

VILLAGE OF LONG GROVE

ORDINANCE NO. 2023-O-_____

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
AUTHORIZE A FIRE STATION IN THE R2 RESIDENTIAL ZONING DISTRICT
(5159 & 5161 Aptakisic Road)**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ____ day of October, 2023

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ____ day of October, 2023

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AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
AUTHORIZE A FIRE STATION IN THE R2 RESIDENTIAL ZONING DISTRICT
(5159 & 5161 Aptakisic Road)

WHEREAS, the property commonly known as 5159 and 5161 Aptakisic Road, Long Grove Illinois, and legally described in Exhibit A hereto (the "**Property**"), is located within the R-2 Residential District under the Zoning Code ("**Zoning Code**") of the Village of Long Grove (the "**Village**"); and

WHEREAS, the Long Grove Fire Protection District ("**Applicant**") desires to purchase the Property and proposes to construct and maintain a new fire station thereon; and

WHEREAS, Section 5-3-6(F) of the Zoning Code provides that fire stations are permitted in the R-2 Single Family Residence District only pursuant to a special use permit; and

WHEREAS, the Applicant has applied to the Village for a special use permit pursuant to Sections 5-3-6(F) and 5-11-17 of the Zoning Code to authorize the construction and maintenance of a fire station on the Property ("**Requested SUP**"); and

WHEREAS, the Requested SUP would include the construction of a new fire station, garages, an accessory storage facility, and related parking and access ways (the "**Station Facilities**"); and

WHEREAS, Applicant has submitted various materials in support of its application for the Requested SUP, including the following plans and specifications:

- (a) A sample "**Site Plan**" consisting of one sheet prepared by FGM Architects;
- (b) Architectural examples consisting of seven sheets of the type of fire station that the Applicant intends to construct;
- (c) Sight line views consisting of 5 sheets;
- (d) Response time maps consisting of two sheets;

- (e) Average of latest ADT counts consisting of five sheets provided by the Lake County Division of Transportation; and
- (f) ALTA/NSPS Land Title Survey of the Property dated July 3, 2023 by Morris Engineering, Inc.

copies of which are attached hereto as Exhibit B and incorporated herein (collectively, the “**Documents**”); and

WHEREAS, pursuant to notice duly published in the *Daily Herald*, the Village’s Plan Commission and Zoning Board of Appeals (“**PCZBA**”) commenced a public hearing on July 18, 2023 regarding the Requested SUP, which hearing was continued to August 15, 2023; and

WHEREAS, the PCZBA further conducted the public hearing on August 15, 2023 regarding the Requested SUP and recommended that it be denied as incomplete; and

WHEREAS, the Village Board received a report regarding the recommendation of the PCZBA at its August 22, 2023 meeting and set the matter for discussion at its September 12, 2023 meeting; and

WHEREAS, the Village Board received additional materials related to the Requested SUP from the Applicant and considered the Requested SUP at its September 12, 2023 meeting, at which time the Village Board remanded the matter back to the PCZBA for further consideration and deliberations; and

WHEREAS, pursuant to notice duly published in the *Daily Herald*, the PCZBA conducted a further public hearing on remand during its October 3, 2023 meeting regarding the Requested SUP; and

WHEREAS, during the public hearing the PCZBA made findings with respect to the Requested SUP and, based on those findings, the PCZBA recommended that the Applicant be granted the Requested SUP, subject to certain terms and conditions; and

WHEREAS, the Village Board, having considered (a) the Applicant’s application and Documents in support thereof, (b) the written comments, testimony, and other evidence

presented by the Applicant and all other interested parties, and (c) the findings and recommendations of the PCZBA, and otherwise being fully advised in the premises, hereby makes the following findings with respect to the Requested SUP:

1. The Property is located in the R-2 Residential District under the Zoning Code;
2. According to the application materials, Documents, testimony, and other evidence, Applicant intends to construct and maintain a fire station with the Station Facilities on the Property.
3. The evidence presented demonstrates that, subject to the conditions hereinafter set forth, locating a fire station on the Property:
 - (a) is deemed necessary for the public convenience;
 - (b) is designed, located, and proposed to be operated to protect the public health, safety, and welfare;
 - (c) has not been shown to cause substantial injury to the value of other property in the neighborhood of the Property;
 - (d) conforms with the applicable regulations of the R-2 District; and
 - (e) will be constructed by the Applicant on the Property, and the Applicant has demonstrated the capability and capacity, including without limitation the technological, personnel, and financial resources, to complete the project as proposed;
5. The evidence presented demonstrates that the Applicant's proposal satisfies all requirements of the Zoning Code for granting the Requested SUP, subject to the terms and conditions hereinafter set forth; and

WHEREAS, based on such findings, the President and Village Board have determined that it is in the best interests of the Village and its residents to grant the Applicant the Requested SUP to allow the construction and maintenance of a fire station with the Station Facilities 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. **Grant of Special Use Permit to Locate a Fire Station on the Property.** Pursuant to Section 5-3-6(F) of the Zoning Code, and subject to the limitations therein and the conditions set forth in Section Three of this Ordinance, the Applicant is hereby granted a special use permit to authorize the construction and use of a fire station on the Property in general accordance with the Documents attached hereto as Exhibit B.

SECTION THREE: Conditions on Approval. The special use permit granted pursuant to Section Two of this Ordinance shall be, and is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the reasonable discretion of the President and Board of Trustees, be grounds for the repeal and revocation of the special use permit without further public notice or public hearing:

- A. Compliance with Laws. The fire station and Station Facilities shall be installed, operated, and maintained in accordance with the terms of this Ordinance and all other applicable laws, codes, ordinances, and regulations, including but not limited to the Village's watershed development, stormwater, and drainage ordinances and regulations. Additionally, the Applicant must seek relief from the appropriate boards and commissions in connection with the development of the Property, as provided in the Village Code and this Ordinance.
- B. No Authorization of Work; Permits. This Ordinance does not authorize commencement of any work on the Property. Prior to commencing any such work, the Applicant shall be required to properly apply for, pay for, and obtain all necessary permits, licenses, approvals, and other authorizations from the Village and any other governmental agency having jurisdiction over the Property and the fire station (including, but not limited to, any stormwater and watershed development permits required by Village ordinances) in accordance with applicable law. The Applicant shall maintain all such licenses, permits, and approvals as required by law and shall provide copies of such licenses, permits, and approvals to the Village, and evidence of any required renewal or extension thereof, when requested by the Village Manager. All work relating to the installation, operation, and maintenance of the fire station and Station Facilities shall be performed in accordance with all applicable laws, codes, ordinances, regulations, and permit terms and conditions.
- C. Site Plan. Prior to the issuance of any permits for site grading or other work on the Property, Applicant shall deliver to the Village a detailed and fully scaled site plan (the "**Final Site Plan**") for the Property showing the Station Facilities and demonstrating compliance with all standards in the Zoning Code. The Final Site Plan shall be subject to the review and approval of the Village Manager, in consultation with the Village Planner, Village Engineer, and Village Attorney. Upon approval of the Final Site Plan by the Village Manager, the development of the Property and the Station Facilities thereon shall strictly comply with such Final Site Plan, unless expressly approved in writing by the Village Manager. Notwithstanding the foregoing, to the extent that the Final Site Plan

requires any further zoning relief from the Zoning Code, Applicant shall be required to pursue such additional zoning relief in accordance with the Zoning Code.

- D. Landscaping. Prior to the issuance of any permits for site grading or other work on the Property, Applicant shall submit a detailed landscaping plan that demonstrates that the Property, as developed with the Station Facilities, conforms to the buffer, screening, and landscaping requirements of Section 5-9-7 of the Zoning Code. Upon the determination of the Village Manager, in consultation with the Village Planner, Village Forester, Village Engineer, and Village Attorney, that such detailed landscaping plan satisfies the requirements of the Zoning Code, the Village Manager shall formally approve the landscaping plan (the "**Final Landscaping Plan**"), and the development of the Property and the Station Facilities thereon shall strictly comply with such Final Landscaping Plan, unless expressly approved in writing by the Village Manager. Notwithstanding the foregoing, to the extent that the detailed landscaping plan does not fully satisfy the requirements of Section 5-9-7 of the Zoning Code, the Applicant may request approval of modifications to such requirements, which modifications the Village Board may grant without public hearing by adoption of a resolution setting forth any such modifications; whereupon, the Village Manager shall review the detailed landscaping plan for approval as set forth in this Subsection D.

- E. Lighting. Prior to the issuance of any building permits for the Property, Applicant shall submit a detailed lighting plan that demonstrates that the Property, as developed with the Station Facilities, conforms to the exterior lighting requirements of Section 5-9-9 of the Zoning Code. Upon the determination of the Village Manager, in consultation with the Village Planner, Village Forester, Village Engineer, and Village Attorney, that such detailed lighting plan satisfies the requirements of the Zoning Code, the Village Manager shall formally approve the lighting plan (the "**Final Lighting Plan**"), and the development of the Property and the Station Facilities thereon shall strictly comply with such Final Lighting Plan, unless expressly approved in writing by the Village Manager. Notwithstanding the foregoing, to the extent that the detailed lighting plan does not fully satisfy the requirements of Section 5-9-9 of the Zoning Code, the Applicant may request approval of modifications to such requirements, which modifications the Village Board may grant without public hearing by adoption of a resolution setting forth any such modifications; whereupon, the Village Manager shall review the detailed lighting plan for approval as set forth in this Subsection E.

- F. Utilities. Prior to the issuance of any permits for site grading or other work on the Property, Applicant shall submit a utility plan setting forth the provisions for public water service and public sanitary sewer service for the Property, as developed with the Station Facilities. Upon the determination of the Village Manager, in consultation with the Village Engineer, that such utility plan reasonably satisfies all applicable requirements of law, the Village Manager shall formally approve the utility plan (the "**Final Utility Plan**"), and the development of the Property and the Station Facilities thereon shall strictly comply with such Final Utility Plan, unless expressly approved in writing by the Village Manager. In connection with the foregoing, to the extent that the Applicant extends any public water service facilities to the Property or beyond that are capable of serving other properties within the Village (the "**Oversized Water Facilities**"), the Village agrees to enter into a reasonable recapture agreement with the Applicant to allow the Applicant to recover a proportionate amount of the costs of such Oversized Water Facilities (the "**Recapture Agreement**"). The terms of the Recapture Agreement shall be consistent with similar agreements to which the Village has entered from time to time. Regarding

sanitary sewer service, Applicant shall also be required to deliver to the Village copies of required permits from the Lake County Public Works Department and any other relevant State or County agency to demonstrate the availability of sanitary sewer service for the Property as developed with the Station Facilities. To the extent that the Applicant seeks to develop the Property with the Station Facilities in reliance upon any on-site potable water or sewage disposal system, Applicant shall be required to request the Village to utilize such facilities, and the Village Board may grant such request upon passage of a resolution granting such request subject to appropriate conditions, but only after the Village Board has conducted a public hearing regarding such request pursuant to notice consistent with the notices required for a special use permit under the Zoning Code.

- G. Stormwater Management and Wetlands. Prior to the issuance of any permits for site grading or other work on the Property, Applicant shall submit a detailed stormwater management plan that demonstrates that the Property, as developed with the Station Facilities, conforms to the requirements of the Lake County Watershed Development Ordinance (as adopted by reference by the Village), as well as a wetland protection and mitigation plan, to the extent that the development of the Property with the Station Facilities impacts any wetlands on the Property. Upon the determination of the Village Manager, in consultation with the Village Engineer, that such detailed stormwater management and wetland protection and mitigation plans satisfies the requirements of applicable law, the Village Manager shall formally approve such plans (the “**Final Stormwater/Wetland Plans**”), and the development of the Property and the Station Facilities thereon shall strictly comply with such Final Stormwater/Wetlands Plans, unless expressly approved in writing by the Village Manager.
- H. Traffic. Prior to the issuance of any permits for site grading or other work on the Property, Applicant shall submit to the Village detailed plans and approvals from the relevant roadway jurisdictions to demonstrate that the Property, as developed with the Station Facilities, conforms to the applicable access and traffic management requirements and standards of such roadway jurisdictions.
- I. Fees and Costs. The Applicant shall be responsible for paying all applicable fees related to the granting of the approvals set forth herein in accordance with the Zoning Code. In addition, the 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; provided, however, that the Village Board may, in its discretion, approve modifications to the foregoing reimbursement requirement by resolution. Any amount not paid within 60 days after delivery of a demand in writing for such payment shall incur interest, and the Applicant shall be liable for the reasonable costs of collection incurred by the Village as an enforcement expense under this Ordinance. Prior to the issuance of any permits for site grading or other work on the Property, the Applicant shall be required to (i) have paid any and all outstanding fees and expenses due and owing the Village pursuant to this Subsection I, and (ii) establish an escrow with the Village in an amount reasonably determined by the Village Manager and consistent with Village Code and ordinance provisions to cover the costs of implementing this Ordinance, including required reviews of plans and related documentation.
- J. Transferees. The rights and obligations set forth in this Ordinance shall be binding on the Applicant, any and all of the Applicant’s heirs, successors, and assigns, and 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 and legal authority 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, including any of the above-listed conditions on approval, shall be deemed a violation of the 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 persons to execute and (ii) thereafter file with the Village the 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 their 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, deem such failure as a withdrawal of the application and repeal this Ordinance and thereby revoke the special use permits granted in this Ordinance. Upon this Ordinance having full force and effect, the Village Clerk shall cause it to be recorded in the Office of the Lake County, Illinois Recorder of Deeds.

PASSED this ____ day of October, 2023.

AYES: ()

NAYS: ()

ABSENT: (0)

APPROVED this ____ day of October, 2023.

Village President

ATTEST:

Deputy Village Clerk

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

THE WEST HALF OF THE WEST 528 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PARCEL 2:

THE EAST HALF OF THE WEST 528 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS. EXCEPTING FROM THE ABOVE PARCELS 1 AND 2, THE FOLLOWING DESCRIBED TRACT OF LAND CONVEYED TO THE LAKE COUNTY DIVISION OF TRANSPORTATION BY WARRANTY DEED RECORDED APRIL 6, 2021 AS DOCUMENT NO. 7772646, TO-WIT: THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83 (2011 ADJUSTMENT), WITH A COMBINED SCALE FACTOR OF 0.99995760875, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 10 MINUTES 42 SECONDS EAST, A DISTANCE OF 50.00 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER TO A POINT ON A LINE 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 46 MINUTES 02 SECONDS EAST, 429.51 FEET ALONG SAID PARALLEL LINE; THENCE NORTH 00 DEGREES 13 MINUTES 58 SECONDS WEST, 10.00 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 02 SECONDS EAST, 98.57 FEET TO A POINT ON THE EAST LINE OF THE EAST HALF OF THE WEST 528.00 FEET OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20; THENCE SOUTH 00 DEGREES 10 MINUTES 42 SECONDS WEST, 60.00 FEET ALONG SAID EAST LINE TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 46 MINUTES 02 SECONDS WEST, 528.01 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

PINs: 15-20-300-016-0000 and 15-20-300-017-0000

EXHIBIT B
DOCUMENTS

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

Pursuant to Section Four of Long Grove Ordinance No. 2023-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 Ordinance No. 2023-O-_____;
2. hereby unconditionally agrees to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, the Zoning Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits or approvals for the use of the Property, and that the Village's issuance of any permit or approval 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, have 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 so long as the provisions of this Ordinance have been satisfied;
5. agrees to and does hereby hold harmless, defend, 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 or granting of approvals to the Applicant pursuant to the Ordinance or Zoning Code (the "**Claims**"), provided that the Village gives timely notice to the Applicant of any such Claim. Unless there is a material divergence in the interests of the Applicant and the Village, the Applicant shall have primary responsibility for defending any Claims, and the Applicant and Village shall reasonably cooperate in the defense of such Claims, and the Applicant shall reimburse the Village for its reasonable costs (including reasonable attorneys' fees) associated with such cooperation. In the event of a material divergence in the interests of the Applicant and the Village, the Village may elect to retain separate counsel in defense of any such Claims, and the undersigned hereby agrees to reimburse the Village for its reasonable attorneys' fees and costs incurred in connection of such defense of Claims, provided that the Applicant's obligation to reimburse the Village for reasonable attorneys' fees and costs shall not extend to other counts asserted in litigation unrelated to the Claims. In all circumstances, the undersigned or the Village may assert the Village's available immunities in connection with such Claims; and

6. represents and acknowledges that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Applicant.

LONG GROVE FIRE PROTECTION DISTRICT

By: _____

Its: _____