



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telser Road
Lake Zurich, Illinois 60047

Phone (847) 540-1696
Fax (847) 726-2182
LakeZurich.org

APPLICATION PZC 2017-14
PZC Hearing Date: December 20, 2017

AGENDA ITEM 4.E

STAFF REPORT

To: Chairperson Stratman and Members of the Planning & Zoning Commission

From: Sarosh Saher, Community Development Director

CC: Katie Williams, Associate Planner
Mary Meyer, Building Services Supervisor

Date: December 20, 2017

Re: PZC 2017-14 Zoning Application for 927 South Rand – Meat & Potatoes
Special Use Permit for Drive-through Lane and Outdoor Seating

SUBJECT

John Sfire, of The Fidelity Group, (the “Applicant”) requests a Special Use Permit to establish a drive-through lane and outdoor seating for a restaurant at the property commonly known as 927 South Rand Road legally described in Exhibit A attached hereto (the “Subject Property”).

GENERAL INFORMATION

Requested Action: Special Use Permit

Current Zoning: B-3 Regional Shopping District

Existing Use Deerpath Commons Retail Center

Proposed Uses: Drive-through facilities accessory to permitted eating places
Outdoor seating accessory to permitted eating places

Property Location: 927 South Rand

Applicant: John Sfire, The Fidelity Group

Owner: Fidelity Group LTD d/b/a The Fidelity Group

Staff Coordinator: Katie Williams, Associate Planner

LIST OF EXHIBITS

- A. Legal Description
- B. Public Hearing Sign
- C. Site Photos
- D. Aerial Map
- E. Zoning Map
- F. Parcel Map
- G. Development Application and Attachments
- H. Development Review Comments

BACKGROUND

John Sfire of The Fidelity Group (the “Applicant”), is the Applicant for the proposed drive-through facility and outdoor seating which is proposed to be established at the existing outlot at Deerpath Commons Retail Center at 927 South Rand Road, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on November 20, 2017 (the “Application”) seeking:

- Special Use Permit approval for the establishment of
 - A drive-through facility accessory to a permitted eating place
 - Outdoor seating accessory to permitted eating places

The Subject Property is located within the Village’s B-3 Regional Shopping Zoning District. The existing Outlot within Deerpath Commons currently houses tenant spaces occupied by Eddie Z Blinds and Drapery, Be New Pilates, and SW Massage. A local fast casual restaurant, Meat and Potatoes Eatery, has proposed to occupy the tenant space left vacant by the relocation of Timothy Grant Jewelers. Meat and Potatoes Eatery currently has a location in McHenry, with another opening up in Carpentersville in the near future. The Eatery is the lunch- and dinner-time counterpart of another local restaurant known as Brunch Café. With the expansion of their Meat and Potatoes Eatery restaurants, the business owners are also expanding their services to include a drive-through option. While the existing Meat and Potatoes in McHenry does not have an accessory drive-through lane, the new Carpentersville location will.

The outdoor seating area will comprise of an approximately 18x20 foot paved patio located in front of the main entrance to the restaurant. The area currently consists of two parking spaces which are proposed to be removed with the reconfiguration of the property for the drive-through facility.

Hours of operation at the proposed Meat and Potatoes Eatery location are 11:00 a.m.-9:00 p.m. Monday through Thursday; 11:00 a.m.–10:00 p.m. Friday and Saturday, and Noon – 8:00 p.m. on Sunday.

Pursuant to public notice published on December 2, 2017, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for December 20, 2017, to consider the Application. On November 22, 2017, the Village posted a public hearing sign on the Subject Property (Exhibit B).

Staff offers the following additional information:

- A. Courtesy Review.** No Courtesy Review was recommended for the proposed use and establishment of a drive-through facility within the Deerpath Commons Retail Center due to the relatively low impact that the development will have on surrounding properties.
- B. Zoning History.** Prior to the development of the existing Deerpath Commons retail center building, the Subject Property contained Lake Zurich RV and a single family home. The existing retail center was approved pursuant to Ordinance 2005-07-364, and construction began shortly after. Since its development, Deerpath Commons has provided a variety of retail and commercial options for residents in the community.
- C. Surrounding Land Use and Zoning.** The subject property is located on Route 12, which is a major commercial arterial. The land immediately to the east of the Subject Property is zoned B-3 Regional Shopping district and improved with similar retail centers that provide a variety of commercial uses. The land farther to the southeast is currently being developed with the Sparrow Ridge Plaza retail center. The properties to the west are zoned within the R-5 Multi-Family Residential District and improved with older construction single family homes which are a part of The Meadows subdivision. To the north of the Subject Property and across Route 12, the property is zoned B-1 Local and Community Business and is improved with similar but smaller multi-tenant commercial buildings. The property to the south is zoned within the OS Open Space district and was set aside as a stormwater detention/natural conservation area at the time of the development of the subject retail center.
- D. Trend of Development.** The subject property is located along the thriving Route 12 commercial corridor along the southern side of the Village. The accessibility and high visibility from a major north-south arterial such as Route 12 makes the Subject Property a suitable location for a fast casual restaurant. Such fast casual uses prefer to establish a drive-through lane accessory to the dining room in order to reach a wider customer base.
- E. Zoning District.** Three (3) zoning districts are provided for business and commercial uses. When taken together, these districts are intended to permit development of property for the full range of business and commercial uses needed to serve the citizens of Lake Zurich and the surrounding suburban area. The B-3 regional shopping district is intended to provide locations for major retail centers. The regulations are designed to encourage a broad range of attractive retail and compatible service uses in those centers.

GENERAL FINDINGS

Staff of the Village's Development Review Team (DRT) has evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offers findings on specific sections of the Code.

9-19-3: STANDARDS FOR SPECIAL USE PERMITS.

Staff has reviewed the plan and found that the development proposal will continue to remain in substantial conformance with the standards for Special Use Permits as outlined below.

A. General Standards: No special use permit shall be recommended or granted unless the applicant shall establish substantial conformance with the following:

1. Zoning Code and Plan Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this zoning code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the official comprehensive plan.

Staff Response: Standard met. The development will continue to remain in substantial conformance with the purpose and intent of the B-3 Regional Shopping District, and the land use designation of the adopted Comprehensive Plan.

2. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

Staff Response: Standard met. The proposed development is consistent with commercial-oriented development along the Route 12 corridor. The proposed drive-through will not have any substantial or undue adverse effect upon any adjacent properties. Fidelity additionally intends to limit egress from the property only to the two established access points directly onto Rand Road. The existing cross access driveway to the adjacent property to the north operated by Hawkeye Automotive will be designated as one-way into the subject property using appropriate signage.

The outdoor seating area will not be located in conflict with any traffic pattern on the property.

3. No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

Staff Response: Standard met. The entirety of the proposed drive-through facility use will be constructed and operated within the Deerpath Commons Retail Center space.

4. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

Staff Response: Standard met. The proposed development is currently served by and will continue to be served adequately by essential public facilities and services such as streets, utilities and drainage and other municipal services. No changes to these are contemplated at this time.

5. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through the surrounding streets.

Staff Response: Standard met. The proposed drive-through will not cause any undue traffic or congestion. Route 12 is a regional arterial street that connects the village to the surrounding communities and is designed to handle large daily volumes of traffic. The retail center is provided with two access points onto Rand Road. The westerly access that lies approximately at the mid-point of the property's frontage with Rand Road is a right-in right-out only access. The easterly access that lies at the far easterly end of the center is a full access and is designed to also serve as access for the Sparrow Ridge Plaza development that is currently under construction. This intersection is also being considered for signalization at its intersection with Rand Road.

The floor area of the proposed fast-casual restaurant use is not designed to accommodate large numbers of patrons. As a result, there should be no increase in the amount of vehicular traffic onto Route 12.

Parking is in conformance with the requirements of the zoning code. The shopping center was designed with adequate parking to accommodate the parking demand for the various types of uses that the shopping center could contain. The construction of the drive-through facility and outdoor seating area will require the removal of 14 parking spaces – 12 for the drive-through facility, and two for the outdoor seating area. However, adequate parking spaces will continue to be made available within the remaining shared-parking lot of the retail center.

6. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Staff Response: Standard met. The proposed use will not result in the destruction or removal of any natural features. The proposed use would be conducted entirely within the existing lot within Deerpath Commons Retail Center.

7. Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

Staff Response: Standard met. The proposed development will comply with all other additional standards imposed through the building codes as they relate to drive-through facilities and outdoor seating areas.

8. Positive Effect. The proposed special use creating a positive effect for the zoning district, its purpose, and adjacent properties shall be placed before the benefits of the petitioner.

Staff Response: Standard met. The proposed development will continue to enhance the established commercial character of the Route 12 corridors and will provide a safe, and convenient eating place for the Village's residents with the added convenience of a drive-through facility.

- B. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

Staff Response: Standard met. There are no additional standards for the proposed special use. Staff will ensure that compliance is established before any additional permits are issued.

- C. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Board of Trustees shall consider:

1. Benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Staff Response: Standard met. The proposed development will bring a unique but desired restaurant option to the Village. Residents of the village will be provided with a safe and convenient place to socialize with their peers while supporting a local business.

2. Alternative Locations. Whether the purposes of the zoning code can be met by the location of the proposed use and development in some other area or zoning district that may be more appropriate than the proposed site.

Staff Response: Standard met. Drive-through facilities are only permitted in the business districts. The design and configuration of facilities within the retail center are conducive to the establishment of the proposed land uses.

3. Mitigation of Adverse Impacts. Whether all steps possible have been taken to minimize any substantial or undue adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Staff Response: Standard met. The retail center has been developed to prevent any undue adverse effect on itself or on surrounding property in relation to its location, design and operation. The drive-through lane alongside the building will be adequately separated from the remaining parking lot with a landscaped island, and the stacking spaces will be directed around the rear of the building. The outdoor seating will be located entirely within a paved patio in front of the building.

RECOMMENDATION

The recommendation of the Planning and Zoning Commission should be based on the standards included in the following Sections of the Lake Zurich Municipal Code:

- Section 9-19-3: Standards for Special Use Permits

Based on the review of staff, the standards for approval have been met and therefore staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Staff of the Community Development Department therefore recommends the approval of Application PZC 2017-14, subject to the following conditions:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application and Cover Letter dated November 15, 2017, prepared by Mr. John Sfire
 - b. Exhibit A: Legal Description
 - c. Drive-through and outdoor seating exhibit prepared by The Fidelity Group and dated November 14, 2017.
2. “One Way Only” signage shall be placed at the shared access lane to direct traffic towards the main Deerpath Commons access point, and prevent traffic from accessing the adjacent lot at 909 South Rand Road, currently known as Hawkeye Automotive.

3. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Katie Williams
Associate Planner

**LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS**

**FOR 927 South Rand Road
December 20, 2017**

The Planning & Zoning Commission recommends approval of Application PZC 2017-14, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **December 20, 2017** for this Application and subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application and Cover Letter dated November 15, 2017, prepared by Mr. John Sfire
 - b. Exhibit A: Legal Description
 - c. Drive-through and outdoor seating exhibit prepared by The Fidelity Group and dated November 14, 2017.
 2. “One Way Only” signage shall be placed at the shared access lane to direct traffic towards the main Deerpath Commons access point, and prevent traffic from accessing the adjacent lot at 909 South Rand Road, currently known as Hawkeye Automotive.
 3. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.
- Without any further additions, changes, modifications and/or approval conditions.
- With the following additions, changes, modifications and/or approval conditions:

Planning & Zoning Commission Chairman

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 2 IN DEERPATH COMMONS SUBDIVISION, BEING A SUBDIVISION OF NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28 AND NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 11, 2005 AS DOCUMENT NUMBER 5895998, IN LAKE COUNTY ILLINOIS.

EXHIBIT B
PUBLIC HEARING SIGNS PRESENT AT SUBJECT PROPERTY



Exhibit C: Site Photos



Figure 1: Facing south from Rand Road towards the Subject Property.



Figure 2: Facing southeast from Rand Road towards the main Deerpath Commons lot.



Figure 3: Looking north towards Rand Road from the Subject Property.



Figure 4: Looking east towards the rear of the Subject Property where cars will stack and wrap around for the proposed drive-through lane.



Figure 5: Looking north towards the corner of the Subject Property cars will wrap around for the drive-through lane.

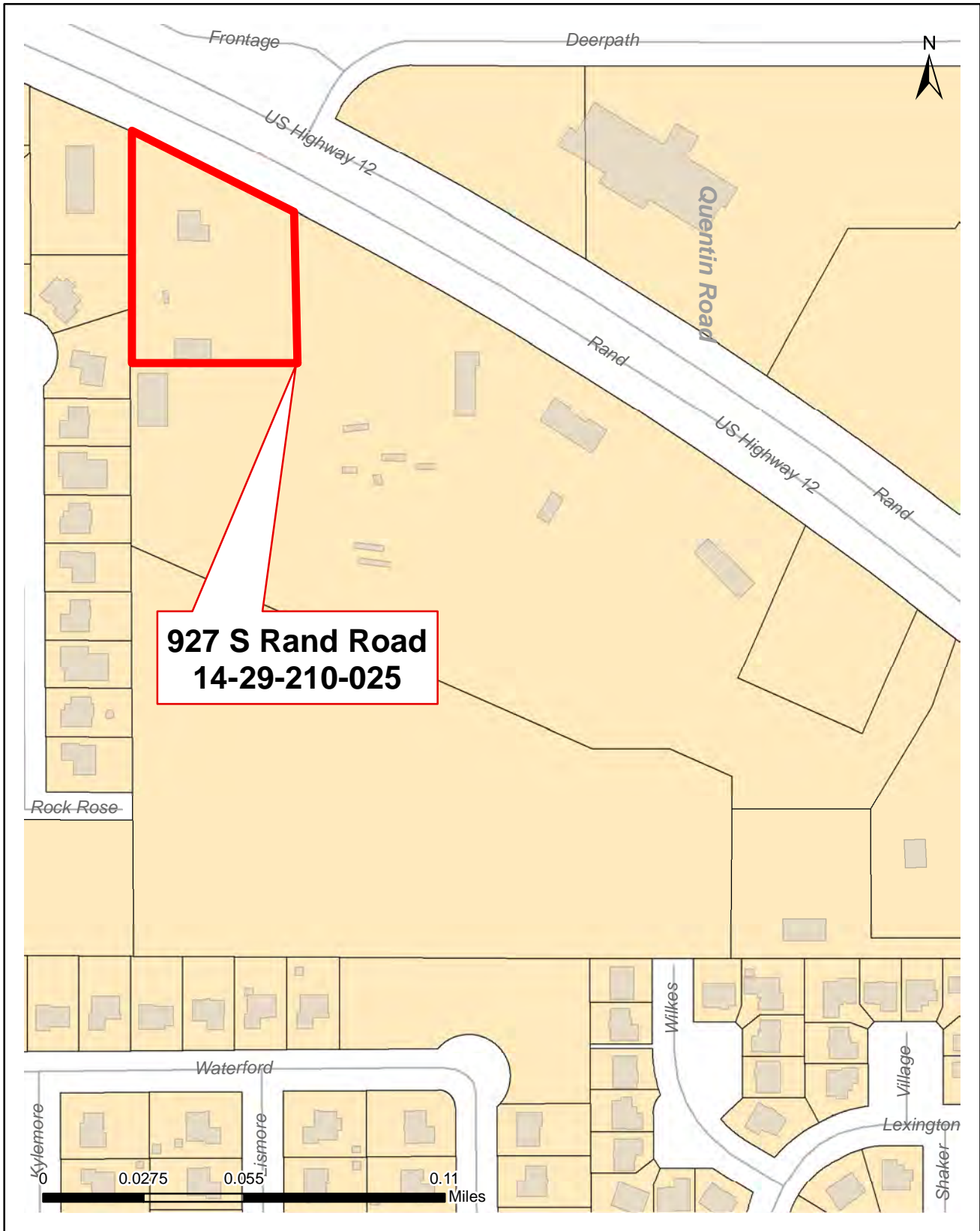


Figure 6: Proposed location of drive-through window.



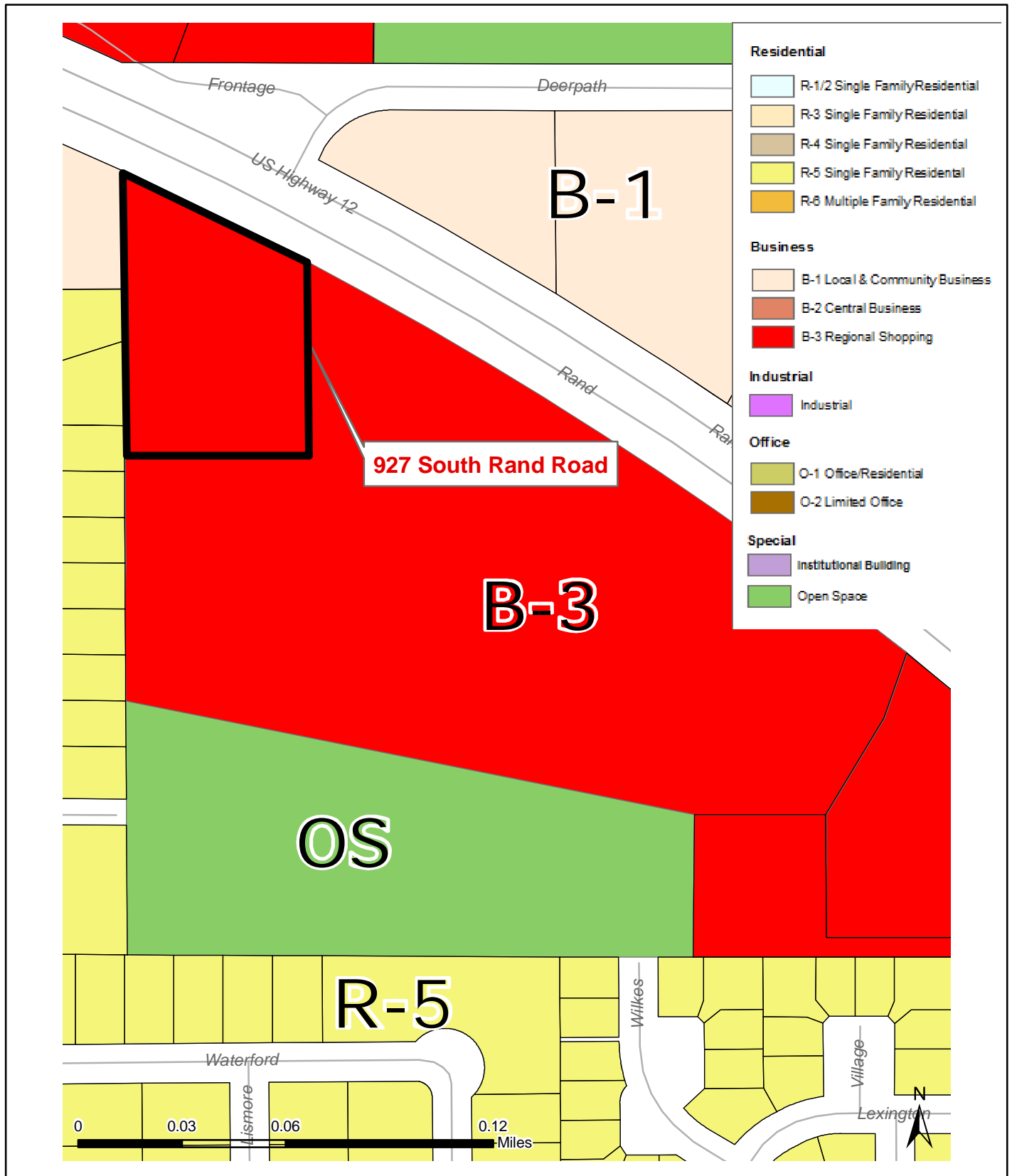
Aerial Map of 927 South Rand Road, Lake Zurich





Parcel Map of 927 South Rand Road, Lake Zurich





Zoning Map of 927 South Rand Road, Lake Zurich





JAS DEVELOPMENT, LLC

745 Ela Road
Lake Zurich, IL 60047
Phone: 847-438-5000
Fax: 847-438-7731
www.fidelitygroup.com

November 15, 2017

Mr. Sarosh Saher
Community development Director
Village of Lake Zurich
505 Telser Road
Lake Zurich, IL 60047

Re: Special Use Permit – Drive-through restaurant at 927 S Rand Road
Deerpath Commons Retail Center

Dear Mr. Saher,

We are requesting approval of Meat and Potatoes Eatery (owner) for a Special Use Permit for a drive through restaurant at 927 S Rand Road in our Deerpath Commons Retail Center. This is a permitted Special Use within the B-3 zoning.

We look forward to presenting this to the Planning Commission on December 20, 2017.

Sincerely,

JAS DEVELOPMENT, LLC

A handwritten signature in black ink that reads "John Alan Sfire". The signature is written in a cursive style with a large, prominent 'J'.

John Alan Sfire
Manager

Mr. Orlando Stratman
Chairperson of the Planning & Zoning Commission

Enc.



ANNEXATION AND ZONING APPLICATION

Community Development Department
505 Telsler Rd.
Lake Zurich, IL 60047
Phone: (847) 540-1696
Fax: (847) 540-1769

(Please Type or Print)

1. Address of Subject Property: 927 S Rand Road
2. Legal description: Lot 2 Block _____ Subdivision Deerpath Commons

Please attach complete legal description

Property dimensions are: _____ ft. by _____ ft. = 65,351 square feet

If more than two acres, then give area in acres: _____

3. Property Identification number(s): 14-29-210-025
4. Owner of record is: JAS Development, LLC Phone: 847-438-5000
 Fax: 847-438-7731 E-Mail john.sfired@fidelitygroup.com
 Address: 745 Ela Road, Lake Zurich IL 60047

4. Applicant is (if different from owner): _____ Phone: _____
 Fax: _____ E-Mail _____
 Address: _____

6. Applicant's interest in the property: Tenant
 (owner, agent, contractor, Realtor, etc.)

7. THE FOLLOWING ACTION IS REQUESTED:

Please provide a detailed explanation in a separate cover letter, explaining each zoning standard as it relates to the following applications. For the Lake Zurich Zoning Code visit www.lakezurich.org and navigate to the link for the Municipal Code.

A. VILLAGE BOARD APPLICATION TO ANNEX CERTAIN TERRITORY

All land annexed to the Village is classified automatically after such annexation in the R-1\2 Single Family Residential District. The owner must file an application for a Zoning Map amendment if he or she desires a different zoning classification for the Subject Property.

- Petition to Annex Certain Territory (Please complete attached petition)
- Application to Annex Certain Territory

B. PLANNING & ZONING COMMISSION APPLICATIONS

- Zoning Code **Map** Amendment for _____
Zoning Code **Text** Amendment for _____

(See Section 18-103 of the Lake Zurich Zoning Code for specific standards. In general, The Planning & Zoning Commission will evaluate the consistency of the proposed amendment with the purposes of the Zoning Code and the community need for the proposed amendment, uses, and development. If a specific parcel is the subject of this amendment, then provide the additional information listed in Section 18-103C.)

- Special Use Permit/Amendment for drive-through facilities accessory to permitted eating places
(See Section 19-103 of the Lake Zurich Zoning Code for specific standards. The Planning & Zoning Commission also will consider whether the proposed special use is deemed necessary for the public convenience at the particular location and whether alternative locations have been evaluated.)

- Site Plan Approval/Major Adjustment/Amendment
(See Section 20-103 of the Lake Zurich Zoning Code for specific standards.)

- Exterior Appearance/Amendment
(See Section 21-103 of the Lake Zurich Zoning Code for specific standards.)

- Planned Unit Development/Major Adjustment/Amendment
(Planned Unit Developments are a distinct category of special use and are intended to create a more desirable environment than through strict application of the zoning and subdivision regulations. See Section 22-105 of the Lake Zurich Zoning Code for specific standards. Please list all the 'modifications' requested in the cover letter. Planned Unit Developments also require the provision of compensating amenities to the Village.)

- Preliminary and Final Plat of Subdivision/Amendment
(See Sections 10-5-2 and 10-5-9 of the Land Development Code for specific standards.)

- Modification to the Land Development Code (includes retaining walls more than 2 feet in height)
(See Section 10-6-18 of the Land Development Code for specific standards.)

- Variation for _____

(Illinois State Law requires that in order for a Variation to be granted a land-related hardship must be proven by a positive Finding of Fact for certain criteria. See Section 17-104 of the Lake Zurich Zoning Code for specific standards. Please indicate what your specific hardships are in the cover letter. Self-inflicted hardships are not eligible for a variance.)

C. COMPREHENSIVE PLAN APPLICATION

- Comprehensive Plan **Map** Amendment for _____

- Comprehensive Plan **Text** Amendment for _____

Please complete the following for all applications.

8. All existing uses and improvements on the property are: retail, EZ Blinds & Drapery, Be New Pilates, and SW Massage

9. The proposed uses on the property are: Drive-thru restaurant

10 List any covenants, conditions, or restrictions concerning the use, type of improvements, setbacks, area, or height requirements placed on the Subject Property and now of record and the date of expiration of said restrictions:

B-3 Zoning Ordinance 2005-07-364

11. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:

N/A

12. For applications requiring a public hearing, list the owners of record of all properties located within 250 feet (excluding all Public Right-of-Ways) of the Subject Property. If property is held in a Trust, give the Trust Number and Bank name and address. **These parties shall be notified by the Applicant prior to the public hearing.** Staff will provide the required notice to the Applicant. The required sign(s) will be erected by the Village of Lake Zurich.

See Attached List

Property Identification Number (PIN)	Owner's Name	Mailing Address

(if more space is needed, please attach a separate sheet of paper.)

THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND CORRECT.

THE APPLICANT ALSO ACKNOWLEDGES IF THE CONSULTANT EXPENSES EXCEED THE INITIAL ESCROW DEPOSIT, THE APPLICANT WILL REIMBURSE THE ACCOUNT IMMEDIATELY.

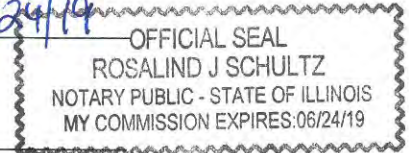
John Alan Sfire
(Name of applicant)

John Alan Sfire
(Signature of applicant)

Subscribed and sworn to before me this 15th day of November, 2017.

Rosalind J Schultz
(Notary Public)

My Commission Expires 06/24/19



(Name of Owner, if different)

(Signature of Owner, if different)

Subscribed and sworn to before me this _____ day of _____, 2016.

(Notary Public)

My Commission Expires _____

*****Official Use Only*****

Zoning Case Number: _____ Date of Public Hearing: _____

Application Fees: _____ Annexation Fees: _____

Escrow Deposit for consultant fees: _____

Is a Courtesy Review by the Village Board required? Yes No

Traffic study required? Yes No

Any impact fees/contributions required? Yes No

Compensation amenities required? Yes No

Application accepted by: _____ Date: _____

927 S Rand
Meat and Potatoes Eatery

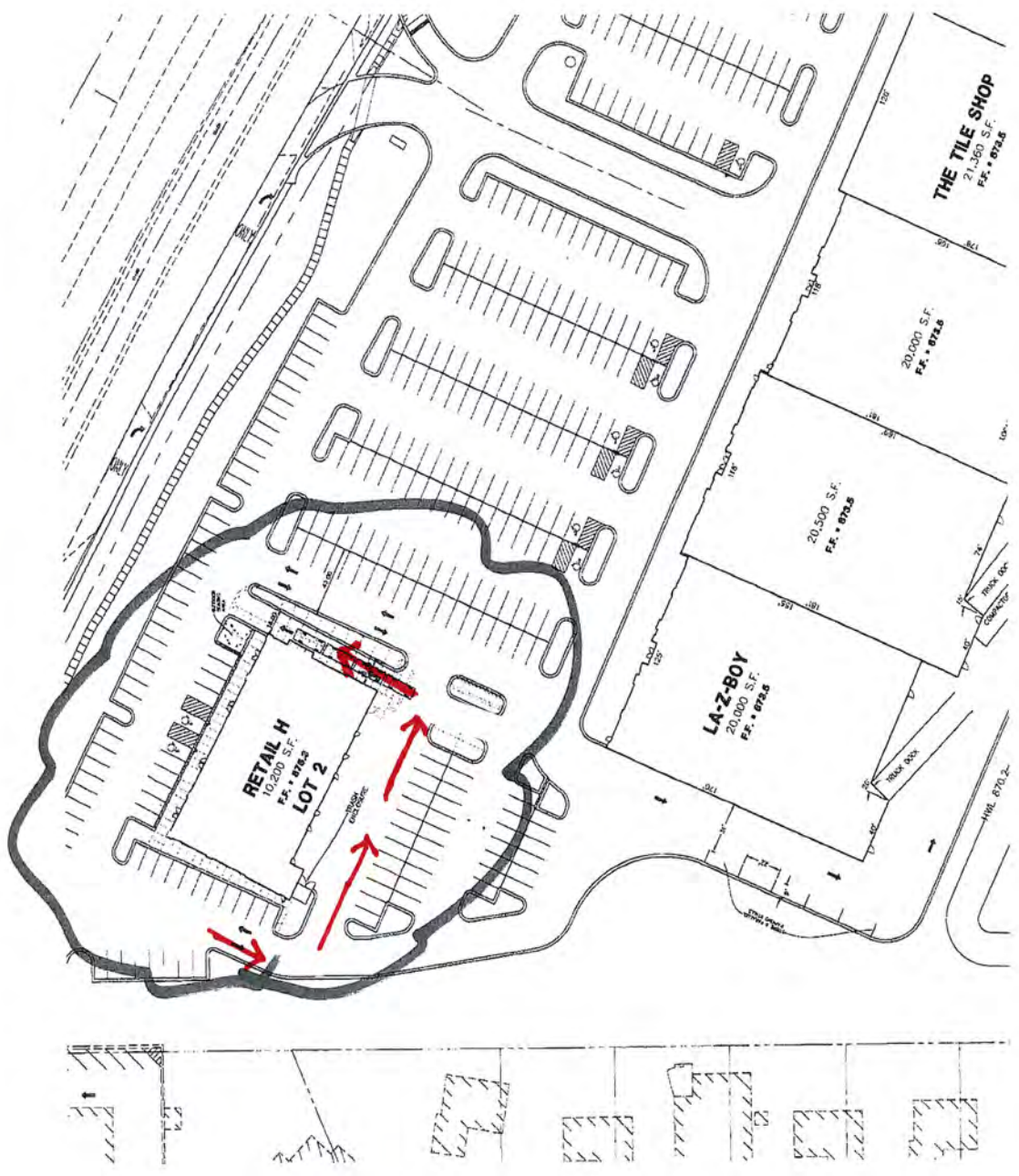
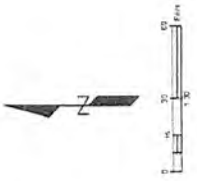
PIN	Name	Address	City	State	Zip	Property Address
1420404027	JAS GCII LLC	745 Ela Road	Lake Zurich	IL	60047	890 S Rand Rd
1420404028	JOHN L RACKOW, JR	83 W Main St	Lake Zurich	IL	60047	898 S Rand Rd
1420404038	Midas Realty Corporation	PO Box 52427	Atlanta	GA	30355	888 S Rand Rd
1421312006	Village of Lake Zurich	70 E Main St	Lake Zurich	IL	60047	0 Pheasant Ridge Dr.
1429200033	Lexington Health Care Center	665 W North Ave Ste 500	Lombard	IL	60148	900 S. Old Rand Rd
1428100020	Lexington Health Care Center	665 W North Ave Ste 500	Lombard	IL	60148	900 S. Old Rand Rd
1429200026	Sharon Pfammatter	17 E Harbor Dr	Lake Zurich	IL	60047	909 S Rand Rd
1429210025	The Fidelity Group, Ltd.	745 Ela Road	Lake Zurich	IL	60047	925 S Rand Rd
1428111001	941 South Old Rand Road LLC	149 W Main St	Barrington	IL	60010	941 S. Old Rand Rd
1429210008	Steven Skora	203 Fescue Ct	Lake Zurich	IL	60047	
1429210026	Deerpath Commons Retail Center LLC	745 Ela Road	Lake Zurich	IL	60047	935 S Rand Rd
1429210010	William B & Karen A Howarth	328 Denberry Dr.	Lake Zurich	IL	60047	
1429210009	Robyn L Sopocy	201 Fescue Ct	Lake Zurich	IL	60047	
1429210007	Ronald M. Bender	205 Fescue Ct	Lake Zurich	IL	60047	
1429210011	Bhagyesh & Binataben Patel	336 Denberry Dr.	Lake Zurich	IL	60047	
1429211006	Peter G & Stacy Annis	331 Denberry Dr.	Lake Zurich	IL	60047	
1429210012	Thomas A & Elizabeth A Little	340 Denberry Dr.	Lake Zurich	IL	60047	
1429210013	Michael & Ewa Greenier	344 Denberry Dr.	Lake Zurich	IL	60047	
1429211019	Nancy Caravello	341 Denberry Dr.	Lake Zurich	IL	60047	
1429210014	Steve M Wallace	348 Denberry Dr.	Lake Zurich	IL	60047	
1429210027	Village of Lake Zurich	70 E Main St	Lake Zurich	IL	60047	933 S Rand Rd

LEGAL DESCRIPTION OF LOT 2

Lot 2 in Deerpath Commons Subdivision, Being a Subdivision of Northwest Quarter of the Northwest Quarter of Section 28 and Northeast Quarter of the Northeast Quarter of Section 29, All in Township 43 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded November 11, 2005 as Document Number 5895998, in Lake County Illinois.

PIN: 14-29-210-025

Street Address: 927 S. Rand Road
Lake Zurich, IL 60047

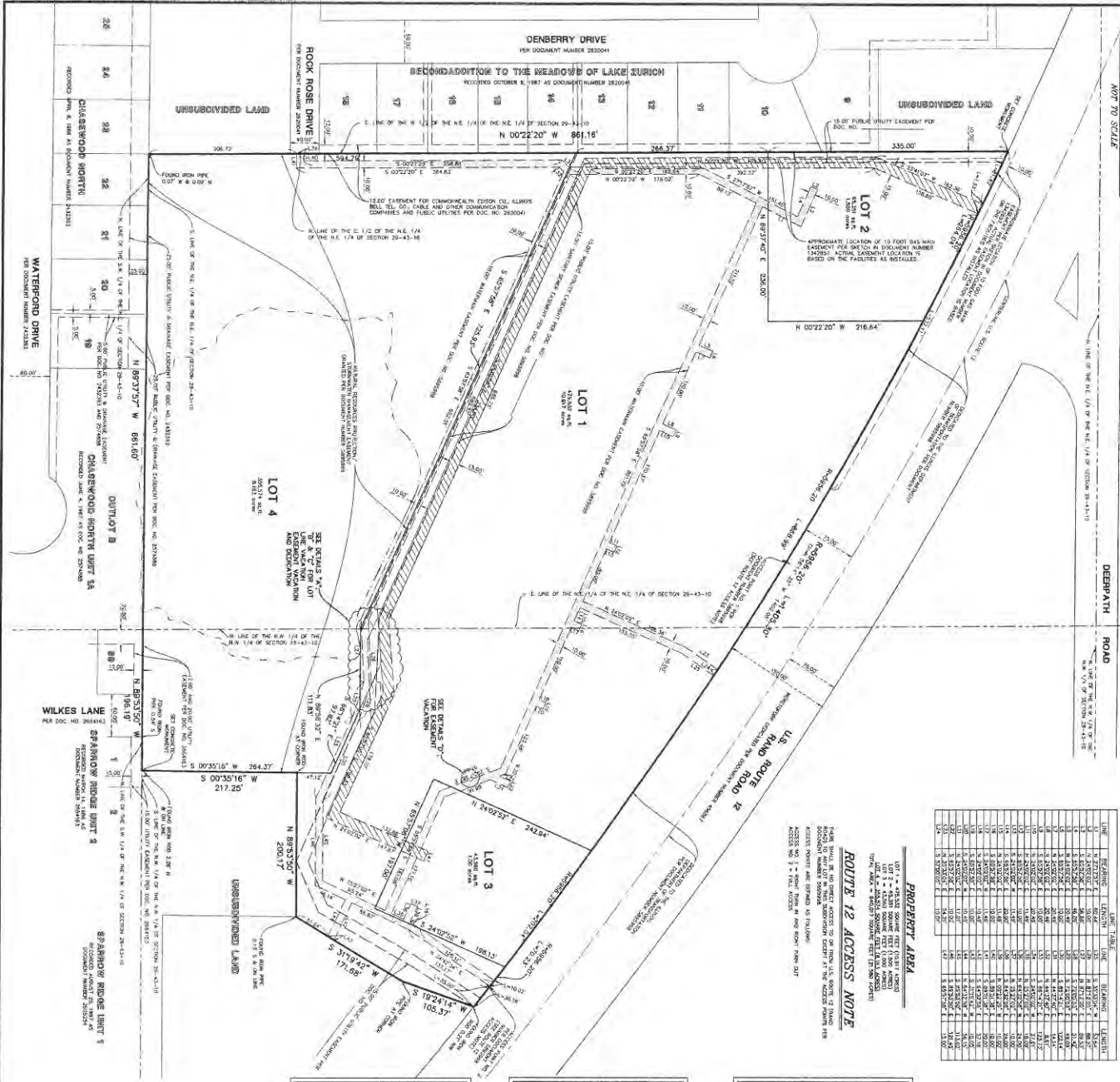


FINAL PLAT OF DEERPATH COMMONS FIRST RESUBDIVISION

BEING A RESUBDIVISION OF LOT 1 AND PART OF LOTS 2 AND 3 OF THE NORTHWEST QUARTER OF SECTION 28 AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29 AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30 AND THE NORTHWEST QUARTER OF SECTION 31 AND THE NORTHWEST QUARTER OF SECTION 32 IN TOWNSHIP 23N, RANGE 12E, DEERPATH COUNTY, ILLINOIS.



PN: S14-28-112-001
14-29-210-020
14-29-210-021
14-29-210-022



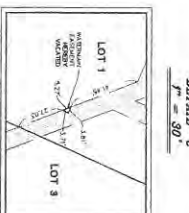
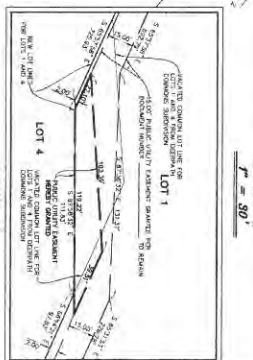
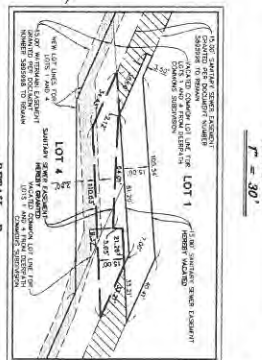
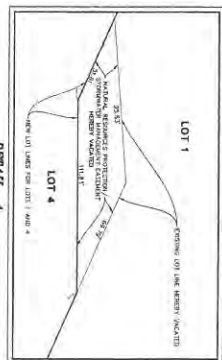
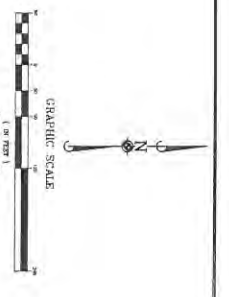
ROUTE 12 ACCESS NOTE

THE ROUTE 12 ACCESS NOTE IS THE PROPERTY OF THE STATE OF ILLINOIS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

ACCESS NO. 1 - FROM THE N. 1/2 OF THE N. 1/4 OF THE N. 1/4 OF SECTION 28-43-10.
ACCESS NO. 2 - FROM THE N. 1/2 OF THE N. 1/4 OF THE N. 1/4 OF SECTION 29-43-10.
ACCESS NO. 3 - FROM THE N. 1/2 OF THE N. 1/4 OF THE N. 1/4 OF SECTION 30-43-10.

PROPERTY AREA

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
1	N 89°57'37" W	661.60'	1	N 89°57'37" W	661.60'
2	S 89°57'37" E	661.60'	2	S 89°57'37" E	661.60'
3	N 89°57'37" W	661.60'	3	N 89°57'37" W	661.60'
4	S 89°57'37" E	661.60'	4	S 89°57'37" E	661.60'
5	N 89°57'37" W	661.60'	5	N 89°57'37" W	661.60'
6	S 89°57'37" E	661.60'	6	S 89°57'37" E	661.60'
7	N 89°57'37" W	661.60'	7	N 89°57'37" W	661.60'
8	S 89°57'37" E	661.60'	8	S 89°57'37" E	661.60'
9	N 89°57'37" W	661.60'	9	N 89°57'37" W	661.60'
10	S 89°57'37" E	661.60'	10	S 89°57'37" E	661.60'
11	N 89°57'37" W	661.60'	11	N 89°57'37" W	661.60'
12	S 89°57'37" E	661.60'	12	S 89°57'37" E	661.60'
13	N 89°57'37" W	661.60'	13	N 89°57'37" W	661.60'
14	S 89°57'37" E	661.60'	14	S 89°57'37" E	661.60'
15	N 89°57'37" W	661.60'	15	N 89°57'37" W	661.60'
16	S 89°57'37" E	661.60'	16	S 89°57'37" E	661.60'
17	N 89°57'37" W	661.60'	17	N 89°57'37" W	661.60'
18	S 89°57'37" E	661.60'	18	S 89°57'37" E	661.60'
19	N 89°57'37" W	661.60'	19	N 89°57'37" W	661.60'
20	S 89°57'37" E	661.60'	20	S 89°57'37" E	661.60'
21	N 89°57'37" W	661.60'	21	N 89°57'37" W	661.60'
22	S 89°57'37" E	661.60'	22	S 89°57'37" E	661.60'
23	N 89°57'37" W	661.60'	23	N 89°57'37" W	661.60'
24	S 89°57'37" E	661.60'	24	S 89°57'37" E	661.60'
25	N 89°57'37" W	661.60'	25	N 89°57'37" W	661.60'
26	S 89°57'37" E	661.60'	26	S 89°57'37" E	661.60'
27	N 89°57'37" W	661.60'	27	N 89°57'37" W	661.60'
28	S 89°57'37" E	661.60'	28	S 89°57'37" E	661.60'
29	N 89°57'37" W	661.60'	29	N 89°57'37" W	661.60'
30	S 89°57'37" E	661.60'	30	S 89°57'37" E	661.60'



DEERPATH COMMONS FIRST RESUBDIVISION
LAKE ZURICH, ILLINOIS
FINAL PLAT OF RESUBDIVISION

Manhard CONSULTING LTD.
200 Woodland Parkway, Suite 200, Deer Park, Illinois 60015
630-329-1100
www.manhardconsulting.com
A Division of Manhard Group, Inc. (NYSE: MHI)

1 of 2
SHEET

5940182



FILED FOR RECORD BY:
MARY ELLEN VANDERVENTER
LAKE COUNTY, IL RECORDER
02/02/2006 - 09:09:22 A.M.
RECEIPT #: 268314
RHSP \$10.00
DRAWER #: 35

This instrument was prepared by and
after recording please return to:

Sanford R. Gail, Esq.
Bell, Boyd & Lloyd LLC
70 W. Madison St., Suite 3100
Chicago, Illinois 60602

1408-722592

SPECIAL WARRANTY DEED

THIS AGREEMENT dated as of this 27th day of December, 2005, between **DEERPATH COMMONS RETAIL CENTER LLC**, an Illinois limited liability company (the "Grantor"), and **JAS DEVELOPMENT, L.L.C.**, an Illinois limited liability company, of 745 Ela Road, Lake Zurich, Illinois (the "Grantee"), **WITNESSETH** that the Grantor, for and in consideration of Ten and 00/100 DOLLARS (\$10.00), and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, by these presents does **REMISE, RELEASE, ALIEN AND CONVEY** unto Grantee, and to its successors and assigns, **FOREVER**, all of the following described real estate, situated in the County of Lake and State of Illinois, known and described as follows, to wit:

See Exhibit A attached hereto and made a part hereof.

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of the Grantor either in law or equity, of, in and to the above described premises, with the hereditaments and appurtenances:

TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the Grantee, its successors and assigns forever.

And the Grantor, for itself and its successors, does covenant, promise and agree, to and with the Grantee, its successors and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that the said premises, against all persons lawfully claiming, or to

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claim the same, by, through or under it, Grantor **WILL WARRANT AND DEFEND** subject to the permitted exception set forth in Exhibit B attached hereto and made a part hereof.

IN WITNESS WHEREOF, Grantor has caused its name to be signed to these presents by its duly authorized signatory on the day and year first above written.

DEERPATH COMMONS RETAIL CENTER LLC, an Illinois limited liability company

By: **JAS MANAGEMENT LLC**, Manager

By: *John Alan Sfire*
Authorized Signatory

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

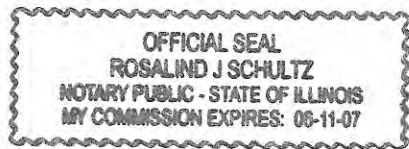
On this 27th day of December, 2005, before me appeared John Alan Sfire, to me personally known, who being by me duly sworn, did say that he is an authorized signatory of **JAS Management LLC**, the Manager of **Deerpath Commons Retail Center LLC** ("**Company**"), an Illinois limited liability company, and that said instrument was signed on behalf of said Company, and said authorized signatory acknowledged said instrument to be the free act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid on the day and year first above written.

Rosalind Schultz
Notary Public

My commission expires:

06-11-07



UTIL taxes to:
JAS Development LLC
745 EIA ROAD
LAKE ZURICH, ILL. 60047

4L# 209.00



LEGAL DESCRIPTION OF LOT 2

Lot 2 in Deerpath Commons Subdivision, Being a Subdivision of Northwest Quarter of the Northwest Quarter of Section 28 and Northeast Quarter of the Northeast Quarter of Section 29, All in Township 43 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded November 11, 2005 as Document Number 5898998, in Lake County Illinois.

PIN: 14-29-210-025

Street Address: 925 S Rand Road
Lake Zurich, Illinois

EXHIBIT B

PERMITTED EXCEPTIONS

- (a) General real estate taxes for 2005 and subsequent years;
- (b) Covenants, conditions, and restrictions of record;
- (c) All private, public and utility easements and roads and highways if any;
- (d) Existing leases and tenancies, if any;
- (e) Special taxes or assessments for improvements not yet completed; and
- (f) Installments not due at the date hereof of any special tax or assessment for improvements heretofore completed.



At the Heart of Community

COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division

505 Telser Road
Lake Zurich, Illinois 60047

(847) 540-1696
Fax (847) 726-2182
LakeZurich.org

ZONING REVIEW

PROJECT: Meat & Potatoes Eatery Drive-through
LOCATION: 927 S Rand Road
REVIEWED BY: Katie Williams
DATE: December 20, 2017

DOCUMENTS: APPLICATION, PLAT OF SURVEY, COVER
LETTER, SITE PLAN

The Fidelity Group, owners of Deerpath Commons, proposes the operation of a drive-through lane accessory to a permitted eating place. This development will require a Special Use Permit. Review is as follows:

I ZONING DISTRICT REQUIREMENTS

- A. **Zoning:** B-3 Regional Shopping
- B. **Use:** Drive-through accessory to a permitted eating place
Relief is sought via Special Use Permit
- C. **Parking:** Required: 1 for each 3 persons of design capacity
Existing: >200 spaces available for all tenants
Total # of parking spaces provided: >200

Conclusion

- Consideration for Special Use Permits shall be based on standards outlined in Zoning Code Chapter 19.