondane to provide us with proof he feels shows his strict compliance with this provision (incl. meeting minutes). Mr. Mondane instead of simply providing us the proof, through the time and expense of an attorney, after the deadline for responding, referred us to Glenstone's corporate records (stored in Lombard) without telling us all of what we should be looking for as asked. He also added prohibitive fees and costs not provided by law to our doing so. Assuming Mr. Mondane lawyered up for no good reason and did obtain the required prior written consent (which I deny), this would only allow Mr. Mondane only to 'seek' an agreement.

Furthermore, this prior written consent changes nothing as far as Glenstone's Declaration, the ownership of any lot affected or any easement appurtenant and running with any lot. This would have to be done through a recorded amendment or easement in the form of an "instrument" signed by 75% of the Owners, or an individual Owner(s) as circumstances dictate. See Article 9, Section 5 of the Declaration.

So What Happened?

In fact what appears to have happened is that Mr. Mondane had already negotiated an agreement without any prior written consent and worse yet gave Owners who attended the meeting a different description of that agreement knowing it was wrong. In other words, Mr. Mondane had already sought and actually had an agreement before later attempting to obtain Owners' consent to pursue a different deal not obtained. As described this is constructive if not also actual fraud, or both. This is not the first time Glenstone Owners have been subject to such a bait and switch either. See Lake County Sheriff's Case 20-7575.

According to my information this is how the PE proposal/agreement was conveyed in part (pursuant to a letter from Land Partners for PE to Frank Mondane dated January 26, 2018) at a May 9, 2018 Owners meeting and 'vote' (versus 'written consent'):

[1] "Glenstone will divide the line item amount for the maintenance and operation of the water system by the total number of residences in Glenstone plus the residences in CP [now PE] subject to such assessment, and the resulting amount shall be the annual charge to each connected CP [PE] homeowner..." P2. Land Partners, Monthly Assessments.

And, here is the agreement Mr. Mondane previously negotiated, without telling all Owners and without consent, signed the very next day, which is materially different:

[2] "...Developer or its successor owners association shall pay a monthly assessment to Glenstone based upon the total number of gallons of water consumed by [PE]..." See Section 8.

[1] above is a mutual arrangement whereby homeowners of the two communities seem to equally share total costs. And, [2] is where Glenstone Owners pay through regular assessments higher water costs (for Glenstone and PE both), and separately, PE pays Glenstone HOA for water by the gallon.

It's noteworthy that Mr. Mondane NEVER disclosed this provision to all Owners or explained the change, and NEVER provided all Owners a copy of the signed final agreement that I obtained from Dave in 2020, although the Glenstone board allegedly approved it May 9, 2018 following the homeowners' vote, and it was signed May 10, 2018. Likewise it is my understanding PE only gave Dave a copy after questioning from me, having not made it part of PE's PUD application although relevant and referred to therein. Had not Dave provided us the agreement we may still be in the dark. So, why all the secrecy, sleight of hand and double dealing?

Additionally, Glenstone was paid according to the agreement a non-refundable (unless Glenstone defaults) sum of \$25,000 upon signing, and will be unjustly enriched to the tune of \$40,000 (as "reimbursement") for costs already reimbursed by Owners by a way of a prior special assessment.

Misappropriation of the \$25,000 Cash Payment

We have no idea what happened to the \$25,000 Mr. Mondane allegedly received in 2018 because we have also been denied that accounting record, if it exists. The Declaration provides Glenstone must include in calculating Glenstone's annual budget and assessment any "cash income" for the year from operations or use of the common areas. This would include the \$25,000 received from PE, which has gone unreported and its whereabouts unknown.

Why the Village wants to expose any more of its residents to this method of operation is for you to answer.

The Goldberg Property at 3807

Both PE proposed sewer and water connections are on or under our private property at 3807 R.F.D. and the lines run across this and other privately owned property.

Glenstone's Declaration provides: "...Common Areas shall include all private roadways and roadway easements (Roadways) and watermains [sic] located within such roadways [sic]... for said Property for the benefit of the Owners, title to [which] will be deeded to the Association or [as in this case] held by one or more individual owners." Emphasis added. Article 1, Section 4. Furthermore, "[a]ll roads lying within the property [sic] shall remain private and be the sole responsibility of the "Association" [sic] to keep maintained." Emphasis added. Article 6. The "...sole and exclusive use by the Lot Owner is subject only to the permanent and perpetual right and duty of the Association to maintain, restore and replace said storm drainage system and area..." Emphasis added. Article 2, Section 1(f).

These are recurring themes throughout the Declaration, in that Glenstone has the right, duty and easement to maintain, restore, replace or for the upkeep or improvement of Glenstone's infrastructure only (other than that the responsibility of the Lake County Public Works Department ("LCPW")), while the lots themselves and the infrastructure itself remain privately owned although parts are considered 'Common Area'. You should also know, parts of the water main across our property are shown outside the Common Area making what was done all the more egregious. Additional evidence supporting our position is that LCPW bills bi-monthly each Owner, and not Glenstone, for sewer service.

As an officer and director of Glenstone, the law presumes Mr. Mondane knows the Declaration. Given this, what possessed Mr. Mondane to think he or Glenstone could grant easements or sell rights to access property and

infrastructure neither Glenstone nor he owns is anyone's guess. If history is any guide, our guess is that it was predicated on no good. Mr. Mondane and no one from PE or Glenstone EVER discussed anything with us regarding this, but conducted all its negotiation in secret, even to the point of denying us and the public a copy of the agreement, and refusing to record or even propose a conforming amendment to our Declaration. As a result, a Glenstone title search by a prospective owner would turn up nothing about this. We don't believe this is an accident or oversight, but an intentional attempt to secretly profit at our expense (e.g., with the \$25,000) while keeping us and others ignorant of what was happening with our property. In fact most all the information we have comes from third parties, such as neighbors and the Village, which we much appreciate.

Is Glenstone Otherwise Operating Outside the Law?

State law requires Glenstone to operate with a minimum of three members of its board of directors drawn from the ranks of Owners. Glenstone itself and thru its attorneys refuse to provide evidence that all three of its three-man BOD have a controlling interest in a Glenstone lot, and is therefore eligible to hold office. Despite repeated requests and a lawsuit, Glenstone and its attorneys have (once again and repeatedly) denied us this proof. See 805 ILCS 105/108.10(a) and 765 ILCS 160/1-25(a).

On this basis alone, no action with regard to any alleged PE/Glenstone agreement or application premised thereon, should be undertaken by the Village until Glenstone can show us it is operating lawfully within the Village.

Financial Exploitation of an Elderly Person

We are 25-year residents of Long grove and Lake County, and are 70 years-old. A person commits financial exploitation of an elderly person 60 years or older when he or she stands in a fiduciary relationship with the elderly person(s), and he or she illegally uses the assets or resources of an elderly person. The illegal use of the assets (in this case our land, sewer and water main for proposed payments totaling \$215,000+), includes, but is not limited to, the misappropriation of assets by undue influence, breach of a fiduciary relationship, fraud, deception or use of the assets or resources contrary to law.

Glenstone by and through Mr. Mondane and its questionable board of directors, have illegally used our property for monetary gain by selling access to our land contrary to law, through misappropriation, fraud, deception, concealment, pretense, conspiracy and by otherwise breaching its/their fiduciary duty to us. Based on the above, there is no doubt this is the case.

Owing to the fact that all the conditions of the Criminal Code at 720 ILCS 5/17-56 have been met as outlined, beyond a reasonable doubt, we ask the Village to recommend the prosecution of all those involved in the financial exploitation of us as elderly persons and our neighbors similarly situated, as complained herein.

Best regards,

Phil Goldberg and Cynthia Mattia-Goldberg

-----Original Message-----

From: Bill Jacob LAST_NAME <billjacob@comcast.net>

To: bctd84a@aol.com

Cc: jhogue@longgroveil.gov <jhogue@longgroveil.gov>; bill.jacob@longgroveil.gov <bill.jacob@longgroveil.gov>;

Victor.Filippini@filippinilawfirm.com <Victor.Filippini@filippinilawfirm.com>; wilson5279@comcast.net

<wilson5279@comcast.net>; bballing@longgroveil.gov <bballing@longgroveil.gov>

Sent: Mon, Nov 16, 2020 8:26 pm

Subject: Re: Criminal Trespass to Property - Philip Estates LLC

Phil,

I sending a note back to let you know that your message was received and is being looked into.

James Hogue

From: bctd84a@aol.com
Sent: Thursday, July 30, 2020 9:24 AM
To: Anne Kritzmire; Bill Jacob; Chris Borawski; Rita O'Connor; Chuck Nora; Jennifer Michaud
Cc: David Lothspeich; James Hogue; gwilson5279@comcast.net; wilson5279@comcast.net; victor.filippini@filippinilawfirm.com
Subject: Philip Estate Subdivision PUD- Request for Reconsideration

Ladies and Gentlemen:

I am writing to ask you to reconsider treating the proposed Philip Estates subdivision as just another PUD application. What requires more preliminary work is the unique water supply arrangement between two (otherwise independent) subdivisions. To my knowledge this has never been done before in the Village. (Any rumor that the Briarcrest subdivision is operating under such an arrangement is unfounded.)

Right now what we have is a Glenstone membership approval 'vote' based on one description of the terms (provided with the notice of the vote), and a contemporaneous agreement signed between the parties (i.e., PE's manager and Glenstone's president) containing different terms following the vote (i.e., Glenstone members were given one thing and the Glenstone Board did materially another without advising members in writing of the change). See page 2, Monthly Assessments of Land Partners' letter versus Section 8 of the agreement. This signed agreement only recently has been shared with the Village and me (thanks to Dave) although it was signed over two years ago! To my knowledge, it was not recorded and not made part of the PE PUD application for the benefit and information of the Plan Commission or members of the public that might like to comment.

Its final terms raise questions for me about whether such an arrangement may violate Glenstone's not-for-profit corporation status. Clearly from the agreement Glenstone is engaging in a for profit business. As importantly based on the way the arrangement is structured, whether Glenstone must collect and pay taxes from the sale of water by the gallon to PE 'consumers' connected to Glenstone's separately maintained and managed system. As a layman and Glenstone member, I would have like to have seen a legal and tax opinion from the parties' attorneys concerning this, prior to any binding members' vote. This is why I am asking the Village Board to consider an amendment to the Village Code to outline a procedure requiring this.

While there is nothing wrong per se with a side agreement, that agreement should be incorporated by reference, if not directly into each subdivision's recorded Declaration, as a proposed amendment in Glenstone's case, requiring in final form both the membership and Village's approval (versus the bait, switch and cover-up we've seen here). At this point I don't know that this will ever happen in the case of Glenstone, unless mandated. I hope you will take this opportunity to outline a rational procedure for the protection of everyone, especially if you think this might be used in the future.

Best regards,
Phil Goldberg

-----Original Message-----

To: dlothspeich@longgroveil.gov <dlothspeich@longgroveil.gov>
Cc: Anne.Kritzmire@LongGrovelL.gov <Anne.Kritzmire@LongGrovelL.gov>; Bill.Jacob@LongGrovelL.gov <Bill.Jacob@LongGrovelL.gov>; Chris.Borawski@LongGrovelL.gov <Chris.Borawski@LongGrovelL.gov>; Rita.Oconnor@LongGrovelL.gov <Rita.Oconnor@LongGrovelL.gov>; chuck.nora@longgroveil.gov <chuck.nora@longgroveil.gov>; jennifer.michaud@longgroveil.gov <jennifer.michaud@longgroveil.gov>; jhogue@longgroveil.gov <jhogue@longgroveil.gov>
Sent: Tue, Jul 28, 2020 3:31 pm
Subject: Philip Estate Subdivision PUD- Request for Referral

Dave-

While we can all agree that the revenue (donations) from the proposed PUD is welcomed, I hope we can also agree the

James Hogue

From: bctd84a@aol.com
Sent: Monday, July 27, 2020 10:09 AM
To: David Lothspeich
Cc: Anne Kritzmire; Bill Jacob; Chris Borawski; Rita O'Connor; Jennifer Michaud; Chuck Nora; Bobbie O'Reilly; James Hogue; dshaw@Rothschild.com
Subject: Re: Philip Estate Subdivision PUD- Request for Referral

Dave-

Now that I have had more time to review the docs submitted to the Village by Philip Estates, I see from page 23 Note 3 of its PUD Application that it is claiming it has a signed agreement with Glenstone HOA as follows:

"AN AGREEMENT WITH GLENSTONE-UNIT2 OWNER'S [SIC] ASSOCIATION HAS BEEN SIGNED TO ALLOW CONNECTION OF THE SANITARY SEWER AND EXTENSION OF THE WATERMAIN [SIC]."

As my wife and I, as owners of the property where the connections are to be made, were never given the courtesy of being able to discuss any of this, we also have never been paid the courtesy as Glenstone owners and members of being given a copy of any such agreement directly affecting us. We know of no Glenstone board of directors meeting duly called and noticed for the purpose of approving such an agreement with Philip Estates, as required. Like us I have reason to believe many Glenstone owners have been left out in the cold. This being as it may, I want to expand on my belief that no such agreement is possible under our Declaration as written for the additional following reasons:

- 1) Glenstone is not entitled to act to encumber any Outlot or Common Area as planned, without 75% of all owners giving their prior written approval.
- 2) Glenstone is not entitled to change the method of assessing an owner (in this case for the cost of water) without 75% of all owners giving their prior written approval.
- 3) No part of Glenstone may be used for business purposes (as in this case the selling access to our sewer and water to third parties not covered by the Declaration).

I know of no legal opinion arguing otherwise.

Clearly, our Declaration never contemplated any such arrangement outside of Glenstone Units I, II and III. I am very much concerned about our insurance coverage and our personal liability should something go wrong under an agreement that appears to violate the Declaration and law. I am very much concerned about our current well operator handling expanded operations. Given the mishandling of this by our current board of directors I am also concerned about it assuming any more responsibility, and whether the board is even legally constituted. I don't think it is in the best interest of the Village, Glenstone residents and the future residents of Philip Estates to proceed until all the issues raised are satisfactorily sorted and everyone is able to get on the same page.

Regards,
Phil

-----Original Message-----

From: David Lothspeich <dlothspeich@longgroveil.gov>
To: bctd84a@aol.com <bctd84a@aol.com>
Cc: James Hogue <jhogue@longgroveil.gov>; DShaw@FoxRothchilds.com <DShaw@FoxRothchilds.com>; Bill Jacob

proper way to go about this novel proposal of 'well sharing' is through a duly approved (and recorded) set of Declarations of Covenants, Conditions and Restrictions. In Glenstone's case that would be through amendments to its current Declaration (and Subdivision Plat) following the prescribed amendment procedure. It and a conformed Philip Estates Declaration (in draft form to the extent necessary) would then be made part of the PE PUD application and public record (versus solely through an unrecorded secreted side agreement kept not only from Glenstone Owners and the public, but the Village until just yesterday). This is a proven and most efficient process versus the alternative undertaken.

Frankly, I cannot imagine anyone buying a house in PE or Glenstone where this is not done! Property in both subdivisions would be made unmarketable.

The idea that there is now a separate side agreement (executed under dubious circumstances and without evidence of any due Glenstone board of directors approval) and a conflicting governing and binding Glenstone Declaration is a prescription for conflicts, rancor and problems where clearly this can and should be avoided. The Village should not turn a blind eye or be deaf to my calls for a lawful, orderly and rational process, versus the Village ignoring this call and setting the stage for continued angst and controversy.

For this reason I ask the Village Board defer the PE PUD application until the above recommended process can be completed, so an informed, thoughtful and *complete* review can be done.

Thanks again for your efforts on our behalf.

Phil

-----Original Message-----

From: David Lothspeich <dlothspeich@longgroveil.gov>

To: bctd84a@aol.com <bctd84a@aol.com>

Cc: James Hogue <jhogue@longgroveil.gov>; Bill Jacob <bill.jacob@longgroveil.gov>; Chris Borawski <chris.borawski@longgroveil.gov>; Shaw, David L. <dshaw@foxrothschild.com>; Victor Filippini (victor.filippini@filippinilawfirm.com) <victor.filippini@filippinilawfirm.com>; Betsy Gates-Alford <Betsy.Gates@filippinilawfirm.com>

Sent: Tue, Jul 28, 2020 9:47 am

Subject: RE: Philip Estate Subdivision PUD- Request for Referral

Phil,

Mr. Shaw provided the attached and Village Counsel (copied) reviewed the Contract and concluded that on its face appears to be valid, and it contains representations from the parties that all approvals have been authorized. In addition, the question of whether the subject well can provide sufficient water to serve the proposed Canterbury Park PUD is not something we can evaluate at this time. The various disputes identified are private, not Village, issues. The issue before the Village Board at this stage is simply whether to refer the Phillips Estate Subdivision request the Application to the PCZBA for hearing and consideration. The referral will **not approve** anything. If the Village were ultimately to approve the Application, such approval will be conditioned upon the ability to secure appropriate utilities. Thus, the concerns raised will ultimately need to get threshed out if the proposed development is to proceed.

As noted, if referred by the Village Board to the PCZBA, the review will include public hearing to work through the details of the proposed development and to assess various infrastructure needs to be certain that the development will be properly supported. As always, the Village encourages residents to participate in this process to result in the best "end product" for the Village as a whole. The Village Board will be considering the referral this evening and all interested are welcome to participate through the link included in the attached July 28, 2020 Board Agenda.

Please let me know if you have any further questions.

Regards,

Dave

David Lothspeich
Village Manager
Village of Long Grove, Illinois

LEGAL NOTICE
VILLAGE OF LONG GROVE, ILLINOIS
NOTICE OF A PUBLIC HEARING FOR
CONSIDERATION OF A REQUEST FOR: 1) A ZONING
MAP AMENDMENT FROM THE "R-1" PUD ZONING
DISTRICT TO THE R-2 PUD ZONING DISTRICT AND 2).
A SPECIAL USE PERMIT TO ALLOW PRELIMINARY
APPROVAL OF A 19 LOT PLANNED UNIT
DEVELOPMENT/SUBDIVISION TO BE KNOWN AS THE
PHILLIP ESTATES SUBDIVISION INCLUDING A
DENSITY BONUS AND/OR ADDITIONAL RELIEF
NECESSARY AND/OR APPROPRIATE UNDER THE
ZONING CODE TO ALLOW A PLANNED UNIT
DEVELOPMENT ON PROPERTY ZONED UNDER THE
R-2 PUD DISTRICT WITHIN THE
VILLAGE OF LONG GROVE, ILLINOIS.

PUBLIC NOTICE IS HEREBY GIVEN that on Tuesday, March 2 2021 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, at the Long Grove Village Hall, 3110 RFD, Long Grove, Illinois 60047, Lake County, Illinois, (unless otherwise posted) in connection with a petition for zoning map amendment (reclassification) of property from the R-1 PUD Zoning District to the R-2 PUD Zoning District and a Special Use Permit to allow preliminary approval of 19 Lot Planned Unit Development/Subdivision to be known as the Phillip Estates PUD/Subdivision including a 15% density bonus and/or additional relief necessary and/or appropriate under the zoning code to allow a planned unit development on property zoned under the R-2 PUD District within the Village of Long Grove. Reclassification of the subject property is requested. The subject property is legally described as follows:

Lots 1 through 12, both inclusive, and Lots A through K, both inclusive, in the Canterbury Park PUD, being a subdivision of part of the Northeast 1/4 of Section 26, Township 43 North, Range 10, East of the Third Principal Meridian as described on the plat thereof recorded in the Office of the Recorder of Deeds, Lake County, Illinois on December 22, 2009 as document # 6553804.

Commonly known as: The Canterbury Park PUD - Cuba Road, Long Grove, Illinois, 60047.

PIN's 14-26-201-010 through 14-26-201-032 sequentially. Due to the statewide disaster declaration relating to the COVID-19 pandemic declared by Governor J.B. Pritzker (the "Governatorial Declaration"), the public hearing may be conducted by virtual means. Members of the public may attend the hearing either by web access or telephone using the information below:

Join Zoom Meeting
<https://us02web.zoom.us/j/88274752626?pwd=QUZFMmp5dIRnCGh3Mys8Umx2NFVwU09>
One tap mobile
+13126266799,,88274752626,,,,0#,132435# US (Chicago)
Dial by your location
+1 312 626 6799 US (Chicago)
Meeting ID: 882 7475 2626
Passcode: 132435

If the Governor extends or re-declares the Governatorial Declaration then the Long Grove Village Hall will not be open to the public during the hearing, and the hearing will be conducted solely by virtual means as specified above.

Alternatively, if the Governor does not extend or re-declare the Governatorial Declaration then members of the public may attend the hearing by virtual means as specified above or in person at the Long Grove Village Hall, 3110 Old McHenry Road, Long Grove, Illinois 60047.

Information regarding the closure of Village Hall and access to the hearing will be posted on the Village of Long Grove website: <https://www.longgroveil.gov>. Additionally, the meeting agenda and other written materials relating to the public hearing will be posted on the Village of Long Grove website at least 48 hours prior to the hearing.

All persons who attend the hearing by web access or telephone (or in-person if Village Hall is open to the public) shall have the opportunity to make oral comments and ask questions concerning the proposed variations.

Additionally, any person may submit written comments regarding the proposed variations by email sent to: jhogue@longgroveil.gov. Written comments should include the full name and address of the author. All written comments received prior to or during the public hearing will be included in the official hearing record.

The Plan Commission & Zoning Board of Appeals reserves the rights to continue the hearing to a later date and time and place should that become necessary.

James M. Hogue
Village Planner
Village of Long Grove

Published in Daily Herald February 11, 2021 (4558489)

RECEIVED
FEB 23 2021
VILLAGE OF LONG GROVE

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, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

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 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 02/11/2021 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

Doula Baltz
Authorized Agent

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