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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** DISCUSSION: 140-160 MUNICIPAL DRIVE COVENANTS, CONDITIONS & RESTRICTIONS  
**AGENDA:** FEBRUARY 15, 2022 VILLAGE BOARD MEETING  
**DATE:** FEBRUARY 11, 2022

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**ISSUE**

Shall the Village Board discuss adoption of covenant, conditions and restrictions for the Village-owned property at 140-160 Municipal Drive.

**DISCUSSION**

The Village-owned property at 140-160 Municipal Drive was originally the Prairie Glen Office Park. It is a PUD approved in March 2007. As such, there are conditions of approval, namely, development in accordance with the approve site development and architecture plans.

When the former Prairie Glen Office Park was purchased by the Village in 2015 there was discussion at the time about preparing covenants, conditions and restrictions (CCR's) for the property in the event the Village were to dispose of the property. While the Village would have some ability to control changes to the future development of the property through the PUD, private CCR's would be more permanent in that they are not easily changed and can address areas of concern or interest that may not be traditional zoning considerations, for example, use and/or designation of parking spaces, landscape and building maintenance, the use of the signs on the premises, etc. CCR's would be especially beneficial if the property were to be subdivided and there were multiple ownerships in the office park.

Advantages:

- Private controls are not limited by zoning limitations
- Do not require public approval process
- Very effective if there are common area elements
- Can establish the character of development as well as uses in the buildings

Disadvantages:

- Depending on the scope of the restrictions, could complicate or hinder sale of property

On the surface, establishing CCR's may be desirable, but in the absence of divided ownership of the property and identification of common area elements it may be premature to establish CCR's on the property.

**COSTS**

There is no cost to discuss the matter, but there would be nominal costs for preparation of the CCR's if the Village Board determines creating them to be in the best interests of future development of the property.

**ATTACHMENTS**

- Prairie Glen Office Park PUD conditions of approval (Ordinance 2007-0320C Exhibit B)

**RECOMMENDATION**

That the Board discuss the matter and provide input and direction to Village staff.

## EXHIBIT B- CONDITIONS OF APPROVAL

1. The Major PUD Amendment and Final PUD shall substantially conform to the Site / Engineering / Signage / Trash Enclosure Plan, titled "Final Site Improvement Plans for Prairie Glen Office Park", by Cemcon, Ltd., dated February 21, 2007; the Landscape Plan, titled "Prairie Glen Commercial Center Landscape Plan", by Gary R. Weber Associates, Inc., dated December 1, 2006, last revised February 19, 2007; the Architectural Rendering / Elevation / Floor Plans, titled "Architectural Rendering Prairie Glen Office Park", "Elevations Prairie Glen Office Park", and "Sample Floor Plan Prairie Glen Office Park", by Wehrli & Associates, revised 3/16/2007 and submitted 3/19/2007; the Photometric Plan, titled "Prairie Glen Office Park", by Rudd Lighting, dated February 15, 2007; the Plat of Subdivision, titled "Final Plat of Subdivision for Prairie Glen Office Park", by Cemcon, Ltd., dated October 12, 2006, last revised February 23, 2007, except as such plans may be revised to conform to Village codes and ordinances and the conditions below.
2. Individual users in this office complex shall be reviewed at the time of building permitting for permitted uses and parking requirements.
3. Parking to meet each building's parking requirement shall be constructed concurrently with each building.
4. This development shall conform to the parking regulations in the Zoning Ordinance as they are amended from time to time.
5. The required minimum building and parking setbacks shall be drawn on the Site Plan prior to the recording of the final plat.
6. The following exceptions shall be granted with this approval:
  - a. This development shall meet all required setbacks with the exception that the front building setback shall be 30' and the front parking setback shall be 30' along Municipal Drive.
  - b. Lots 1, 2, 3, 4, and 5 shall not be required to meet any code requirement relating to setbacks, landscaping, or parking so long as each is continued to be used in conjunction with Lot 6 where these requirements have been met.
7. A sign reading "No Parking - Fire Lane" shall be shown on the plans at the east end of the dead-end parking lot.
8. A note shall be added to the plans stating "Bike path to be constructed at the time of development of subject site".
9. The Landscape Plan shall be revised per the comments as follows:
  - a. Property line dimensions (in bold) shall be added on the plan along the west property line (353.44' and 38.65') on the Landscape Plan.

- b. Additional foundation plantings shall be added as follows: 10 shrubs along the west side of building 3, 24 shrubs along the west side of building 2, 10 shrubs along the west side of building 1, and 29 shrubs along the north side of building 1.
  - c. The label "2 QR" near building 2 shall be corrected and the unlabeled tree at the northeast corner of the site shall be labeled.
  - d. All existing trees in the landscape buffer and parkways shall be preserved.
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- 11. The subdivision sign shall be reduced in size so that the sign face does not exceed 50 square feet. The setback dimension shall be added to the Site Plan. The easement for the subdivision sign shall be made smaller on the Final plat to accommodate the water main.
  - 12. The trash enclosure drawing shall be modified with a label stating "masonry to match buildings".
  - 13. Individual units sold shall be divided from lot line to lot line on the building pad lots.
  - 14. The second access drive shall be installed when the third building is constructed on this property.
  - 15. Adequate access to each building shall be constructed at the time of permits for each building. An asphalt base course of pavement shall be installed prior to issuance of building permits for buildings 2, 3 and 4 to provide adequate access.
  - 16. No part of any building may be constructed in any drainage and utility easement.
  - 17. The Engineering Plans shall be approved by Village staff and EEI prior to recording the Final Plat.
  - 18. The Site Plan shall be corrected to show the accurate number of spaces required and provided.
  - 19. The south driveway shall be revised to not exceed 35' at the property line.
  - 20. Changes to lot / building 1 will require a future PUD Amendment.
  - 21. The 25 foot landscaped buffer along the south and east property line may be reduced to no less than ten (10) feet where parking and maneuvering areas are shown on the site plans. Landscaped screening shall be augmented or adjusted in those areas to screen the parking/maneuvering areas from the adjacent residential lots.

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