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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:** ORDINANCE: PUD AMENDMENT; FINAL PUD APPROVAL; FINAL PLAT OF SUBDIVISION; AND, SPECIAL USE PERMIT FOR DRIVE-THROUGH FACILITY LANDINGS COMMERCIAL SUBDIVISION LOT 2 (DUNKIN DONUTS)  
**AGENDA:** AUGUST 2, 2016 VILLAGE BOARD REGULAR MEETING  
**DATE:** JULY 29, 2016

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**ISSUE**

Shall the Village Board consider approval of a PUD amendment; final PUD approval; final plat of Subdivision; and, Special Use Permit for drive-through facility for Lot 2 in the Landings Commercial Subdivision.

**DISCUSSION**

The Village Board adopted the establishing ordinance for the Landings Commercial Center PUD (Ordinance Number 2007-0403B) on April 3, 2007. The Ordinance granted Preliminary Plan approval for the subject property (Lot 2) with the condition that prior to improving this site, Final Plan approval must be granted by the Village Board. Substantial conformance with the Preliminary Plan was a condition of approval. Drive-through facilities are a Special Use under the terms of the Landings Commercial Center PUD.

The Landings Commercial Center PUD has been amended several times since. A number of the previous amendments are related to Lot 8 (Landings Office Park), and modifying the list of permitted and Special Uses in the PUD in 2010. The most recent amendment was for wall signs on Lot 4 (West Suburban Bank).

The Applicant prepared a final development plan that includes departures from the Landings Commercial Subdivision PUD and the Zoning Ordinance. The Applicant proposes to subdivide the lot into two tracts, each slightly less than the required 40,000 sqft. The lot having frontage along Sugar Grove Parkway would be the site of a Dunkin Donuts restaurant. The lot having frontage on Division Drive would be an office or medical office use.

The site plan features include typical counterclockwise circulation for the drive-through lane, a future vehicular connection to Lot 2 immediately to the south; pedestrian connections to the sidewalk along Sugar Grove Parkway; extending pedestrian circulation network in Shops at the Landings along the internal driveway (north lot line); pedestrian and vehicular connections between the two proposed lots; and, landscaping exceeding requirements.

Of special interest to the Board, the Applicant revised the site plan to increase the space between the drive-through lane exit and the parallel drive from Sugar Grove Parkway to enable motorists to make a U-turn to return to IL 47. This change could only be accomplished by eliminating one queuing space in

the drive-through lane. Staff is of the opinion that accommodating a safer U-turn movement was more important than a queuing space since the restaurant operator can control the pace of drive-through traffic, not cars maneuvering onto the driveway to IL 47.

The Applicant responded to the ARG's comments and suggestions for the appearance of the building. The exterior building material has been replaced with brick and masonry, and also accommodated the Village's desire to provide foundation planting along the entrance elevations. The outdoor patio area conforms to Dunkin Donuts specifications (the Village offers no minimum specifications for outdoor seating areas such as this).

The outdoor illumination will be of the LED type.

In addition to the slight reduction in minimum lot area (39,000 sqft and 32,800 sqft, respectively) the PUD amendment includes variations and departures from the sign regulations to allow:

- a projecting sign (over the drive-through window) of 10.8 sqft instead of the maximum 9 sqft;
- reducing the number of queuing spaces in the drive-through lane from 8 to 7;
- reducing the required rear yard on Lot 202 (the medical office building) from 20 feet to 10 feet;
- allowing wall signs on more than one side of the building;
- allowing awnings to have graphics other than the logo or name of the business;
- allowing more than one type of wall sign on each building elevation; and,
- permitting two freestanding signs on the lot having frontage on Sugar Grove Parkway.

The last departure from the sign regulations is of special interest since it flirts with off-site advertising. To overcome the objection of off-site advertising, staff recommends the Applicant apply a development name, e.g. "Landings Business Center," to the subdivision and incorporate this name on the second sign leaving space for the tenants on the sign, similar to "Shops at the Landings" directly to the north and "Sugar Grove Center" on the opposite side of the street. The Applicant concurs with the staff and Planning Commission recommendation. Dunkin Donuts will have its own freestanding monument sign along the same frontage.

Of note, the owner of Lot 1, adjacent on the south, supports the plan amendment and the Community Development Department received a few calls from interested residents supporting the Dunkin Donuts development.

## **ATTACHMENTS**

- Planning Commission Recommendation PC16-09
- Ordinance 2016-0802\_ Approving An Amendment of the Landing Commercial Subdivision PUD, approving a final PUD Plan, Final Plat of Subdivision, and granting a Special Use Permit for Drive-Through Facility) (Dunkin Donuts)

## **COST**

All costs associated with the requested action are borne by the Applicant.

## **RECOMMENDATION**

That the Village Board approve Ordinance 2016-0802\_ Approving An Amendment of the Landings Commercial Subdivision PUD, approving a final PUD Plan, Final Plat of Subdivision, and granting a Special Use Permit for Drive-Through Facility) (Dunkin Donuts)

**VILLAGE PRESIDENT**

P. Sean Michels

**VILLAGE ADMINISTRATOR**

Brent M. Eichelberger

**VILLAGE CLERK**

Cynthia Galbreath



**COMMUNITY DEVELOPMENT DEPARTMENT**

**VILLAGE TRUSTEES**

Kevin Geary

Sean Herron

Mari Johnson

Ted Koch

Rick Montalto

David Paluch

**R E C O M M E N D A T I O N**  
**PC16-10**

**TO:** Village President and Board of Trustees  
**FROM:** Planning Commission  
**DATE:** Meeting of July 27, 2016  
**CASE FILE:** 16-010 Landings Commercial Subdivision PUD Amendment;  
Final PUD (Lot 2); Final Plat of Resubdivision (Lot 2); and,  
Special Use Permit for drive-through restaurant  
442 N. Sugar Grove Parkway  
Dunkin Donuts

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**PROPOSAL**

The Applicant, Lee Fry Companies, Inc., is requesting (1) an amendment of the Landings Commercial PUD, (2) Final PUD approval for Lot 2 of Landings Commercial Center, (3) Final Plat of Resubdivision, and (4) a Special Use Permit for drive-through restaurant. The subject property is currently vacant and is more commonly known as the lot immediately south of the Shops at the Landings (Jimmy John’s, Verizon, *et al*).

The applicant is proposing to subdivide the lot and improve the lot with frontage on IL 47 with a single story 1,980 square foot building. The anticipated business operation is a Dunkin Donuts restaurant establishment. The second lot is anticipated to be developed with a 3,200 square foot office or medical office building.

**BACKGROUND & HISTORY**

The Village Board adopted the establishing ordinance for the Landings Commercial Center PUD (Ordinance Number 2007-0403B) on April 3, 2007. The Ordinance granted Preliminary Plan approval for the subject property (Lot 2) with the condition that prior to improving this site, Final Plan approval must be granted by the Village Board. Substantial conformance with the Preliminary Plan was a condition of approval. Drive-through facilities are a Special Use under the terms of the Landings Commercial Center

PUD.

The Landings Commercial Center PUD has been amended several times since. A number of the previous amendments are related to Lot 8 (Landings Office Park), and modifying the list of permitted and Special uses in the PUD in 2010. The most recent amendment was for wall signs on Lot 4 (West Suburban Bank).

## **EVALUATION**

### *ZONING COMPLIANCE*

The applicant is proposing construction of a freestanding single tenant restaurant building with accessory off-street parking on the lot having IL 47 frontage and an office building on the lot having Division Drive frontage. The restaurant building will be used as Dunkin Donuts restaurant with an accessory drive-through window facility. The proposed uses are permitted uses in the underlying B-3 Regional Business District and are permitted uses as established by the Landings Commercial Subdivision Planned Unit Development Ordinance. The proposed office building could be used for retail purposes under the Zoning Ordinance and PUD. The drive-through facility is a Special Use under the Landings Commercial Subdivision PUD.

The drive-through facility complies with the recently adopted standards for drive-through facilities in the Zoning Ordinance with one exception. The stacking spaces are reduced by one in order to accommodate the U-turn movement from the drive-through lane exit on the north side of the building.

The Applicant is requesting several variations from the zoning requirements and the sign regulations for the signs on the Dunkin Donuts building as part of the PUD amendment. Individually and collectively, the proposed signs on the Dunkin Donuts building are within the sign area requirements of the Zoning Ordinance. But some of the signs are used for purposes and in ways not contemplated by the Zoning Ordinance. The departures and variations are described below.

### *SITE DEVELOPMENT*

The proposed site development plan incorporates advice and direction from Village staff, consultants and the Fire Protection District. The proposed site plan complies with the Landings Commercial Center PUD requirements for building and parking setbacks, and accommodates the need to provide access to Lot 1 immediately to the south.

The Applicant is proposing more off-street parking than required by the Zoning Ordinance for the Dunkin Donuts. Staff and the applicant are working to ensure that the proposed landscape plan contains plant material that is consistent with the landscape materials used at the adjacent Shops at the Landings (Jimmy John's, Verizon, *et al*).

The Applicant is extending the internal sidewalk system to provide connections to the internal driveway across the north frontage of the subject property, and a sidewalk connection to the sidewalk along Sugar Grove Parkway also is provided. A bike rack is provided.

The Village Board was given the opportunity to review the site plan in advance. Two primary areas concern were identified: the ability of vehicles exiting the drive-through lane to return to IL 47, and the orientation of the building, specifically the drive-through window facing Sugar Grove Parkway.

The Board expressed concern about the ease with which vehicles can make a U-turn from the drive-through exit onto the access drive and return to IL 47. The Applicant responded to this concern by moving the drive-through exit farther south, increasing the space between the parallel driveways and enabling the U-turn movement to occur more easily.

The other area of concern was the orientation of the building, specifically, the drive-through service window facing Sugar Grove Parkway. While different, the orientation is not uncommon. And there are mitigating factors to offset the uncommon orientation. There is an existing three foot berm along the drive-through lane; there is landscaping on the berm, and the building appearance—including windows—provides enough visual interest to make this façade attractive.

The building orientation is a result of site constraints. The Applicant is required to provide access to Lot 1 immediately to the south. The access point to the subject property from the entrance drive should be located opposite the access point to the Shops at the Landings to the north. Building and parking setbacks also factor into the design process and the result is the plan prepared by the Applicant. The Planning Commission was satisfied with the overall development design.

#### *PLAT OF SUBDIVISION*

The proposed plat of subdivision is consistent with the final development plan for the subject property. An access easement across the property to Lot 1 needs to be added to the plat.

#### *BUILDING APPEARANCE*

The proposed building was reviewed by the ARRG on June 28, 2016. The ARRG supported the overall design of the building but had two issues with the building's appearance, including:

- The body of the building needed to be a durable material, such as brick, stone or other masonry, not the stucco material as presented. *(The material was changed to brick).*
- 360-architecture should be provided on the south side. *(The design and materials are now applied to all four sides of the building).*

The Applicant has addressed all of the ARRG's concerns.

The ARRG also commented about the proposed signs and graphics on the building. When considered as a package the graphics make sense; individually and collectively the signs on the building are reasonable in use, scope and appearance.

Upon approval, the Dunkin Donuts restaurant would be constructed immediately. There is no construction timetable for the office building construction.

#### *DEPARTURES FROM ZONING REQUIREMENTS*

The proposed final PUD plan includes the following departures from the Zoning Ordinance:

1. The lot area for Lot 201 and 202 is 39,514 and 33,295, respectively. 40,000 sqft is the minimum requirement (11-8-6-E-1)
2. The rear yard on Lot 202 is 10 feet. 30 feet required (11-8-6-F-3)
3. Lot coverage exceeds 70% on Lot 201 (11-8-6-G)

#### *Signs*

4. The window sign on the east façade of the Dunkin Donuts building is 100% of window area. Maximum allowed is 40% (11-14-4-I)
5. The freestanding sign for Lot 202 is located on Lot 201. Off-premises signs are prohibited. (11-14-5-B)
6. The coffee cup graphic on the west façade of the Dunkin Donuts is applied directly to the building surface. Signs painted directly on wall surface prohibited (11-14-5-G).
7. The number of directional signs (4) for Dunkin Donuts exceeds the maximum of 3 (11-14-9-B)
8. Wall signs are placed on three sides of the Dunkin Donuts building (only one faces a public street). No more than 2 sides permitted and must face public street (11-14-9-E). This condition applies to both lots.
9. The Dunkin Donuts uses canopy and wall signs on the same facades. The Zoning Ordinance does not permit more than one sign type to be used on same façade (11-14-9-E)
10. The projecting sign (over the drive-through window) is illuminated. Prohibited by Zoning Ordinance. (11-14-9-E-2-e).
11. The sign area of the projecting sign (over the drive-through window) is 10.8 sqft; 9 sqft is the maximum (11-14-9-E-2-e).

Of all the departures, the off-premise sign for Lot 202 presents some issues. The Village has been effective in preventing off-site advertising from appearing in the Village and needs to be very careful about condoning its use in this instance. The Village has approved "community signs" in other instances, i.e., The Shops at the Landings, and that strategy may be considered in this instance. For example, the monument sign for Lot 202 should have an element identifying "Landings Business Center" to convey the image of a unified development. The Planning Commission supports this approach and the Applicant agreed to the suggestion.

#### **PUBLIC COMMENT**

The Planning Commission held a public hearing on July 27, 2016 concerning the proposed PUD amendment and Special Use for drive-through restaurant facility. No objectors were present.

## **RECOMMENDATION**

After considering all of the facts and after careful deliberation, the Planning Commission recommends the Village Board approve (1) an amendment of the Landings Commercial PUD for Lot 2, (2) approve the Final PUD plan for Lot 2 of Landings Commercial Center, (3) approve the Final Plat of Resubdivision, and (4) grant a Special Use Permit for drive-through restaurant on Lot 201.

AYES: L. Jones, J. Gudendorf, J. Ekert, H. Lendi, G. Wilson, and  
I. Oschenshlager

NAYS: None

ABSENT: B. Sabo

ATTACHMENTS: Site plan  
Landscape plan  
Final Subdivision Plat (2 sheets)  
Color Building Elevations (2 sheets)  
Sign plan



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

**ORDINANCE NO. 2016-0802\_**

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**AN ORDINANCE  
GRANTING APPROVING AN AMENDMENT OF A PLANNED UNIT DEVELOPMENT, APPROVING A FINAL  
PLANNED UNIT DEVELOPMENT APPROVING A FINAL PLAT OF SUBDIVISION, AND GRANTING A  
SPECIAL USE FOR DRIVE-THROUGH RESTAURANT FACILITY FOR  
LANDINGS COMMERCIAL SUBDIVISION LOT 2  
(DUNKIN DONUTS)**

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Adopted by the  
Board of Trustees and President of the Village of Sugar Grove  
this 2<sup>nd</sup> day of August, 2016

Published in pamphlet form  
by authority of the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois,  
this 2<sup>nd</sup> day of August, 2016

**ORDINANCE NO. 2016-0802\_**

**AN ORDINANCE  
GRANTING APPROVING AN AMENDMENT OF A PLANNED UNIT DEVELOPMENT, APPROVING A FINAL  
PLANNED UNIT DEVELOPMENT APPROVING A FINAL PLAT OF SUBDIVISION, AND GRANTING A  
SPECIAL USE FOR DRIVE-THROUGH RESTAURANT FACILITY FOR  
LANDINGS COMMERCIAL SUBDIVISION LOT 2  
(DUNKIN DONUTS)**

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

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

**WHEREAS**, Lee Fry Company, the Applicant, has requested approval of an amendment of the Landings Commercial Subdivision Planned unit Development, a Final Planned Unit Development for Lot 2 in the Landings Commercial Subdivision Planned unit Development, approval of a final plat of subdivision, and granting a Special Use for a drive-through restaurant facility, as required by the Landings Commercial Subdivision Planned unit Development and the Village Zoning Ordinance; and,

**WHEREAS**, after due notice the Plan Commission held a public hearing concerning the proposed PUD amendment and Special Use on July 27, 2016 and no objectors were present; and

**WHEREAS**, the Plan Commission recommended in their Recommendation PC16-10 that the Village Board approve the Applicant's requests.

**WHEREAS**, the Village Board has reviewed the request and has deemed that the approval would be in compliance with the Comprehensive Plan and all Ordinances of the Village of Sugar Grove.

**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: PLANNED UNIT DEVELOPMENT AMENDMENT AND FINAL PLANNED DEVELOPMENT.**

That the amendment of the Planned Unit Development (PUD) for Landings Commercial Subdivision is hereby approved subject to development in accordance with the approved Final PUD plan for Lot 2 for the property described in **Exhibit A**. Said approval is conditioned upon compliance with the conditions enumerated on **Exhibit B** which are attached and made a part of this ordinance.

**SECTION TWO: FINAL SUBDIVISION PLAT.**

That the final subdivision plat for Landings Business Center, attached hereto as **Exhibit C** and made a part hereof by this reference, is hereby approved. The Village President and the Village Clerk are hereby authorized and directed to execute said plat of subdivision. The Village Clerk is hereby directed to cause said plat of subdivision to be recorded in the office of the Recorder in Kane County.

**SECTION TWO: 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 on and after its approval, passage and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 2<sup>nd</sup> day of August, 2016.

\_\_\_\_\_  
P. Sean Michels  
President of the Board of Trustees  
of the Village of Sugar Grove,  
Kane County, Illinois

ATTEST:

\_\_\_\_\_  
Cynthia L. Galbreath  
Clerk, Village of Sugar Grove

		<b>Aye</b>	<b>Nay</b>	<b>Absent</b>	<b>Abstain</b>
Trustee Kevin M. Geary	—	—	—	—	
Trustee Sean Herron		—	—	—	—
Trustee Mari Johnson		—	—	—	—
Trustee Ted Koch		—	—	—	—
Trustee David Paluch		—	—	—	—
Trustee Ron Montalto		—	—	—	—
President P. Sean Michels		—	—	—	—

**EXHIBIT A**

*Legal Description*

LOT 2 IN THE LANDINGS RESUBDIVISION, BEING A RESUBDIVISION OF PART OF THE EAST ½ OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO A PLAT OF RESUBDIVISION RECORDED DECEMBER 18, 2007 AS DOCUMENT NO. 2007K122721, IN KANE COUNTY, ILLINOIS

## **EXHIBIT B**

### *Conditions of Approval*

1. That the Final PUD and Special Use shall substantially conform to the Site and Engineering Plans, titled “Dunkin Donuts & Office/Retail Site Civil Engineering Plans” and Final Subdivision Plat all prepared by Merit Corp, dated July 15, 2016, and building elevation drawings prepared by R.S.D. Associates, PC, dated July 13, 2016, a sign plan for Lot 201 (Dunkin Donuts) prepared by Persona, dated July 8, 2016 except as such plans will be revised to address the reviews and conform to Village codes and ordinances and the conditions below.
  
2. That the following variations and departures from the Zoning Ordinance are hereby approved as part of the PUD approval:
  - a The lot area for Lot 201 and 202 is 39,514 and 33,295, respectively. 40,000 sqft is the minimum requirement (11-8-6-E-1)
  - b The rear yard on Lot 202 is 10 feet. 30 feet required (11-8-6-F-3)
  - c Lot coverage exceeds 70% on Lot 201 (11-8-6-G)
  - d The window sign on the east façade of the Dunkin Donuts building is 100% of window area. Maximum allowed is 40% (11-14-4-I) (Lot 201 only)
  - e The freestanding sign for Lot 202 is located on Lot 201. Off-premises signs are prohibited. (11-14-5-B)
  - f The coffee cup graphic on the west façade of the Dunkin Donuts is applied directly to the building surface. Signs painted directly on wall surface prohibited (11-14-5-G). (Lot 201 only)
  - g The number of directional signs (4) for Dunkin Donuts exceeds the maximum of 3 (11-14-9-B) (Lot 201 only)
  - h Wall signs are placed on three sides of the Dunkin Donuts building (only one faces a public street). No more than 2 sides permitted and must face public street (11-14-9-E). This condition applies to both lots.
  - i The Dunkin Donuts uses canopy and wall signs on the same facades. The Zoning Ordinance does not permit more than one sign type to be used on same façade (11-14-9-E) (Lot 201 only)

- j The projecting sign (over the drive-through window) is illuminated. Prohibited by Zoning Ordinance. (11-14-9-E-2-e). (Lot 201 only)
  - k The sign area of the projecting sign (over the drive-through window) is 10.8 sqft; 9 sqft is the maximum (11-14-9-E-2-e). (Lot 201 only)
3. That the developer of Lot 201 shall remove one shade tree on either side of the parking lot entrance.

**EXHIBIT C**

*Plat of Subdivision*