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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  
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR

**SUBJECT:** ORDINANCE: GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AND APPROVING A FINAL PUD PLAN (BURNT BARREL, 799 HEARTLAND DRIVE) (STAR)

**AGENDA:** JANUARY 17, 2023 VILLAGE BOARD MEETING

**DATE:** JANUARY 13, 2023

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**ISSUE**

Shall the Village Board approve an Ordinance granting a Special Use Permit for a Planned Unit Development and approving a Final PUD Plan for Burnt Barrel restaurant.

**DISCUSSION**

As the Village Board is well aware, the former American Heartland Bank building is in the process of renovation into a full service restaurant. The property was previously rezoned to B-3 specifically to accommodate the restaurant use. The planned development status is required only due to the desire to construct the second building on the lot and to address various site development issues.

The PUD is necessary for the second proposed building, including the additional off-street parking, and departures from the Village's zoning requirements pertaining to off-street parking, landscaping and signs. The second building is not a new proposal. The original site plan for American Heartland Bank included a second building. The PUD is an effort to guide the conversion of the property from a specific use (bank) to another specific use (restaurant, plus). The PUD includes a number of departures or deviations from the zoning regulations. The significant departures are described below.

The proposed PUD includes a reduction in the overall parking requirement for all of the planned uses on the property. To be sure, sufficient parking is provided for the restaurant use; few additional spaces are provided for the uses in the second building. The restaurant requires 84 parking spaces. With the additional parking being provided, the site will provide 79 parking spaces. The second building, depending upon the actual uses and tenant mix (industrial vs retail) could require as few as 12 additional spaces or as many as 60 spaces, respectively.

Village staff is comfortable, in this case, with applying the shared use concept for parking needs since the peak hours for the restaurant are likely not going to conflict with those of commercial and service type uses that may locate in the second building. The zoning regulations are silent on the shared parking concept, that is, it is not an option. It is expected there will be instances of parking conflicts until the newness of the restaurant wears off and these conflicts will be isolated, intermittent, and not the norm. Furthermore, the PUD limits the uses that can be established in the second building, specifically avoiding uses that have higher than normal parking requirements. The hidden location of the second

building does not lend itself to traditional retail uses and retail is not expected to be the dominant use of the building.

The applicant also is requesting departures from the Village's landscaping requirements. In the interest of increasing visibility of the property, all of the required (6) shade trees have been removed, not to be replaced, and no new foundation plantings will be provided with the second building. Village staff is of the opinion, in this specific instance, visibility is critical to the success of the restaurant given its location so far off the path of IL 47.

Additionally, the Applicant desires to establish a significant sign presence on IL 47. To that end, the Applicant proposes to replace the existing Waubensee Corporate Center identification sign at IL 47 and Waubensee Drive with a sign that is larger and typical of what the Village has approved for shopping centers in the community. The proposed sign is similar in size and features to that at Sugar Grove Center and the recently approved Prairie Grove Commons commercial development. The difference being there is no physical shopping center at College Corners and the Burnt Barrel restaurant will be the dominant sign area on the sign. This sign will be the largest sign for a single business in Sugar Grove. The applicant also is proposing some rather creative approaches to the use and design of signs on the restaurant building that our zoning regulations do not address, specifically, the use of three dimensional objects (barrels). Again, Village staff is of the opinion that the business location requires special consideration and supports the requested departures from the sign regulations.

Since the subject property is already improved, much of the required information for a planned unit development the Board is accustomed to seeing is not required. Consequently, there are no plans to approve for new public improvements, there is no (re)subdivision of property involved, thus no subdivision plat to approve, and the primary building exists.

The Planning Commission previously held a public hearing concerning the proposed PUD and recommended approval, subject to certain conditions. The applicant has complied with all of the conditions of approval, except providing the building elevations for the second building.

The applicant has not completed plans for the second building as of yet. To complete the PUD process without the required building elevations and materials specifications the applicant has offered design guidelines. Specifically, the footprint of the building is specified on the PUD plan, the building will have a combination of stone veneer and HardiBoard® or similar on the exterior, with a metal roof. In this instance, Village staff is comfortable recommending approval of the design guidelines rather than the required specific building elevations and materials.

#### **ATTACHMENTS**

- Planning Commission Recommendation PC22-016
- Ordinance Granting a Special Use Permit for a Planned Unit Development and Approving a Final PUD Plan for Burnt Barrel restaurant (799 Heartland Drive)

#### **COSTS**

There are no costs to the Village associated with approving the Ordinance.

**RECOMMENDATION**

That the Village Board approve an Ordinance Granting a Special Use Permit for a Planned Unit Development and Approving a Final PUD Plan for Burnt Barrel restaurant (799 Heartland Drive), subject to attorney review.

**VILLAGE PRESIDENT**

Jennifer Konen

**VILLAGE ADMINISTRATOR**

Brent M. Eichelberger

**VILLAGE CLERK**

Alison Murphy



**COMMUNITY DEVELOPMENT**

**VILLAGE TRUSTEES**

Matthew Bonnie

Ted Koch

Heidi Lendi

Michael Schomas

Ryan Walter

James F. White

# **R E C O M M E N D A T I O N**

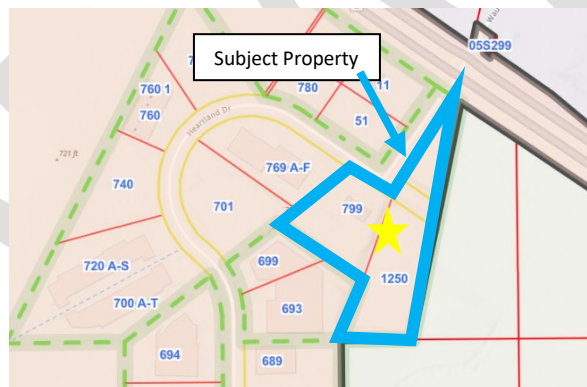
## **PC22-016**

TO: Village President and Board of Trustees  
FROM: Planning Commission  
DATE: Meeting of October 12, 2022  
PETITION: 22-012 Special Use Permit for PUD, 799 Heartland Drive

**PROPOSAL**

The applicant is requesting a Special Use Permit for a Planned Unit Development for property located at the intersection of Heartland Drive and Waubonsee Drive.

**LOCATION MAP**



**BACKGROUND & HISTORY**

The subject property has been recently rezoned to B3- Regional Business District and consists of one parcel that has an old bank building on the property and two parcels that contain retentions ponds. The applicant is remodeling the bank building and turning it into a restaurant. As part of the original plans when then bank was built, there was a proposed multi-tenant building in the rear of the property, the new owner wishes to build this building. One lot may not contain more than one principal building

without being approved as a PUD. The detention lots are included in the PUD due to the fact that the applicant wishes to possibly have signage located along Route 47 and, in a separate agreement with the Village, will be responsible for maintaining the detention basin lots.

The existing former Heartland Bank building is in the process of being converted to a restaurant, "Burnt Barrel North". There are plans for outdoor seating in the rear of the building. The new building that will be built will also serve as a buffer between the restaurant and the industrial building, Quantum Sign, that abuts the rear of the property.

The new building will be a multi-tenant building with commercial uses in a studio or workshop setting that may or may not be open to the public, that may involve the use of hand tools, power tools, computer numerical control machines, laser cutters, 3D printers in fabricating, welding, soldering, electronics, blacksmithing, woodworking, machining, ceramics, sewing, and robotics processes in the creation of goods and objects for sale on and off the premises; and, may involve instruction in the use of said tools and processes.

The proposed location of the rear building will require a zoning variation to allow the rear setback to be reduced from 30 feet to 11 feet. The PUD will also need to include a variation in regards to permitted signage. The applicant wishes to have signage on the 799 Heartland lot for the restaurant, as well as having additional signage near the corner of Route 47 and Waubensee Drive for the rear restaurant and rear building.

### **DISCUSSION**

At the time of the meeting, the application was incomplete and staff was waiting on the applicant to provide them with additional information and revisions to the plans. The requested revisions did not change the essential character of the proposal so staff felt it could still be discussed by the Planning Commission.

The Planning Commission discussed the proposed PUD. The possible uses of the rear building were discussed and the Planning Commission came to the census that most B3 uses would be acceptable and any questionable uses would probably realistically not be able to locate within the building. Parking was also discussed and determined that staff would be sure to make sure there would be adequate parking provided for both buildings on the lot.

### **FINDINGS OF FACT**

When considering special use requests, the Zoning Ordinance provides certain standards to be considered. The Planning Commission hereby finds that the propose Special Use:

1. Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this zoning ordinance.

*The proposed PUD is consistent with the Comprehensive Land Use and the Village's zoning*

*ordinance, the uses in the PUD will all be commercial in nature.*

2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area.

*The proposed PUD will be harmonious with the general vicinity and not alter the essential character of the area. The uses will be commercial and be in line with the other uses surrounding the property.*

3. Will not be hazardous or disturbing to existing or future neighborhood uses.

*The proposed PUD will be consistent with the surrounding uses, therefore, will not be hazardous or disturbing to existing or future neighborhood uses.*

4. Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

*The proposed PUD will be adequately served by essential public facilities and services.*

5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village.

*The proposed PUD will not create additional requirements at public cost for public facilities and services. The PUD will bring more commercial uses to the Village and benefit the economic welfare of the Village.*

6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glares or odors.

*The permitted uses within the PUD will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glares or odors.*

7. Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.

*The proposed PUD will have vehicular approaches to the property which will be designed as to not create an undue interference with traffic on surrounding public streets or highways. All traffic for the businesses that are part of the PUD shall be primarily contained within the lot at 799 Heartland Drive.*

8. Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.

*The propose PUD will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.*

9. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the Village.

*There will be no impacts to natural, scenic, or historic features surrounding the subject property.  
The new proposed building will be in the rear of the bank building.*

### **EVALUATION**

Generally, this use is required to conform to the Village of Sugar Grove Special Use Standards. The following evaluation is based on the Special Use Standards.

1. Land Use / General – The use remains consistent with the uses of the surrounding properties. The Comprehensive Land Use Plan designates this property as business park. All of the proposed uses on the property are a form of commercial use. The proposed commercial uses will be complimentary to the existing commercial and industrial uses that surround the property.

2. Existing Conditions – The property currently is the site of an old bank building that has sat empty for several years. Remodeling the existing building to a restaurant and building the new multi-tenant building will enhance the current property.

3. Lots & Buildings – The applicant plans to repurpose the existing building to a restaurant and build a new multi-tenant building in the rear of the 799 Heartland lot.

4. Parking– Parking will be an included zoning variation as part of the Final PUD, the total number of parking (existing and proposed) is just shy of what the zoning code requires. The peak times for the two buildings will be at different times of the day and therefore, parking will not be an issue

### **PUBLIC RESPONSE**

After due notice, the Planning Commission held a public hearing on September 7, 2022 and continued the hearing to October 12, 2022. No objectors were present.

### **RECOMMENDATION**

After carefully considering the facts, the Planning Commission adopts the Finding of Facts, as presented, and recommends the Village Board **grant** the Special Use Permit for a PUD for 799 Heartland Drive, subject to staff approval and the following conditions. .

1. Applicant shall submit a Final Site Plan showing entire property, existing bank building, existing parking, new building, and new parking.

2. Applicant shall provide elevation drawings of the rear building.
3. Applicant shall submit a proposed signage plan.
4. Applicant shall provide a list of variations for the property.
5. Applicant shall provide a photometric plan for any new outdoor illumination.
6. Applicant shall provide a list of permitted uses for the property.
7. Applicant shall complete and submit a stormwater permit application and checklist, as required.

Also, the Planning Commission asks that the Village Board be mindful of the list of permitted uses that are going to be submitted and that they be in conformity and character of the area

AYES: Guddendorf, Sabo, Bieritz, Eckert, Ochsenschlager

NAYES: None

ABSENT: Wilson, Jones

**MOTION PASSED**





**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**ORDINANCE NO. 2023-0117\_**

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**AN ORDINANCE GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT AND  
APPROVING A FINAL PUD PLAN  
(BURNT BARREL, 799 HEARTLAND DRIVE)**

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Adopted by the Board of Trustees and President of the Village of Sugar Grove  
this 17th day of January 2023

Published in Pamphlet Form  
By Authority of the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois  
this 17th day of January 2023

**ORDINANCE NO. 2023-0117\_**

**AN ORDINANCE GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT AND  
APPROVING A FINAL PUD PLAN  
(BURNT BARREL, 799 HEARTLAND DRIVE)**

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**WHEREAS**, the Village of Sugar Grove (“**Village**”) is not a home rule municipality within Article VII, Section 6A of the 1970 Constitution of the State of Illinois, and therefore, acts pursuant to those powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, James G. Ratos/Burnt Barrel North, Inc. (“**Owner**”) is the owner of the property legally described in **Exhibit “A”**, attached hereto and incorporated herein by reference **Owner Property**”), and the Village is the owner of land which is legally described in **Exhibit “A”** (“**Village Property**”) which together contains the land described in Section One hereinafter and is the subject of this Ordinance (“**Burnt Barrel**”); and,

**WHEREAS**, the Property is within the corporate boundaries of the Village and is presently zoned B-3 Regional Business District; and,

**WHEREAS**, the Owners seek approval of a Special Use for a Planned Unit Development; and,

**WHEREAS**, after all due and proper notice, the Planning Commission held a public hearing on September 7, 2022 and continued to October 12, 2022 to consider an application to grant a Special Use for a Planned Unit Development and approval of a Final Planned Unit Development Plan, and no objectors were present; and,

**WHEREAS**, the Village’s Planning Commission and the Village of Sugar Grove Board of Trustees (“**Village Board**”) have further found, pursuant to Sections 11-11-3, 11-11-4, 11-11-6, and 11-13-12 of the Village of Sugar Grove Code of Ordinances (“**Village Code**”) that the aforementioned request meets all of the requirements of the Village Code, with the Findings of Fact of the Planning Commission hereby adopted by reference; and,

**WHEREAS**, after due consideration and findings of fact, the Planning Commission recommended to the Village Board approval of the same in their Recommendation PC22-016; and,

**WHEREAS**, the Village Board now wishes to approve said Special Use for a Planned Unit Development and approval of a Final Planned Unit Development Plan in accordance with the terms and conditions set forth herein.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

**SECTION ONE: APPROVAL OF SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT**

The property legally described on the attached **Exhibit “A”** is hereby approved as a B-3 Regional Business District with a Special Use for a Planned Unit Development, specifically permitting the uses set

forth on **Exhibit “B”**, attached hereto and incorporated herein by reference. The Zoning Ordinance of the Village is hereby amended accordingly and the Village Clerk is directed to update the Village’s Zoning Map to reflect this designation.

## **SECTION TWO: APPROVAL OF FINAL PLANNED DEVELOPMENT PLANS**

- 1) **Final Approvals.** The following combined plans for the Property have been reviewed by the Planning Commission and the Village Board and are hereby approved. For purposes of this Ordinance, land improvements shall include the following categories of on-site and off-site improvements attached hereto and incorporated herein by reference (collectively “**Land Improvements**”):
  - a) Final PUD Plans (“**Exhibit C**” – “**Site Engineering Plan**” attached hereto and incorporated herein by reference), prepared by Koziol Engineering Services with latest revision date of December 12, 2022;
  - b) Signage Plan (“**Exhibit E**” – “**Signage Plan**” attached hereto and incorporated herein by reference), prepared by VC Signs & Lighting, Inc. with latest revision date of December 28, 2022 for the wall signs and latest revision date of \_\_\_\_\_ for the freestanding sign, and including decorative barrels attached to the building facade; and,
  - c) Photometric plans (“**Exhibit F**” – “**Site Photometric Plan**”) attached hereto and incorporated herein by reference), prepared by KSA Lighting & Controls with latest revision date of September 6, 2022.

The PUD Plan, Site Engineering Plan, signage plan, and photometric plan shall be deemed to be final planned unit development approval to satisfy the time period set forth in Section 11-11-4B-14 of the Village Zoning Ordinance to obtain final planned unit development approval. Completion of the PUD Plan, as set forth in Section 11-11-4B-15 of the Village’s Zoning Ordinance, shall be no later than five (5) years after the effective date of this Ordinance. If a building permit is not applied for within five (5) years after the effective date of this Ordinance for the second building, the PUD Plan shall expire and shall be null and void unless otherwise extended by the Village.

## **SECTION THREE: DEVELOPMENT CONDITIONS AND DEVIATIONS**

- 1) **Land Uses and Lot Deviations.** Except as otherwise provided in this Ordinance, including the deviations to the Village Code contained in **Exhibit “D** attached hereto and incorporated herein by reference, the development and use of the Owner Property shall comply with the standards established under the “B-3” zoning classification as set forth in the Village Code and all applicable subdivision or other ordinances of the Village. If there is any conflict between the regulations of the Village Code, as amended from time to time, this Ordinance shall govern.
  - a) **Permitted Uses.**

**Owner’s Property.** The existing building located at 799 Heartland Drive shall be used for restaurant purposes, including sit-down dining, outdoor dining areas, bar and cocktail areas, banquet and meeting rooms.

The second building to be constructed on the Owner's Property shall be limited to the uses identified in **Exhibit "B"** (whether they are permitted or Special Uses in the ordinances of the Village) on the Owner's Property. Any uses listed as Special Uses on **Exhibit "B"** shall be deemed Special Uses on the Owner's Property (whether they are permitted or Special Uses in the ordinance of the Village) and shall require subsequent application by the applicable owner pursuant to provisions for Special Use under the Village Code. The Permitted Uses and Special Uses listed in **Exhibit "B"** shall survive any amendments to the Village Code. Any application for a Special Use shall be processed in conformance with the Village Code. Any permitted or Special Uses added after the Effective Date of this Ordinance to the table of permitted or Special Uses in the commercial and office sections of the B-3 Zoning District of the Village shall be allowed as additional Permitted Uses or Special Uses on the Property, as the case may be, in addition to the Permitted Uses and Special Uses listed in **Exhibit "B"**.

Village Property. The property described as the Village Property shall be used for storm water detention and retention purposes and public right-of-way to adjacent property to the south. The Village Property may also be used for a free standing sign for businesses located on the Owner's Property, which sign shall be in substantial conformance with **Exhibit "E."**

- b) **Setback Requirements.** Building, parking, and landscaping setback requirements from public street rights-of-way, roadway easements, and adjacent land uses for the Owner's Property shall conform to what is required within the Village Code, except for the specific setbacks that are listed as part of the Deviations in **Exhibit "D."**
  - c) **Yard Requirements.** The required building, parking and landscape setback yards along the periphery and interior of the Owner's Property shall be as required by the Village Code except for what is listed as part of the Deviations in **Exhibit "D."**
- 2) **Parking and Loading Berth Requirements and Deviations.** Except as expressly deviated from in this Ordinance, the off-street parking regulations shall be governed by the regulations provided in Chapter 11 of the Village Code.
- a) **Accessible Parking.** The diagonally striped eight (8) foot wide access aisle may be shared with an adjacent accessible parking space. The length of accessibility parking stalls shall be consistent with other parking stalls within the parking area.
  - b) **Location of Parking.** Parking shall be shared between the uses in the two buildings on the lot.
  - c) **Loading Berths.** Off-street loading areas shall be provided at either the rear or side of the principal buildings for each lot or any adjoining lots, except as deviated by this Ordinance; however, off-street loading docks shall not be required to be provided.

GROSS FLOOR AREA	NUMBER (SIZE)
0 – 11,000	0
11,000 – 15,000	1 (12' x 60')
15,000 – 50,000	2 (12' x 60')

Receipt or distribution of materials or merchandise by U.S. mail trucks, commercial express vehicles, United Parcel Service vehicles, and the like, shall be permitted at locations other than the required off-street loading locations.

- 3) **Signs.** Owner shall be permitted to construct, operate, and maintain temporary and permanent signs upon the various portions of the Property owned or controlled by it, pursuant to a written agreement or easement and in accordance with this Ordinance and other ordinances of the Village.
  - a) **Permanent Nonresidential Permitted Signs for a Nonresidential lot with multiple buildings (“Monument Multi-Tenant Sign”).** One monument sign will be permitted at on the Village Property at the southwest corner of Sugar Grove Parkway and Waubonsee Drive advertising the businesses that will be located in the two buildings on the Owners Property. The monument sign shall comply with what is presented in **Exhibit “E.”**
  - b) **Lot with Freestanding Single Tenant Building (“Monument Single Tenant Sign”).** One (1) monument Single Tenant Sign shall be permitted on the Owners Property to advertise the single business located in the building located in the front most portion of this lot. This monument sign shall comply with all requirements of the Village Code.
  - c) **Maintenance.** All maintenance obligations related to signage shall be the responsibility of the Owner and/or successor owners. The Village shall be granted easement rights, which shall provide the Village the right, but not the obligation, to perform maintenance in the instance that Owner and/or successor lot owners fail to adequately maintain signage on the Village Property. This easement shall not preclude the Village from pursuing other remedies available through law or equity.
  - d) **Aesthetics and Illumination.** Owner shall be permitted to provide internal or external lighting (but not both) of any signs. There shall be no color restrictions on any wall or ground signs.
  - e) **Wall Signage.** All wall signage must be in compliance with the Village Code requirements of Title 11 Section 14 except as deviated by this Ordinance and in accordance with the signage plan attached in **Exhibit “E.”**
- 4) **Landscaping Requirements and Deviations.** Owner shall be responsible for all landscaping. Landscaping shall conform to the requirements in the Village Code except as deviated by this Ordinance.
- 5) **Exterior Lighting.** All exterior lighting shall conform to the outdoor illumination requirements in Title 11 section 18 of the Village Code. Photometric plans shall be provided for any new additional outdoor illumination. Photometrics shall be provided for the second building to be built in the rear of the lot attached as **Exhibit “F.”**
- 6) **Trash Enclosure.** The development of the Property includes construction of a trash enclosure as shown on the PUD Plan. The trash enclosure shall be designed and constructed similar in style and materials to that shown in the trash enclosure detail attached as **Exhibit “G.”**
- 7) **Stormwater.** The development of the Owner’s Property shall comply in all respects with the Kane County Stormwater Ordinance. In the event of a conflict between this Ordinance and the Kane County Stormwater Ordinance, the Kane County Stormwater Ordinance shall control.

- 8) **Building Materials.** The design of the second building on the Owner's Property shall comply with the requirements of the Village Zoning Ordinance with respect to building materials used on the outside of the building walls and roof.

#### **SECTION FOUR: MISCELLANEOUS PROVISIONS**

- 1) **Binding Nature of Conditions.** The benefits, duties, and provisions of this Ordinance shall be binding on the heirs, successors, and/or assigns of the Owner and/or owners of record of the Property. Except as otherwise expressly provided herein, upon the conveyance or assignment by Owner of its interest in the Property to any successor, assign, or nominee, Owner shall be released from any and all further liability or responsibility under this Ordinance, except to the extent previously undertaken by Owner, or for which Owner has posted security to perform an obligation in which case Owner shall be bound to continue to complete its performance unless a replacement bond or letter of credit is posted by the new owner or developer, and accepted by the Village, which shall not be unreasonably withheld. In such event, the original Owner shall be released from the underlying obligation to perform. The Village shall thereafter look only to the successor, assign, or nominee of Owner, as the case may be, concerning the performance of such duties and obligations of Owner hereby undertaken. Any references in this Ordinance to Owner shall also include any successor and/or assign of Owner for any lot conveyed by Owner to the successor and/or assign.
- 2) **Fees.** Owner shall pay all Village fees (including, but not limited to, all engineering, plan review, and legal fees) incurred by the Village as a result of the granting of this Special Use and PUD and all fees specified by Village ordinance as generally applicable to other similar developments.
- 3) **Village Ordinance Amendments.** All references to Village ordinances or similar terms shall be references to such ordinances as they are amended from time to time. This Ordinance may be amended from time to time upon application from the then legal owner of fee title to that portion of the Property which is subject to and affected by such amendment provided that such amendment, if not executed by the then legal owner or owners of any other portion of the Property, shall in no manner alter, amend, or modify any of the right, duties or obligations set forth in the Ordinance as they pertain to such other portions of the Property. Any legal owner(s) of the Property not seeking to amend this Ordinance shall not be required to consent to an amendment of this Ordinance. The provisions of this Ordinance shall supersede the provisions of any ordinance, code, or regulation of the Village which may be in conflict with the provisions hereof.
- 4) **Changes in Use.** All uses shall be established and operated in substantial conformance with this Ordinance and the Village Code and may not be expanded without prior Village approval in accordance with the Village Code, except as otherwise provided in this Ordinance.
- 6) **Enactment of Ordinances.** The Village agrees to adopt any ordinances which are required to give legal effect to the matters contained in this Ordinance or to correct any technical defects which may arise after the execution of this Ordinance.
- 7) **Enforceability.** This Ordinance shall be enforceable by any of the Parties hereto by an appropriate action at law or in equity to secure the performance of the terms, provisions, conditions, and covenants herein contained. Proper venue shall be in the Sixteenth Judicial Circuit, Kane County, Illinois.

- 8) **Expiration of Approvals.** A variation, deviation, or Special Use approval shall become null and void if a building permit is not applied for within five (5) years on the rear building shown on the Final PUD Plan.
- 9) **Approval of Deviations & Departures.** As part of the approval of the Special Use for a Planned Unit Development of the Property the Village approves the deviations/modifications/departures from the Village Zoning Ordinance and Subdivision Ordinance for the Property as provided in Exhibit “D”.

**SECTION FIVE: GENERAL PROVISIONS**

**REPEALER.** All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

**SEVERABILITY.** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its approval, passage, and publication in pamphlet form as provided by law.

**TITLES AND CAPTIONS.** All article, section, and paragraph titles or captions contained in this Ordinance are for convenience only and shall not be deemed part of the context nor affect the interpretation of this Ordinance.

**INCORPORATION OF EXHIBITS.** All exhibits attached to this Ordinance are hereby incorporated herein and made a part of the substance hereof.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 17<sup>th</sup> day of January 2023.

ATTEST:

\_\_\_\_\_  
Jennifer Konen,  
President of the Board of Trustees

\_\_\_\_\_  
Alison Murphy,  
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee James White	___	___	___	___

## **EXHIBITS LIST**

<b><u>Exhibit A</u></b>	<b>Legal Description</b>
<b><u>Exhibit B</u></b>	<b>Permitted and Special Uses List</b>
<b><u>Exhibit C</u></b>	<b>PUD Plan</b>
<b><u>Exhibit D</u></b>	<b>Exceptions &amp; Deviations</b>
<b><u>Exhibit E</u></b>	<b>Signage Plan</b>
<b><u>Exhibit F</u></b>	<b>Photometric Plan</b>
<b><u>Exhibit G</u></b>	<b>Trash Enclosure Detail</b>



**EXHIBIT A**

*(LEGAL DESCRIPTION)*

**OWNER'S PROPERTY:**

LOT 11 IN SUGAR GROVE RESEARCH PARK, ACCORDING TO THE PLAT THEREOF RECORDED ON MARCH 21, 1990 AS DOCUMENT NO. 90K14321, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

PIN: 14-08-253-004

**VILLAGE PROPERTY:**

LOTS 12 AND 13 IN SUGAR GROVE RESEARCH PARK, ACCORDING TO THE PLAT THEREOF RECORDED ON MARCH 21, 1990 AS DOCUMENT NO. 90K14321, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

PIN: 14-08-252-001 & 14-08-253-005

## **EXHIBIT B**

### *PERMITTED AND SPECIAL USES LIST*

Only the B-3 Zoning District uses identified below are permitted uses in the second building (non-restaurant) on the property; any uses not expressly listed below are not permitted. All conditions and requirements of Section 11-4-23 of the Village Zoning Ordinance apply to the permitted and Special Uses of this ordinance.

Notwithstanding the table, below, all tenant spaces shall be in compliance with the Zoning Code and Building Code for the use that is occupying the space

<b>Use</b>	<b>B-3 Zoning District</b>
Pet grooming facility	P
Tack Shop	P
Veterinarian Clinic	P
Art Gallery	P
Beauty shop, barbershop, and day spa	P
Bicycle sales and service	P
Carpet and upholstery cleaners	S
Catering service	P
Cleaning and exterminating service	S
Clothing and costume rental store	P
Currency exchange	S
Florist	P
Furniture Store	P
General repair service, excluding motor vehicles	P
General retail	P
Laundry service	P*
Locksmith	P
Mailing service	P
Medical supply rental	P
Motor vehicle parts retail	P*
Picture framing	P
Printing and publishing	P
Resale shop	P
Small engine repair shop (not motor vehicles)	P
Tailor or dressmaker shop	P
Tattoo parlor	P
Taxidermist	P

Tobacco or vape shop	S
<b>Office Uses</b>	
Contractor's office	P
Counseling service	P
General office	P
Medical laboratory	S
<b>Industrial Uses</b>	
Sheet metal, machine, or welding shop	S
Planned Development	S

\*Refers to additional standards and criteria in section 11-4-23 for specific uses

**EXHIBIT C**

**PUD PLAN**

DRAFT



# ENGINEERING PLAN

## Exhibit C

LEGEND	
689	EXISTING GRADE
689	PROPOSED GRADE
---	STORM SEWER
---	SANITARY SEWER
---	WATER MAIN
734 26	EXISTING SPOT GRADE
689.0	PROPOSED SPOT GRADE
DS	SILT /CONSTRUCTION FENCE
DS	DOWNSPOUT
DS	STORM SEWER MANHOLE
DS	SANITARY SEWER MANHOLE
DS	ELECTRIC METER
DS	GAS METER
DS	FIRE HYDRANT
DS	UTILITY POLE
DS	CONIFEROUS TREE
DS	DECIDUOUS TREE
DS	WATER VALVE
DS	CORRUGATED METAL PIPE
DS	UTILITY POLE
DS	B-BOX
DS	LIGHT ON GROUND OR WALL
DS	WOOD FENCE

N  
CURB IN  
RIM = 7C  
IN V. = 7C  
1" CON  
1"=20'

TOTAL LOT AREA:		89,964.88 sf
Existing Impervious:	5,428.08 sf (06.03%)	
Existing Building:	26,670.68 sf (29.64%)	
Existing Curb+Asphalt:	1,414.15 sf (01.57%)	
Existing Sidewalk:		
Total Existing Impervious:	33,512.91 sf (37.25%)	
Proposed Improvements:	9,660.00 sf (10.74%)	
Retail Building:	16,066.01 sf (17.86%)	
Curb & Asphalt:	1,050.00 sf (01.17%)	
Cooler	192.00 sf (.0021%)	
Total Proposed Impervious Area:	26,958.01 sf (29.97%)	
Total Impervious Area:	60,470.92 sf (67.22%)	
Future Parking Area:	2,430.00 sf (2.70%)	
Future Impervious Area:	62,900.92 sf (69.92%)	

CURRENT BUILDING AREA: 5,428 SF	
CURRENT PARKING:	
9' WIDE STANDARD SPACES	37
HANDICAPPED SPACES	2
TOTAL SPACES	39
7.22/ SPCS/1,000SF	
ADDED PARKING W/O FUTURE BUILDING:	
9' WIDE STANDARD SPACES	22 (NET)
HC SPACES (ADD IN FRONT)	1
TOTAL SPACES	62
11.48/ SPCS/1,000SF	
PROP PARKING: (FUTURE BUILDING)	
9' WIDE STANDARD SPACES	13
9' WIDE EXPANSION SPACES	13 (NET)
HC SPACES (ADD IN FRONT)	1
TOTAL SPACES	89

I, JAMES E. KOZIOL, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ILLINOIS, HEREBY CERTIFY THAT THIS SITE PLAN HAS BEEN PREPARED UNDER MY DIRECTION WITH KNOWLEDGE OF THE EXISTING SURVEYS.

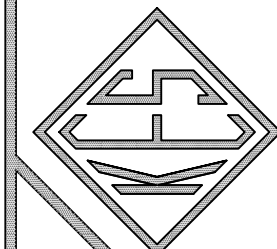
I, ALSO CERTIFY THAT THE DEVELOPMENT OF THE SUBJECT SITE IN ACCORDANCE WITH THIS PLAN WILL NOT INCREASE THE AMOUNT OR RATE OF RUN-OFF SO AS TO ADVERSELY AFFECT THE QUALITY OR SURFACE WATER DRAINING ONTO ADJACENT PROPERTIES AND WILL NOT DAMAGE OTHER PROPERTIES.

NO FLOODPLAIN, WETLAND, LPDA OR BUFFERS EXIST ON THIS SITE.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ A.D.

062-41326  
JAMES E. KOZIOL  
ILLINOIS REGISTERED PROFESSIONAL ENGINEER (EXP. 2-28-24)  
(3 PAGES)

KOZIOL ENGINEERING SERVICES  
PROFESSIONAL ENGINEERS  
www.koziolengineering.com  
1621 Ogden Avenue  
PH: (630) 435-9888 F: (630) 435-9889



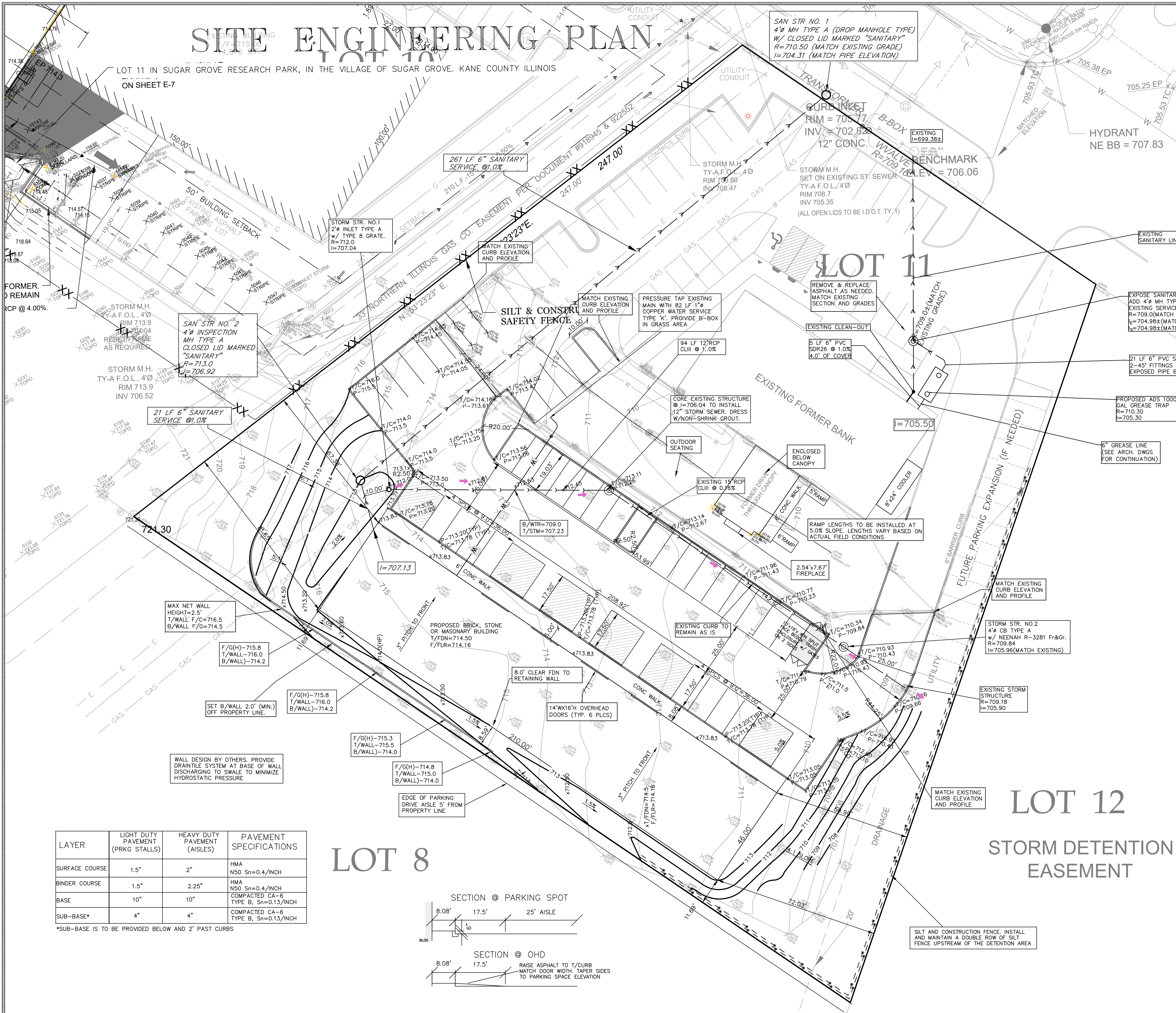
REV	DATE	DESCRIPTION
0	08/17/22	SITE ENGINEERING PLAN
1	09/14/22	SITE ENGINEERING PLAN
2	10/14/22	SITE ENGINEERING PLAN
3	11/04/22	SITE ENGINEERING PLAN
4	12/22/22	SITE ENGINEERING PLAN

SITE ENGINEERING PLAN  
799 HEARTLAND DR.  
SUGAR GROVE IL

SHEET NUMBER

C-1

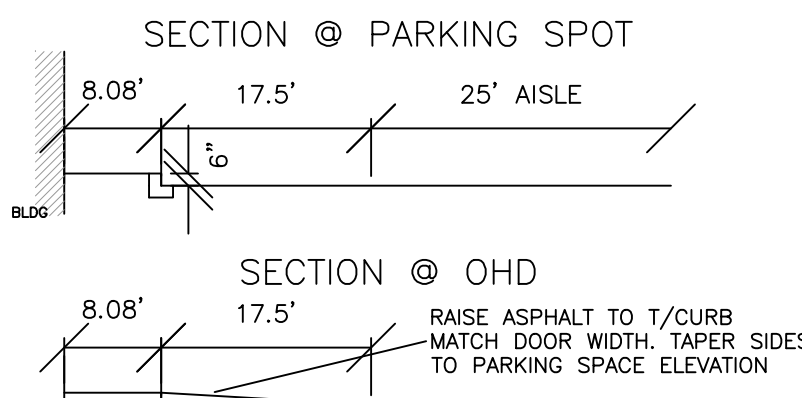
DESIGNED BY: JEK DRAWN BY: JRH SCALE: AS NOTED FILE NAME: 22129  
DRAWINGS ARE NOT AUTHORIZED FOR SUBMITTAL UNLESS SIGNED AND SEALED



LAYER	LIGHT DUTY PAVEMENT (PRKG STALLS)	HEAVY DUTY PAVEMENT (AISLES)	PAVEMENT SPECIFICATIONS
SURFACE COURSE	1.5"	2"	HMA N50 S <sub>n</sub> =0.4/INCH
BINDER COURSE	1.5"	2.25"	HMA N50 S <sub>n</sub> =0.4/INCH
BASE	10"	10"	COMPACTED CA-6 TYPE B, S <sub>n</sub> =0.13/INCH
SUB-BASE*	4"	4"	COMPACTED CA-6 TYPE B, S <sub>n</sub> =0.13/INCH

\*SUB-BASE IS TO BE PROVIDED BELOW AND 2' PAST CURBS

LOT 8





## **EXHIBIT D**

### *EXCEPTIONS AND DEVIATIONS FROM ZONING AND SUBDIVISION ORDINANCES*

<b>Code Section</b>	<b>Code Requirement</b>	<b>Modification Requested</b>	<b>Rationale</b>
11-8-6F	B3 district- rear building setback must be a minimum of 30 feet.	Reduce the rear setback of the rear building from 30 feet to 11 feet.	In order to accommodate the rear building the rear setback must be reduced.
11-12-7A	Parking setback for an interior side yard must be a minimum of 10 feet	Reduce parking setback for the interior side yard abutting lot 12 to 0 feet.	In order to accommodate future parking as shown on the PUD plan the setback must be reduced to 0 feet.
11-14-5B	Prohibited signs: off-premise signs.	Allow a monument sign to be placed at the corner of Route 47 and Waubensee Drive for the restaurant at 799 Heartland and the tenants of the rear building.	The lot this sign will be placed on is part of the overall PUD.
11-14-9G	Maximum height of a monument sign is 10 feet; Maximum width of a monument sign is 12 feet.	<b><u>Waiting for information.</u></b>	Applicant is proposing larger signage to accommodate restaurant and rear building tenants.
11-14-9G	Maximum square footage of the sign face for a monument sign may not exceed 50 square feet.	<b><u>Waiting for information.</u></b>	Applicant is proposing larger signage to accommodate restaurant and rear building tenants.
11-14-7B	Monument signs must be set back from property all property lines a minimum of 1 foot for every one foot in height.	<b><u>Waiting for information.</u></b>	The size and location of this sign does not allow for this setback requirement to be met.
11-14-9E	Only one type of the four listed types of wall signs is permitted.	Allow for the restaurant building to have two types of wall signage (Awning or Canopy Sign and Projecting Sign).	The restaurant plans to hang a barrel above the entrance and place barrels on all of the dormers which count as a projecting signs, but also will have the name of the restaurant on the awning entering the building.

11-14-9E2	Projecting signs shall be limited to 9 square feet.	Allow for the projecting sign on the restaurant (the hanging barrel above the door and the barrels placed on the dormers) to be more than 9 square feet in size.	The hanging barrel above the door and the barrels on the dormers are more than 9 square feet.
11-14-9E1	Awning or Canopies, signage shall be part of the awning or canopy and be flush.	Allow for the signage to be attached to the awning or canopy without being flush mounted for the restaurant signage.	The applicant plans to place individual letter signage on the front wooden awning that is not going to be mounted flush.
11-14-9E1	Awning or Canopies, shall not be internally illuminated.	Allow the non-flush mounted sign on the wooden awning on the restaurant to be illuminated.	The applicant plans to have the signage on the wooden awning to be illuminated.
11-14-7B11	Wall sign permitted area is limited to a maximum of one square foot for every one foot in width of the building side, with a maximum of two hundred square feet.	Allow for the wall signage on the front of the building to exceed this requirement and be installed as per the signage plan in Exhibit E.	Since the barrel hanging above the door and the barrels located on the dormers of the front of the restaurant are an additional signage to the name of the restaurant on the front of the building the wall signage will exceed the permitted amount of signage.
11-12-7D5	Foundation plantings, installed to meet the minimum interior landscape requirement, shall be located in a landscape area not less than eight feet in width along the front foundation of the principal building. One tree and six shrubs are required per twenty linear feet of building foundation.	Remove this requirement completely for the second multi-tenant building that will be built in the rear of the lot at 799 Heartland Drive.	The layout of the multi-tenant building in the rear will not accommodate for foundation plantings.
11-12-7D1	One landscaped island measuring at least ten feet in width shall be provided for every twelve parking spaces within the facility.	Remove this requirement for the entire lot known as 799 Heartland Drive.	The proposed uses on the lot need as many parking spaces as can be accommodated.
11-12-7B	Minimum amount of landscape materials by landscape yard type.	Remove this requirement.	The setback of the restaurant from Sugar Grove Parkway needs as much visibility as possible.

11-4-7F3b	Commercial outdoor dining; off-street parking shall be provided at a rate of 13 spaces per 1,000 square feet of area devoted to commercial outdoor dining.	Reduce the required number of parking spaces from 13 space per 1,000 square feet of area devoted to commercial outdoor dining to 0 spaces per 1,000 square feet of area devoted to commercial outdoor dining.	The overall property has limited parking and this requirement is not necessary.
11-12-3E	Restaurants, sit down, and banquet halls; required number of parking spaces is 13 spaces per 1,000 square feet of floor area.	Remove this requirement and make the parking as per what is shown on the PUD plan in Exhibit C.	Parking is limited and will be shared between the two buildings.
11-12-3E	Light industrial; required number of parking spaces is 1 space per 1,000 square feet of floor area, or 1 space per 1.25 employees (whichever is greater).	Remove this requirement and make the parking as per what is shown on the PUD plan in Exhibit C.	Parking is limited and will be shared between the two buildings.

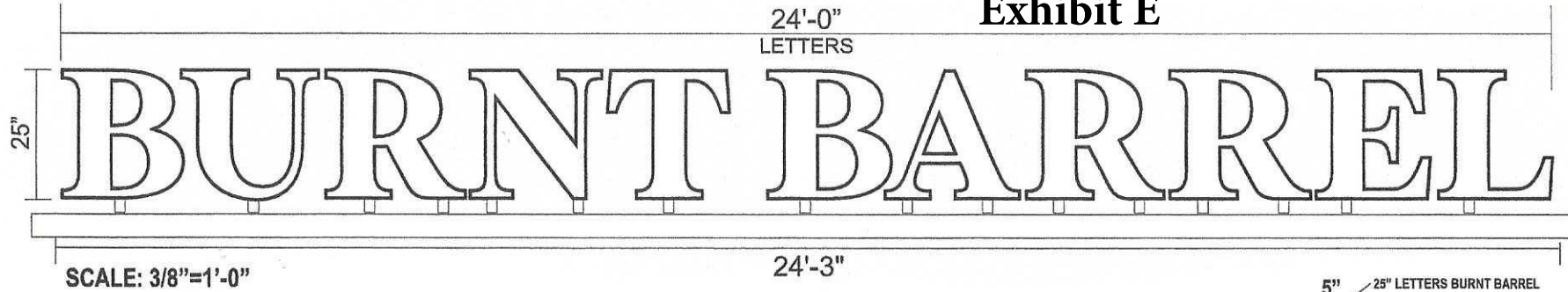


**EXHIBIT E**

*SIGNAGE PLAN*

DRAFT

# Exhibit E



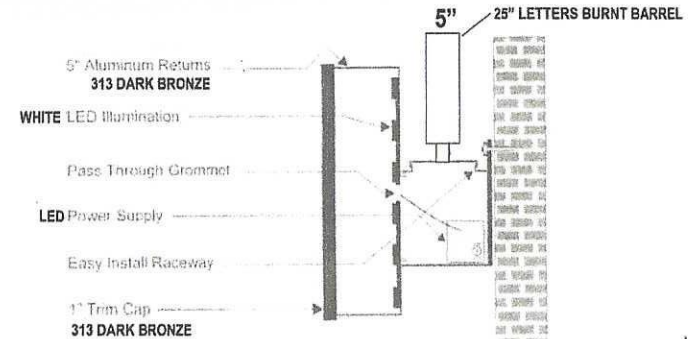
## CHANNEL LETTERS & LOGO

FABRICATE & INSTALL ONE (1) 25" X 24'-0" OVERALL SIZE CHANNEL LOGO BARREL BURNT. ALL LETTERS & LOGO TO BE *TOP* MOUNTED TO RACEWAY

*S*.063 WELDED ALUMINUM RETURN DEPTH .063 ALUMINUM BACKS. HIGH OUTPUT WHITE LEDS. COLOR OF LETTERS *WHITE* BURNT BARREL

VC SIGNS TO PROVIDE SIGNAGE BLUEPRINTS FOR CUSTOMER, LANDLORD & CITY OF SUGAR GROVE, IL. VC SIGNS & LIGHTING, INC. TO WIRED UP NEW SIGN TO NEW ELECTRICAL SIGN CIRCUIT. 5 YEAR WARRANTY ON LED'S & POWER SUPPLY. 1 YEAR WARRANTY ON LABOR. UL LISTED SIGN LETTERS & LOGO. UL LISTED SAFETY SWITCH INSTALLED ON ONE LETTER.

313 DARK BRONZE RETURNS WITH 1" DARK BRONZE TRIM-CAPS



SIDE VIEW OF LETTERS/MOUNTING



PROPOSED - SCALE: 3/32"=1'-0"

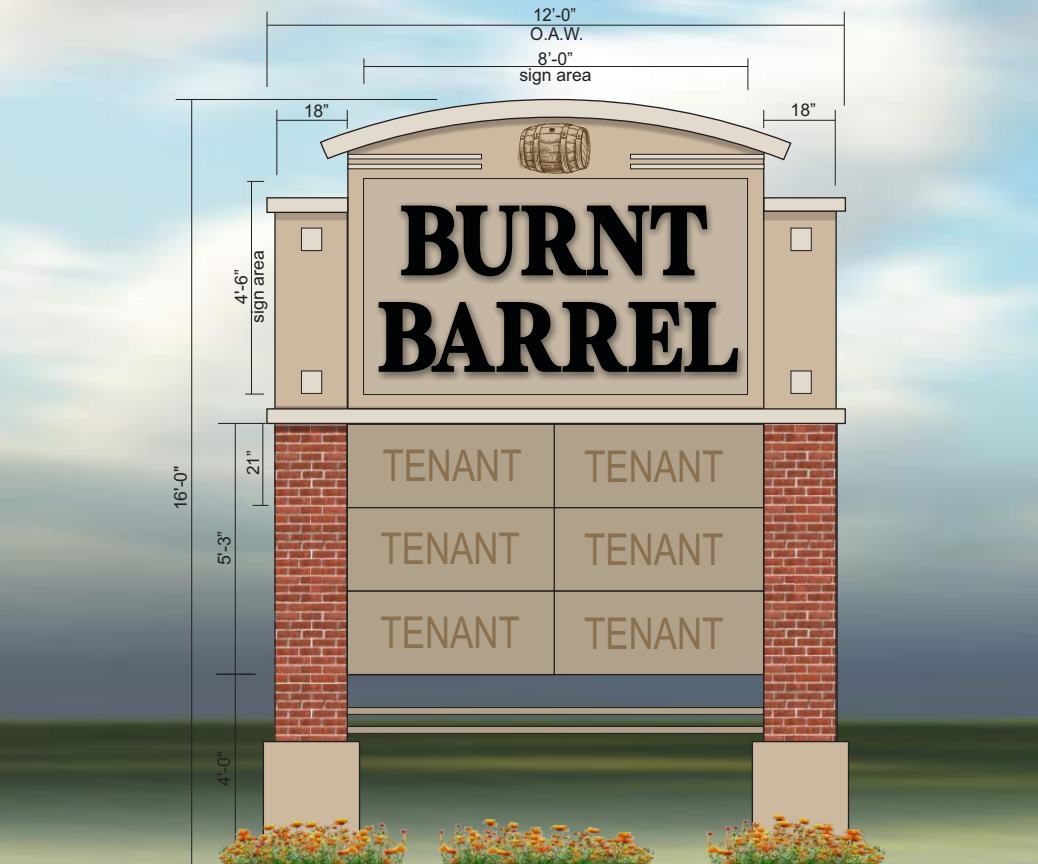


EXISTING

Approved:	<b>VC Signs &amp; Lighting, Inc.</b> 709 Parkside Lane Yorkville, IL 60560 vince.campione@yahoo.com 630-999-1616 Cell www.vcsigns1.net	BURNT BARREL SOCIAL SUGAR GROVE, IL	Name	Date	Notes	Drawn by:	
Date:				1/9/23		JF	
						Checked by:	VC


These plans are exclusive property of VC Signs & Lighting, Inc. and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from VC Signs & Lighting, Inc. a sign manufactured according to these plans. Distribution or exhibition of these plans to construct a sign similar to the one herein is strictly forbidden. In the event that such exhibition occurs, VC Signs & Lighting, Inc. expects to be reimbursed \$500.00 in compensation for time and cost entailed in creating these plans.

# Exhibit E



**MANUFACTURE & INSTALL ONE (1) D/F INTERNALLY ILLUMINATED MONUMENT SIGN**

SCALE: 1/4"=1'-0"

Approved:	<b>VC Signs &amp; Lighting, Inc.</b> 709 Parkside Lane Yorkville, IL 60560 vince.campione@yahoo.com 630-999-1616 Cell www.vcsigns1.net	BURNT BARREL	Name	Date	Notes	Drawn by:	
Date:				11-29-22		JF	
						Checked by:	
						VC	

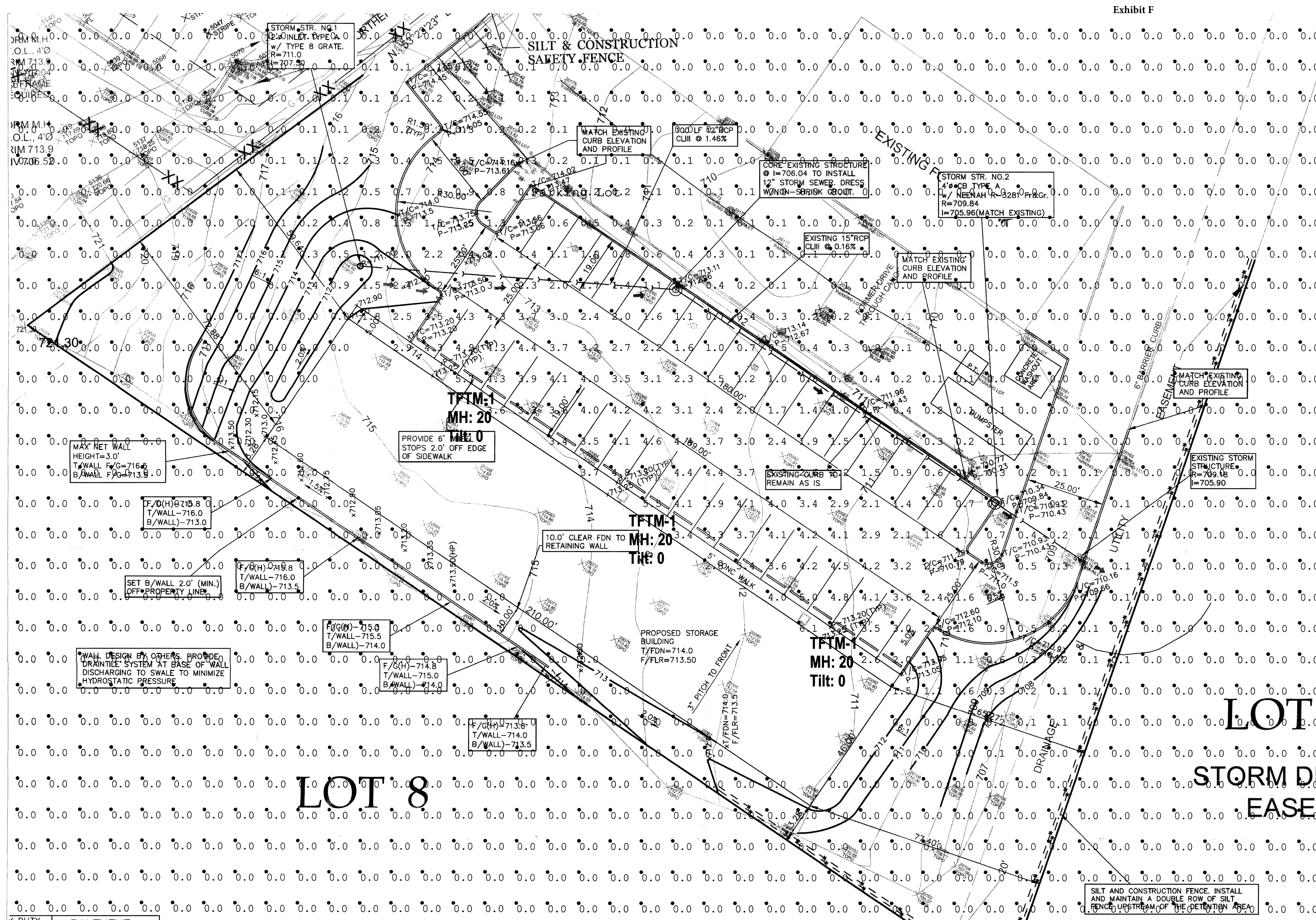
These plans are exclusive property of VC Signs & Lighting, Inc. and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from VC Signs & Lighting, Inc. a sign manufactured according to these plans. Distribution or exhibition of these plans to construct a sign similar to the one herein is strictly forbidden. In the event that such exhibition occurs, VC Signs & Lighting, Inc. expects to be reimbursed \$500.00 in compensation for time and effort entailed in creating these plans.

**EXHIBIT F**

**Photometric Plan**

DRAFT





Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
CalcPts_1	Illuminance	Fc	0.24	6.1	0.0	N.A.	N.A.
Parking Lot	Illuminance	Fc	2.78	5.5	0.5	5.56	11.00

Notes :

1. Calculation Work Plane : Grade
2. Fixture Mounting Height : 20'
3. Calculation Point Spacing : 10'x10'



## **Exhibit G**

### *Trash Enclosure Detail*

Example of proposed trash enclosure with masonry walls. Gate shall be galvanized metal pipe frame with galvanized latching mechanism; cedar clad frame.



*Inside view*



*Outside view*