

**VILLAGE OF LONG GROVE**

**ORDINANCE NO. 2008-O-26**

**AN ORDINANCE APPROVING A FINAL  
PLANNED UNIT DEVELOPMENT PLAT FOR THE  
STEEPLE VIEW ESTATES PLANNED UNIT DEVELOPMENT**

**WHEREAS**, pursuant to Ordinance No. 2008-O-22 ("**Preliminary PUD Approval**"), the Village granted a special use permit for a planned unit development and approved a preliminary planned unit development plat for the real property consisting of approximately 18.16 acres, commonly known as 1128 R.F.D, and generally located on the south side of Route 53 and north of Manassas Lane in the Village of Long Grove, Illinois ("**Property**"), which Property is legally described in Exhibit A attached to this Ordinance; and

**WHEREAS**, John Ullrich ("**Applicant**"), the current owner of the Property, filed an application requesting approval of a final planned unit development plat to permit the proposed development on the Property of nine single family residential lots and an outlot containing wetlands and open space on the Property ("**Proposed Development**"); and

**WHEREAS**, the Property is currently zoned into the Village's R-2 Zoning District; and

**WHEREAS**, the Plan Commission conducted a public meeting on October 7, 2008, for the purposes of considering Applicant's request for approval of the final planned unit development plat to permit the Proposed Development on the Property; and

**WHEREAS**, during the public meeting, representatives of Applicant presented the following plats and plans for the Proposed Development:

1. Final Plat of Steeple View Estates, consisting of 3 sheets, prepared by Heritage Land Consultants LLC, and last revised on 3 July 2008 ("**Final Plat**");
2. Final Engineering Plans for Steeple View Estates, consisting of 10 sheets, prepared by Heritage Land Consultants LLC, and last revised on 3 July 2008 ("**Final Engineering Plans**"); and
3. Restoration Maintenance and Monitoring Plan, consisting of 2 pages, last revised on August 7, 2008 (together with Sheet 8 of the Final Engineering Plans, the "**Wetlands Restoration Plan**");

attached to this Ordinance as Exhibit B (collectively "***Final PUD Plans***"); and

**WHEREAS**, after the conclusion of the public meeting, the Plan Commission made the following findings based on the evidence and testimony presented by the Applicant:

1. The Proposed Development will be constructed in accordance with the Final PUD Plans, which Plans substantially conform to the Preliminary PUD Approval.
2. Subject to the conditions hereinafter set forth, the construction and maintenance of the Proposed Development on the Property:
  - (a) is consistent with the stated purpose of the planned unit development regulations;
  - (b) meets the requirements and standards of the planned unit development regulations;
  - (c) makes adequate provision for public services, provides adequate control over vehicular traffic, provides and protects designated open space, and furthers the amenities of light and air, recreation, and visual enjoyment;
  - (d) is compatible with the adjacent properties and neighborhood;
  - (e) is not detrimental to the tax base and economic well-being of the entire community; and
  - (f) conforms to the intent and spirit of the comprehensive plan of the Village.
3. The Proposed Development satisfies the requirements for approving a final planned unit development plat to permit the Proposed Development on the Property, subject to the terms and conditions hereinafter set forth;

**WHEREAS**, based on these findings, the Plan Commission recommended that the Final PUD Plans be approved to permit the Proposed Development on the Property; and

**WHEREAS**, the President and Board of Trustees, having considered the recommendations of the Plan Commission and being fully advised in the premises, have determined that it is in the best interests of the Village and its residents to approve the Final PUD Plans to permit the construction of the Proposed Development on the Property, subject to the terms and conditions of this Ordinance as hereinafter set forth;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, STATE OF ILLINOIS,**  
as follows:

**SECTION ONE: Recitals.** The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth.

**SECTION TWO: Approval of the Final PUD Plans.** Pursuant to Chapter 9 of the Long Grove Zoning Code, and subject to the limitations therein and the conditions set forth in Section Four of this Ordinance, the Final PUD Plans shall be, and are hereby, approved to permit the Proposed Development on the Property. Upon satisfaction of the conditions precedent set forth in subsections C, D, E, M, and O of Section Three of this Ordinance, the appropriate Village officials shall be deemed authorized and directed to execute the Final PUD Plans for recording.

**SECTION THREE: Conditions on Approval.** The approvals granted pursuant to Section Two of this Ordinance shall be, and they are hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the reasonable discretion of the President and Board of Trustees, be grounds for the repeal and revocation of the approvals granted herein:

- A. **No Authorization of Work.** This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance unless and until all conditions of this Ordinance precedent to such work have been fulfilled, including without limitation the recordation of a final plat of subdivision and final planned unit development plat, Village Engineer approval of all improvements for the Proposed Development, and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
- B. **Compliance with Laws.** The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village (including engineering standards for any on-site sewage system) shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

- C. Delivery of Final Plat. This Ordinance shall not be effective and the Final Plat shall not be recorded until the Applicant has delivered to the Village the Final Plat with all required signatures (other than those of Village officials), and the Village consultants and staff have reviewed and approved such Final Plat as being in conformance with applicable laws and regulations (including the provisions of this Ordinance) and thereby confirming that it is ready for signature by Village officials.
- D. Other Governmental Approvals. The Final PUD Plans shall not be recorded unless and until Applicant has applied for and obtained all required permits and approvals from governmental bodies and agencies having jurisdiction over the Property and the Proposed Development, including without limitation the Lake County Health Department, Lake County Stormwater Management Commission, Illinois Environmental Protection Agency, Illinois Department of Transportation, Illinois Department of Natural Resources, Lake County Public Works Department, and Lake County Department of Transportation. To the extent such approvals are subject to conditions that affect the Final Engineering Plans, the Final PUD Plans shall not be recorded unless and until the Village Engineer approves any necessary revisions to the Final Engineering Plans and confirms that such revisions do not materially change other elements of the Final PUD Plans.
- E. Improvements. All improvements for the Proposed Development on the Property shall be installed in accordance with the Final PUD Plans, including without limitation the Final Engineering Plans, and shall be subject to the review and approval of the Village Engineer. Prior to the recordation of the Final Plat, the Applicant shall provide security for all required improvements for the Proposed Development, in an amount and form satisfactory to the Village, and in accordance with the applicable provisions of the Village Code, including without limitation Section 6-5-6 of the Code.
- F. Impact Fees. Prior to issuance of any building permit, Applicant shall be responsible for paying impact fees in the amounts required pursuant to Chapter 9 of Title 6 of the Long Grove Village Code.
- G. Roadways. The access lane to Lots 2 and 9 and the roadway within the Proposed Development shall be privately owned and maintained and installed in accordance with the Final PUD Plans, and shall be subject to the review and approval of the Village Engineer and the applicable fire authorities. With the exception of the access lane to Lots 2 and 9, in no event shall the width of any private roadway be less than 20 feet.
- H. Construction Traffic. The Applicant shall ensure all construction-related traffic is directed and managed in accordance with the Construction Traffic Management Plan set forth on Sheet 2 of the Final Engineering Plans.
- I. Wetlands, Pond, and Conservancy, Drainage and Detention Easement. Outlot A as depicted on the Final PUD Plat contains a pond; wetlands area; wetlands buffer area; or conservancy, detention, and drainage easement area ("**Wetlands and Conservancy Areas**"). Notwithstanding any lesser lot area for the Lots 3, 4, and 5 as depicted on the Final PUD Plat ("**Affected Lots**"), the lot areas to be

used for the Affected Lots in calculating maximum floor area under Section 5-3-12 of the Zoning Code shall be the following lot areas:

Lot 3:	62,024 square feet
Lot 4:	58,497 square feet
Lot 5:	65,228 square feet

- J. Building Boxes. For each lot, all primary and accessory structures and uses shall be located within the building lines designated on the Final Plat ("**Building Lines**"); provided, however, fences, driveways, light standards, and flagpoles can be located outside of the Building Lines to the extent such structures and uses are otherwise permitted by the Zoning Code. The location of the Building Lines within any lot may be modified by resolution of the Village Board, without amendment to this Ordinance or a public hearing.
- K. Wetlands Restoration and Monitoring. All wetlands areas, wetlands buffer areas, and woodlands on the site shall be restored, maintained, and monitored in accordance with the Wetlands Restoration Plan.
- L. Scenic Corridor. All work of any nature performed within the 100' scenic easement depicted on the Final Plat (e.g., berming, pathways, plantings, etc.) shall be subject to the prior review and approval of the Conservancy Scenic Corridor Committee.
- M. Declaration of Covenants and Restrictions. Prior to the recordation of the Final PUD Plat, the Applicant shall record a declaration of covenants and restrictions, which declaration shall be subject to the review and approval of the Village Attorney. The declaration shall provide for the preservation of trees within any outlot on the Property, which trees shall be preserved in a manner consistent with conservancy areas in the Village. In addition, the declaration shall provide, among other things, that the ownership and maintenance of all common areas on the Property, including without limitation the common open space, pond, trail, private roadways, and stormwater detention areas shall be the responsibility of the homeowners' association for the Property. In each instance, the Village shall be granted the right, but not the obligation, to inspect and, if necessary, repair, replace, maintain, or otherwise care for such common areas and improvements; provided that the Village shall also have the right to assess its costs in connection with any such actions against the association as well as the individual lots.
- N. Design Standards. Elevations and detailed plans and renderings of the buildings to be constructed on the Property must be submitted for review and approval by the Architectural Commission. The review of elevations and detailed plans and renderings shall include without limitation consideration of details regarding the exterior architectural styles, quality of design and its relationship to the overall development, predominant materials, exterior amenities, and interior amenities. In addition, the Applicant shall comply with the architectural control regulations contained in Section 5-11-19 of the Long Grove Zoning Code. No signage or

exterior lighting for the Property shall be installed without prior approval from the Architectural Commission.

O. Fees and Costs. Applicant shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the Long Grove Zoning Code. In addition, Applicant shall reimburse the Village for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the Village shall have the right to foreclose such lien in the name of the Village as in the case of foreclosure of liens against real estate. Any amounts billed and outstanding before the recordation of the Final Plat must be paid as a condition precedent to such recording.

P. Transferees. The rights and obligations set forth in this Ordinance shall be binding on the Applicant and upon any and all of the Applicant's heirs, successors, and assigns, and upon any and all successor legal or beneficial owners of all or any portion of the Property. To the extent that a successor becomes bound to the obligation created herein pursuant to a transferee assumption agreement acceptable to the Village, and such successor demonstrates to the Village that it has the financial viability to meet the obligations herein, the Applicant shall be released from its obligations under this Ordinance to the extent of the transferee's assumption of such liability. The failure of the Applicant to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the Applicant remaining fully liable for all of its obligations under this Ordinance but shall not relieve the transferee of its liability for all such obligations as a successor to Applicant.

In addition, any violation of this Ordinance shall be deemed a violation of the Long Grove Zoning Code and shall subject the Applicant to enforcement proceedings accordingly.

**SECTION FOUR: Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall be of no force or effect unless and until the Applicant has (i) caused duly authorized representatives of the Applicant to execute and (ii) thereafter files with the Village its unconditional agreement and consent, in the form attached hereto as Exhibit C and by this reference incorporated herein and made a part hereof; provided further that, if the Applicant does not so file its unconditional agreement and consent within 30 days following the passage of this Ordinance, the Village Board may, in its discretion and without public notice or hearing, repeal this Ordinance and thereby revoke the approvals

granted in this Ordinance. Upon this Ordinance having full force and effect, the Village Clerk shall cause it to be recorded in the Office of the Lake County, Illinois Recorder of Deeds.

PASSED this 11th day of November, 2008.

AYES: (6) Trustees Acuna, Barry, Hannon, Lazakis, Schmitt, and Wachs

NAYS: (0)

ABSENT: (0)

APPROVED this 11th day of November, 2008.

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Village President, Maria Rodriguez

ATTEST:

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Village Clerk, Karen Schultheis

[# 5722607\\_v4](#)

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF PROPERTY**

#### **LEGAL DESCRIPTION:**

PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF LONG GROVE, LAKE COUNTY, ILLINOIS.

P.I.N. Nos. 14-25-400-014, 15-30-300-001

**EXHIBIT B**  
**FINAL PUD PLANS**

*[ATTACH PLANS]*

## EXHIBIT C

### UNCONDITIONAL AGREEMENT AND CONSENT

Pursuant to Section Four of Long Grove Ordinance No. 2008-O-\_\_\_, and to induce the Village of Long Grove to grant the approvals provided for in such Ordinance, the undersigned acknowledges for itself and its successors and assigns in title to the Property that it

1. has read and understands all of the terms and provisions of said 2008-O-\_\_\_;
2. hereby unconditionally agrees to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, the Long Grove Zoning Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the use of the Property, and that the Village's issuance of any permit does not, and shall not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time;
4. acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right;
5. agrees to and does hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of these parties in connection with the Village's adoption of the Ordinance granting the approvals to the Applicant pursuant to the Ordinance; and
6. represents and acknowledges that the person signing this Unconditional Agreement and Consent is duly authorized to do so on behalf of the Applicant.

**JOHN ULLRICH**

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

**VILLAGE OF LONG GROVE**

**ORDINANCE NO. 2008-O-26**

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PLANNED UNIT DEVELOPMENT PLAT FOR THE  
STEEPLE VIEW ESTATES PLANNED UNIT DEVELOPMENT**

Adopted by the  
President and Board of Trustees  
of  
the Village of Long Grove  
this 11<sup>th</sup> day of November, 2008

Published in pamphlet form by direction  
and authority of the Village of Long Grove,  
Lake County, Illinois  
this 11<sup>th</sup> day of November, 2008

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