

**VILLAGE OF LONG GROVE
ORDINANCE NO. 2022-O-___**

**AN ORDINANCE APPROVING A MINOR AMENDMENT
TO THE (SUNSET GROVE) HR-1 HIGHWAY RETAIL FINAL PLANNED UNIT
DEVELOPMENT REGARDING SELF ILLUMINATED AND INTERNALLY ILLUMINATED SIGNS**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ___ day of September, 2022

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ___ day of September, 2022

VILLAGE OF LONG GROVE

ORDINANCE NO. 2022-O-___

**AN ORDINANCE APPROVING A MINOR AMENDMENT
TO THE (SUNSET GROVE) HR-1 HIGHWAY RETAIL FINAL PLANNED UNIT
DEVELOPMENT REGARDING SELF ILLUMINATED AND INTERNALLY ILLUMINATED SIGNS**

WHEREAS, pursuant to Ordinance No. 2008-O-09 and 2008-O-27, as amended from time to time, ("**Original PUD Approvals**"), the Village of Long Grove granted a final planned unit development approval for the (Sunset Grove) HR-1 Highway Retail Planned Unit Development ("**Planned Unit Development**"); and

WHEREAS, the Planned Unit Development granted approval for a mixed-use development on certain real property generally located at the southeast corner of Illinois Route 83 and Aptakisic Road, legally described on the attached Exhibit A to this Ordinance ("**Property**"); and

WHEREAS, Section 3(H) of the Original PUD Approvals prohibits electronic sign boards, neon signage, flashing signage, and internally illuminated signs within the development; and

WHEREAS, Section 5-9-5(D)(1)(a) of the Long Grove Zoning Code prohibits self-illuminated or internally illuminated signs within the village; and

WHEREAS, Section 5-11-18(l)(2) of the Long Grove Municipal Code authorizes the Village planner to approve minor changes to a Planned Unit Development which do not change the concept or intent of the development without going through the "preliminary approval" steps; and

WHEREAS, on June 20, 2022, the Long Grove Architectural Commission held a public meeting to consider a request to allow an internally illuminated sign for TTO Bokki to be located at 4196 IL Route 83 and within the Planned Unit Development; and

WHEREAS, the Long Grove Architectural Commission voted 5 to 0 in favor of the proposed signage for TTO Bokki; and

WHEREAS, Sunset Grove Development, LLC ("**Owner**") is the owner of the Property and has submitted a request for the Village Board to formally consider this Ordinance approving a minor amendment to the Original PUD Approvals to allow for self and internally illuminated signage for TTO Bokki and other users on the Property within the Planned Unit Development as hereinafter set forth (the "**Proposed Amendment**"); and

WHEREAS, the President and Board of Trustees find that authorization of the Proposed Amendment is a minor change to the Planned Unit Development, not requiring an adjustment to the Final Plat, and have determined that it is in the best interests of the Village and its residents to amend the Original PUD Approvals to permit self and internally illuminated signage, subject to the terms and conditions of this Ordinance as hereinafter set forth.

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

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

SECTION TWO: Minor Amendment to the Planned Unit Development. Pursuant to Section 5-11-18(l)(2) of the Long Grove Zoning Code, and subject to the conditions set forth in Section Three of this Ordinance, the Original PUD Approvals shall be amended, in part, with respect to Section 3(H) as follows:

"H. Signage. All signage for the Proposed Development shall be located and installed in accordance with the Final PUD Plans. No more than 70% of the "Designated Zone for Placement of Signage and Graphics" depicted on the building elevations included within the Final Signage Plan may be occupied by tenant signage. "Alternate Sign 'A'", as

depicted on the Final PUD Plans, may contain any of the following combinations of "Top Panels" (20 square feet of signage) and "Other Panels" (7.6 square feet of signage), as such panels are depicted on the Final Signage Plan: (i) four (4) Top Panels and zero (0) Other Panels; (ii) three (3) Top Panels and two (2) Other Panels; (iii) two (2) Top Panels and four (4) other Panels; (iv) one (1) Top Panel and six (6) Other Panels; or (v) zero (0) Top Panels and eight (8) Other Panels. The size, color, copy, and materials of all tenant signage including, but not limited to, the window treatments of the drug store (Building "D"), shall be subject to Architectural Commission review and approval. Any approved signage may be replaced by signage in the same location and of equivalent or smaller size, subject to Architectural Commission review and approval. Any other additional or replacement signage must undergo full review for a sign permit and receive Architectural Commission approval in accordance with the Village Code. Electronic sign boards, neon signage, and flashing signage, ~~and internally illuminated signage~~ shall be prohibited. **Notwithstanding Section 5-9-5(D)(1)(a) of the Long Grove Zoning Code, self and internally illuminated signs not exceeding 20 square feet in area shall be permitted within the Development, subject to approval by the Architectural Commission as required by Section 5-11-20(D)3 of the Long Grove Zoning Code.**

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

- a. Continued Effect of the Planned Unit Development. Except as expressly modified by this Ordinance, the Original PUD Approvals shall remain in full force and effect, and the Owner shall comply with all requirements, conditions, and restrictions therein.

- b. Compliance with Laws. Except as otherwise provided in this Ordinance and the Original PUD Approvals, the Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village shall continue to apply to the Property. In addition, 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. Fees and Costs. Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the Long Grove Village Code. In addition, the Owner shall reimburse the Village for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or 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.

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

SECTION FOUR: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law. Upon this Ordinance having full force and effect, the Village Clerk shall cause it to be recorded in the Office of the Lake County, Illinois Recorder of Deeds.

PASSED this ___ day of September, 2022.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this ___ day of September, 2022.

Bill Jacob, Village President

ATTEST:

Michele Schmitke, Village Clerk

EXHIBIT A

Depiction of Subject Property



Commonly known as (Sunset Grove) HR-1 Highway Retail Planned Unit Development

4186 IL Route 83, 4188 IL Route 83, 4190 IL Route 83, 4192 IL Route 83, 4194 IL Route 83, 4196 IL Route 83, and 4198 IL Route 83, Long Grove, IL 60047.

PINs: 15-30-203-015, 15-30-203-017, 15-30-203-014, 15-30-203-012, 15-30-203-011, 15-30-203-203,15-30-203-022

EXHIBIT B

Unconditional Agreement and Consent

Pursuant to Section Four of Long Grove Ordinance No. 2022-O-__ and to induce the Village of Long Grove to grant the approvals provided for in such Ordinance, the undersigned acknowledge for themselves and their successors and assigns in title to the Property that they:

1. have read and understand all of the terms and provisions of said Ordinance No. 2022-O-__;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, Ordinance No. 2008-O-09, Ordinance No. 2008-O-27, and any amendments thereto, the Long Grove Zoning Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledge and agree 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 Owner against damage or injury of any kind and at any time;
4. acknowledge 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 agree not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right;
5. agree to and do 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 Owner pursuant to the Ordinance; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Owner of the Property.

OWNER:

By: _____

Its: _____