



# Village of Hanover Park Administration

Municipal Building  
2121 Lake Street  
Hanover Park, IL 60133-4398

630-823-5600  
FAX 630-823-5786  
www.hpil.org

**PRESIDENT**  
RODNEY S. CRAIG

**VILLAGE CLERK**  
EIRA CORRAL

**TRUSTEES**  
WILLIAM CANNON  
JAMES KEMPER  
JON KUNKEL  
HERB PORTER  
RICK ROBERTS  
EDWARD J. ZIMEL, JR.

**VILLAGE MANAGER**  
JULIANA A. MALLER

## **VILLAGE OF HANOVER PARK DEVELOPMENT COMMISSION REGULAR MEETING Municipal Building, Room 214 Hanover Park, IL Thursday, August 13, 2015 7:00 p.m. AGENDA**

1. **CALL TO ORDER: ROLL CALL**
2. **PLEDGE OF ALLEGIANCE:**
3. **ACCEPTANCE OF AGENDA:**
4. **PRESENTATIONS/REPORTS:** None
5. **APPROVAL OF MINUTES:**
  - 5-a. Regular meeting Minutes of June 30, 2015.
6. **ACTION ITEMS:**
  - 6-a. **Public Hearing:** to consider a request by Scott Richmond (applicant) on behalf of Z Investments, LLC (property owner) for a Subdivision to subdivide one lot into two, and an amendment to the Planned Unit Development, which will include variations from the requirements for minimum 1 acre lot size, 75% lot coverage, and number of parking spaces, located at 1850 and 1860 Army Trial Road, Lot 5 of the Sandpiper Court Center Subdivision.
7. **TOWNHALL SESSION:**

Persons wishing to address the public body must register prior to Call to Order. Please note that public comment is limited to 5 minutes per speaker.
8. **OLD BUSINESS (NON-ACTION ITEMS):** None
9. **NEW BUSINESS (NON-ACTION ITEMS):**
  - 9-a. Community Development Update
10. **ADJOURNMENT:**



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## VILLAGE OF HANOVER PARK DEVELOPMENT COMMISSION REGULAR MEETING Municipal Building, Room 214 Hanover Park, IL Thursday, June 30, 2015 7:00 p.m.

### 1. **CALL TO ORDER: ROLL CALL**

**Co - Chair Mercier** called meeting to order at 7:01 p.m.

**PRESENT:** Commissioners: James Aird, Scot Neil, Patrick Watkins, Co-Chair Mark Mercier, Parthiv Patel, Chairperson Virginia Wachsmuth

**ABSENT:** Commissioners: Arthur Berthelot, Gary Rasmussen

**ALSO PRESENT:** Director Shubhra Govind, Village Planner Katie Bowman, Trustee Herb Porter, Secretary Kathleen Arnold, Jacob Horvath (applicant) 2800 S. 11<sup>th</sup>, Kalamazoo, MI 49009, 269.492.3306

### 2. **PLEDGE OF ALLEGIANCE:**

### 3. **ACCEPTANCE OF AGENDA:**

Motion by Commissioner Watkins, seconded by Commissioner Neil.

**Voice Vote:**

**All AYES.**

**Motion Carried:** Agenda Accepted.

### 4. **PRESENTATIONS/REPORTS:** None.

### 5. **APPROVAL OF MINUTES:**

**5-a.** Regular meeting Minutes of April 9, 2015.

Motion by Commissioner Neil to approve the Minutes of April 9, 2015, seconded by Commissioner Watkins.

**Voice Vote:**

**All AYES.**



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### **Motion Carried: Approved the Minutes of April 9, 2015.**

#### **6. ACTION ITEMS:**

**6-a. Public Hearing:** to consider a request by Mark Bush agent for CGP Hanover MF, LLC (applicant) on behalf of the Menards, Inc. (property owner) for approval of a major change to the Menard's Planned Unit Development Plan to construct a Mattress Firm retail store, which will include a variation from the requirement for a maximum of 75% lot coverage, located at the southeast corner of Barrington Road and Bristol Lane.

**Chairperson Wachsmuth:** Entertained a motion to Open the Public Hearing. Motion by Commissioner Watkins to open the Public Hearing, seconded by Commissioner Neil.

Voice Vote:

All AYES.

Motion Carried: Public Hearing Opened.

**Village Planner Bowman** presented a summary of the request before the Commission. Presented location of subject property, zoning history, land use and current zoning, and Staff Analysis to the Commission.

The Public Notice was published in the *Daily Herald* on July 14, 2015.

**Chairperson Wachsmuth** invited any attendees up to the podium to speak on this subject:

**Sworn in:** Jacob Horvath (applicant) 2800 S. 11<sup>th</sup>, Kalamazoo, MI 49009

**Commissioner Watkins:** noted that he found the request for lot coverage variation to be reasonable due to the preexisting shared drive on the property.

**The Commissioners had no questions or comments and were supportive of the proposed major change to the Planned Unit Development Plan and variation for a maximum of 75% lot coverage.**

**Chairperson Wachsmuth** entertained a motion to close the Public Hearing. Motion by Commissioner Patel, seconded by Commissioner Watkins.

Voice Vote:

All AYES.

Motion Carried: Public Hearing Closed.



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**Village Planner Bowman** presented the Draft Findings of Fact and recommendations to the Commission.

**Chairperson Wachsmuth** entertained a Motion to approve the Draft Findings of Fact, Motion by Commissioner Neil, seconded by Commissioner Patel.

**Roll Call Vote:**

**AYES:** Commissioners: Aird, Watkins, Neil, Patel, Co-Chair Mercier, Chairperson Wachsmuth

**NAYS:** Commissioner: None

**ABSENT:** Commissioners: Rasmussen, Berthelot

**Motion Carried.** Recommend approval.

**Motion Carried:** Approved the Draft Findings of Fact.

**Chairperson Wachsmuth** entertained a Motion to recommend approval of request for a Major Change to the Planned Unit Development Plan pursuant to the Village of Hanover Park Zoning Ordinance, specifically to construct a Mattress Firm retail store, which will include a variation from the requirement for a maximum of 75% lot coverage, from Section 110.4.6.7.b as approved in the Draft Findings of Fact and conditions as per staff report, and forward to the Village Board for their consideration.

Motion by Commissioner Neil to recommend approval of a Major Change to the Planned Unit Development Plan and Variation and forward to the Village Board for their consideration, seconded by Commissioner Patel.

**Roll Call Vote:**

**AYES:** Commissioners: Aird, Watkins, Neil, Patel, Co-Chair Mercier, Chairperson Wachsmuth

**NAYS:** Commissioner: None

**ABSENT:** Commissioners: Rasmussen, Berthelot

**Motion Carried.** Recommend approval.

7. **TOWNHALL SESSION:** None.

8. **OLD BUSINESS (NON-ACTION ITEMS):**

**Co- Chair Mercier** read a prepared statement to commission. See attached Exhibit 1.



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Commissioners did not have any questions or comments.

### 9. **NEW BUSINESS (NON-ACTION ITEMS):**

#### 9-a. **Village Planner Katie Bowman**

1. **ICSC** – Three trends in retail that were discussed at the conference are the expansion of food retailers (grocery and fast food), health conscious retail and gyms, and brick-and-mortar stores for online retailers. We used a multi-pronged approach for recruiting new businesses to fill our vacant space and developers for available sites.
2. **CONECT Business Retention Survey** – A report containing preliminary results from the 2014 Business Retention Survey was discussed. We received 57 responses from Hanover Park businesses which represents 15% of the businesses. We will continue to solicit feedback until we reach 20% which would be statistically significant. A final report with graphics and charts will be forth coming.
3. **Board Meeting, July 16, 2015** – Accessory Uses and Structures Regulations will be on the agenda.
4. **August Development Commission** – Received an application for a Planned Unit Development Amendment and Subdivision for 1850 – 1860 Army Trail Road.
5. **Trustee Herb Porter** – Introduced as new Trustee and Development Commission Board Liaison.

### 10. **ADJOURNMENT:**

Motion by Commissioner Watkins, seconded by Commissioner Neil.

**Voice Vote:**

**All AYES.**

**Motion Carried:** Meeting adjourned at 7:43 p.m.

**Recorded and Transcribed by:**

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**Kathleen Arnold, Secretary**  
this 30<sup>th</sup> day of June, 2015

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**Virginia Wachsmuth, Chairperson**

Hanover Park Development Commission Meeting

2015-06-30

Old Business Item

On February 12, 2015 the development commission met with 3 action items on its agenda. Agenda item 6b was “to consider a request by the Village of Hanover Park for a text amendment to the Zoning Ordinance related to regulations pertaining to pawnbrokers, payday loans, title loans, Cash for Gold and other similar uses, throughout the Village.” At that time a presentation was made by one of the commissioners – a commissioner that I have the utmost respect for, if I ignore the presentation given that night.

For agenda item 6b, staff had recommended what the majority of the commission ultimately considered to be reasonable changes to the Village code; mainly that ‘Alternative Loan’ businesses require a special use. The presentation by the commissioner (documented as Exhibit #4 in the meeting minutes) argued that any such restrictions on alternative loan businesses were unnecessary and indeed if limited, may even be detrimental to the residents of Hanover Park. I happen to strongly disagree with this opinion since it ignores the well-documented abuses of this industry as a whole, its potential impact on the most vulnerable, and to quote staff “the proliferation of such businesses has generally been found to bring a negative image to the areas in which they are located, which has an impact on economic and community development in the Village in general”. However this is certainly not an opinion without merit and certainly deserves a full airing and a robust discussion. If this were the extent of the presentation that night, I would not be presenting right now.

My objection to the presentation revolves around some of the comments within the presentation. I will mention four examples, along with my comments:

Quote #1: “Agenda item 6-b has a stench about it that is unbecoming of our Village in general and our voting bodies in particular”. I would argue that the only thing unbecoming our village is this statement given during a development commission meeting.

Quote #2: “I would submit to you that there has never been a greater need for these services than during this depressed Obamaconomy period”. Not only does this statement demonstrate a lack of knowledge of the actual causes of the international recession beginning in 2007-2008, it purposely denigrates a sitting president in the context of a meeting designed to discuss land use issues for the Village of Hanover Park. In my opinion, this statement is grossly inappropriate.

Quote #3: “I feel our government has overstepped its authority and crafted a way, if passed, in which to create a precedent in order to pick and choose winners and losers in our private sector now and in the future. I believe this practice has been reserved solely for the present occupant of the White House.” Since when is asking some businesses to

apply for a special use permit all of a sudden a trampling of our liberties by the government. To say this comment is forced and overwrought would be an understatement. As to the White House reference, same comments as above.

Quote #4: "I don't necessarily detect anything sinister on the part of our staff...". Well given the nature of the comments, I'm not sure how you couldn't have come to that conclusion. In my time on the development commission I have at times disagreed with staff proposals and recommendations, but always with respect and admiration for the very difficult work they do trying to balance the needs of Village businesses and Village residents.

There are other comments that I found objectionable, but I think the aforementioned 4 illustrate my point.

I have lived in Hanover Park for 31 years and have served on the Development Commission for 10 of those years. I love this Village and I love this Commission. While I appreciate the opportunity to vent my frustrations tonight, I presented to ask that this type of rhetoric disappear from what is normally a very civil and reasoned discourse on this commission.

So in closing I would simply request that all commissioners attempt to keep their personal politics out of our deliberations here, especially when those personal politics really have no bearing on Land use issues in the Village of Hanover Park.

Thank you for your attention.

Commissioner and Co-Chair,

Mark Mercier



**Village of Hanover Park  
Community & Economic Development Department**

**INTEROFFICE MEMORANDUM**

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**TO:** Chairman Wachsmuth and members of the Development Commission

**FROM:** Shubhra Govind, Director of Community & Eco. Development

**SUBJECT:** **Public Hearing for a Re-Subdivision and PUD Amendment with variations for property located at 1850 & 1860 Army Trail Road (Currently Jiffy Lube and vacant Wendy's)**

**ACTION REQUESTED:**     Approval     Disapproval     Information

**MEETING DATE:** **August 13, 2015**

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**REQUEST SUMMARY**

The following is scheduled for Development Commission review at 7:00 p.m. on August 13, 2015 in Room 214 of the Municipal Building, 2121 Lake Street:

Request by Scott Richmond (applicant) on behalf of Z Investments, LLC (property owners) for the property located at 1850 and 1860 Army Trail Road, Lot 5 of the Sandpiper Court Center Subdivision for the following:

- a Subdivision of one lot into two, under Section 90-64.g
- an amendment to the Planned Unit Development, Section 110-4.6.7.a, which will include the following variations:
  - Variance from Section 110-5.9.5.d to allow a lot size of under one acre in the B-2 District;
  - Variance from Section 110-5.9.5.b to exceed 75% lot coverage; and
  - Variance from Section 110-6.2.3 Schedule of parking requirements

**BACKGROUND**

The subject property is located in the Sandpiper Court Shopping Center, at the NW Corner of Army Trail Rd. and County Farm Rd. This property is currently a single zoning lot, with two separate uses and two principle buildings located on it – one is currently occupied by Jiffy Lube, and the other is currently vacant and was previously occupied by Wendy's.

The PUD and Special Use for the Sandpiper Court Center Subdivision was approved in 1992, through Ordinance O-92-64, and the Final Plat was approved by Resolution R-92-32. The subject property is Lot 5 of that subdivision. The Final PUD and Special Use for the

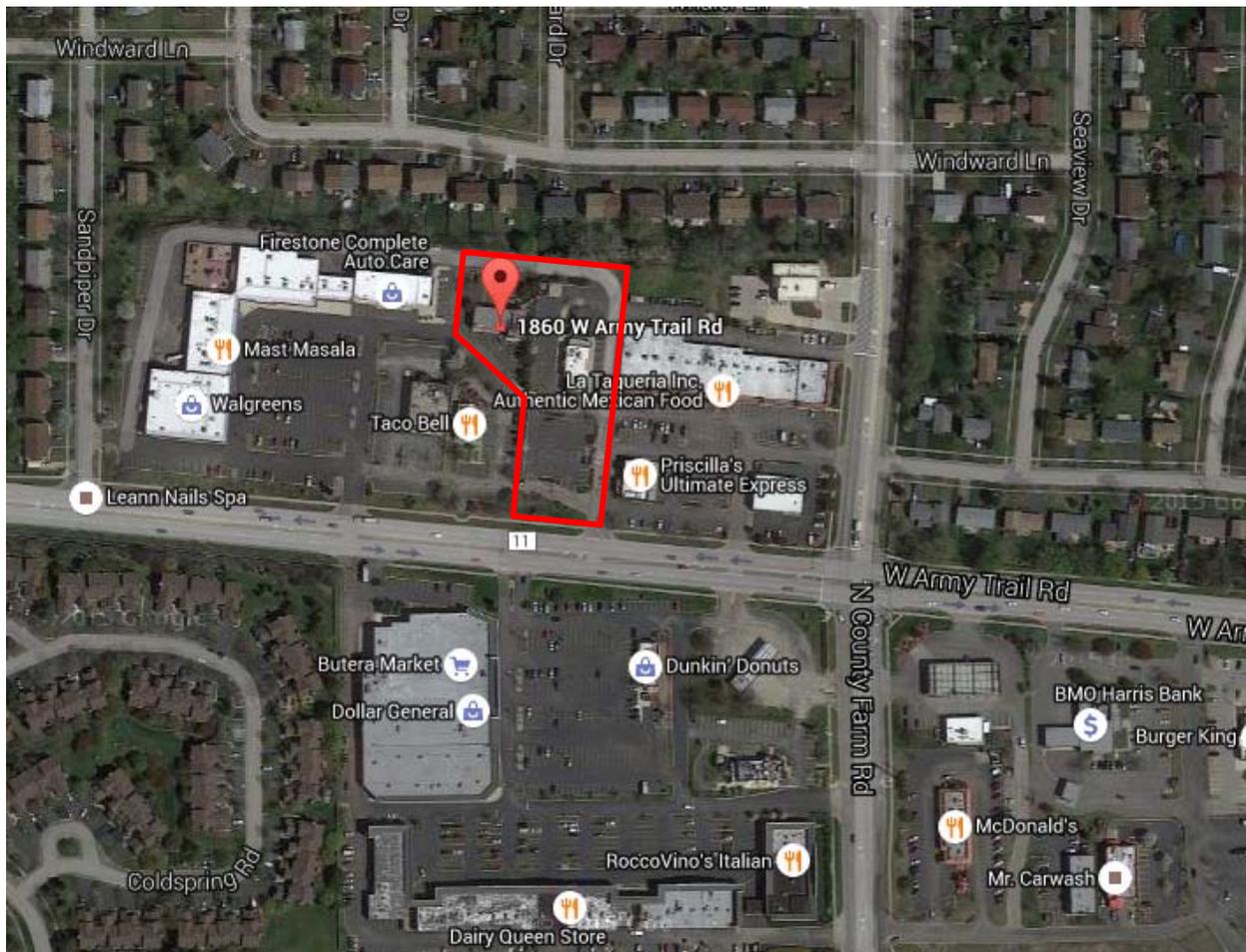
construction of a Drive-Through Restaurant and Automotive Service Station were approved in 1996, through Ord. O-96-56, allowing the installation of more than one principal use and structure on one zoning lot. Both Jiffy Lube and Wendy's operated their businesses for over 20 years at this location, with ground leases.

Since Wendy's closed and vacated the building a couple years ago, the property owner has marketed the property for sale. The property owner is requesting the subdivision in order to be able to sell the resulting two lots separately. Given the current lease structure, a purchaser needs to be able to buy only the lot that the former Wendy's is located on, necessitating a subdivision.

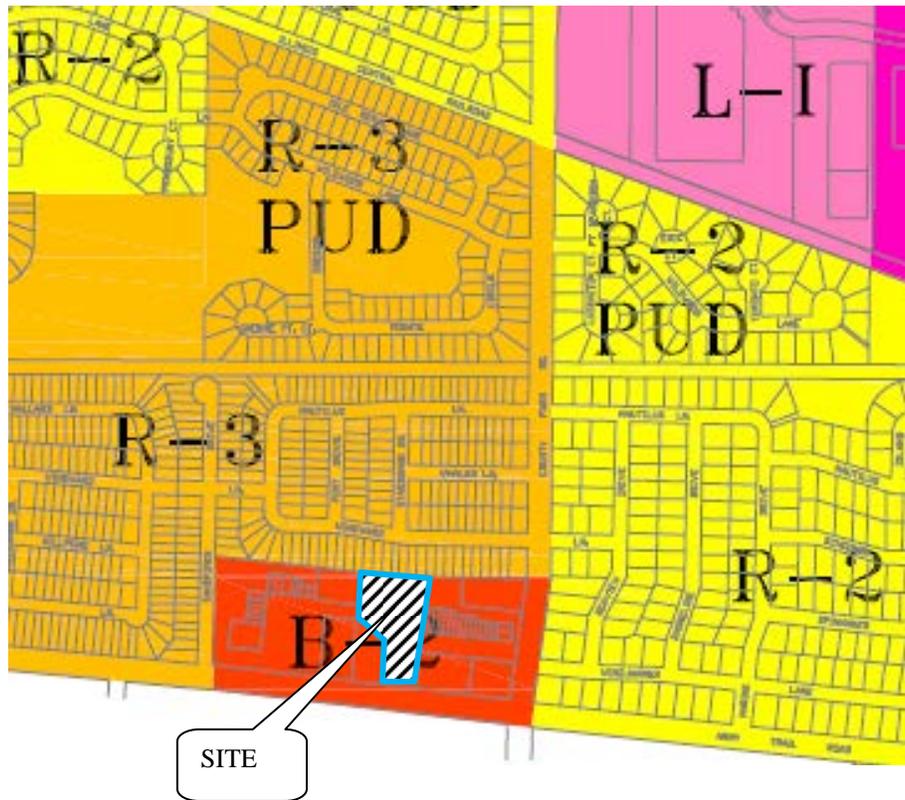
**ZONING AND LAND USE:**

The subject parcel is zoned B-2 and was approved as a PUD. The shopping center is surrounded by residential uses to the east (R-2 Single Family), and R-3 Two-Family to the north and west. A shopping center in a commercial district is located to the south, in Carol Stream.

Aerial photo of subject properties with boundary outlined



Zoning map with subject properties outlined



## **DISCUSSION**

### ***Subdivision Request***

The applicant proposes to re-subdivide this 2-acre nonresidential property into two lots, of which one will be about 1.5 acres and the other about 0.55 acres.

The applicant has prepared a Final Plat of Subdivision, that has been reviewed by the Village Engineer, and his comments have been incorporated in the attached drawing (Exhibit 2). The location of the lot line was primarily determined due to the location of existing building structures as well as the drive-through lane.

The attached letter from the property owner (Exhibit 4) provides details of the leases and indicates that the trash enclosure and signage is shared by both uses, and some limited employee parking for Jiffy Lube is located on the former Wendy's lot.

## ZONING COMPLIANCE TABLE

<b>Zoning Regulations – Lot 1 - Jiffy Lube</b>		
<b>Regulation</b>	<b>Required</b>	<b>Provided</b>
Lot Area	1 acre	23,982 sq. ft. (Approx. 0.55 acres)
Building Size	N/A	3369 sq. ft.
Lot Coverage	75%	80%
Floor Area Ratio	0.35 max	14%
Building Height	45 feet max	Less than 45 ft.
Yard: Front	25 feet min	100 ft
Interior Side	10 feet min	10 ft.
Rear	25 feet min	31.4 ft
Parking:	3 spaces/bay = 12 spaces	9 spaces, variance needed

<b>Zoning Regulations – Lot 2 - Wendy's Lot</b>		
<b>Regulation</b>	<b>Required</b>	<b>Provided</b>
Lot Area	1 acre	65.633 sq. ft. (Approx. 1.5 acres)
Building Size	N/A	3195 sq. ft.
Lot Coverage	75%	75%
Floor Area Ratio	0.35 max	5%
Building Height	45 feet max	Less than 45 ft.
Yard: Front	25 feet min	218 ft.
Interior Side	10 feet min	44 ft.
Rear	25 feet min	146 ft
Parking:	12 spaces/1,000sf =	56
Drive Through	8 stacking spaces	8 provided

***PUD Amendment Request:***

The applicant requests an amendment to the Ord. O-92-64, which approved the original PUD and Special Use in 1992. The resulting subdivision from the lot-split will change the lot lines in the original PUD. While the Wendy's lot will be able to comply with all the zoning regulations, the Jiffy Lube lot will need 3 variations:

- Lot size (1 acre required, 0.55 acre proposed)
- Lot coverage (75% permitted, 80% existing)
- Parking (12 required, 9 provided, but there will be a cross parking agreement).

## **STAFF ANALYSIS**

The proposed subdivision is necessary in order to improve the marketability of the site, and attract a new business, which will fill an existing vacant building. The approved PUD currently allows for 2 principle structures to be located on a single zoning lot. The proposed subdivision will rectify this situation, with one principle building on each lot. Since both buildings already exist, the proposed PUD amendment does not alter the site plan, the height or bulk of the building or intensity of use. Additionally, cross access easements will be recorded for the Jiffy Lube lot to have access to the right-of-way via the former Wendy's lot, and lots to the west.

### *Variation from Section 110-5.9.5.d lot size requirement:*

In reviewing the original ordinance, it is noted that the requirement for a 1-acre lot size in the B-2 District existed prior to the ordinance O-92-64 or R-92-32 being approved. However, Lots 2, 3 and 4 created in the Sandpiper Court Subdivision are all less than one acre. Therefore, the proposed under-sized lot will not create a new precedence.

### *Variation from Section 110-5.9.5.b lot coverage requirement:*

The buildings currently exist on the lot, and the proposed lot line divides the property logically between the two uses. The proposed lot line between the two lots cannot be moved eastward due to the existing Wendy's parking, drive-through and building. The lot coverage is a result of existing conditions on the odd shape of the original lot, and is not anticipated to be detrimental to the use.

### *Variation from Section 110-6.2.3 parking requirements:*

There are 12 spaces required per the zoning code and 9 are available on the site. The applicant is finalizing a shared parking and trash enclosure agreement for the Jiffy Lube lot with the former Wendy's lot. Additionally, based on the past 20 years use of the property, the applicant indicates that Jiffy Lube has not needed much parking as most vehicles are not left on the property during business hours. This shared parking and dumpster agreement will be recoded at the time of the subdivision.

The proposed subdivision will enable the vacant building to be occupied, pursuant to sale, thus attracting a new business and will work towards a Strategic Plan goal of the Village Board to help make the community a "great place to live, work and do business." It will also work towards a Vision and Goal of the Comprehensive Plan to "enhance the appearance of properties, in order to foster a positive civic pride, reduce crime, promote economic development opportunities, and increase property values."

## **PUBLIC COMMENT**

To date, staff has received no public comments related to the application.

## **RECOMMENDATION**

Move to recommend approval of the request for Re-Subdivision and adopt the draft Findings of Fact recommending approval of a PUD Amendment (major change), including variations for lot size, lot coverage and parking, with the following conditions:

1. That the subdivision will be substantially consistent with the drawing prepared by Alan J. Coulson, P.C., as approved by the Village Engineer;
2. Landscaping on both resulting lots shall be updated and continuously maintained as depicted on the landscape plan originally approved by Ordinance O-96-56.;
3. That a shared parking and dumpster agreement shall be drafted and recorded subject to Village approval;
4. No outdoor display, sales, or storage of materials is permitted on the site; and
5. No signs are approved as a part of this request.

## **ATTACHMENTS**

Exhibit 1 – Draft Findings of Fact

Exhibit 2 – Preliminary Plat of Subdivision and Survey

Exhibit 3 – Landscape Plans (as approved by Ord. O-96-56)

Exhibit 4 – Applicant’s letter

**DEVELOPMENT COMMISSION**  
**DRAFT - FINDINGS OF FACT**  
**MAJOR CHANGE TO PLANNED UNIT DEVELOPMENT PLAN**

**1850 & 1860 ARMY TRAIL ROAD**  
**LOT 5 IN SANDPIPER COURT CENTER SUBDIVISION**

**I. Subject**

Consideration of a request by Scott Richmond (applicant) on behalf of Z Investments, LLC (property owners) for a Subdivision to subdivide one lot into two, and an amendment to the Planned Unit Development, which will include variations from the requirements for minimum 1 acre lot size, 75% lot coverage, and number of parking spaces, located at 1850 and 1860 Army Trail Road, Lot 5 of the Sandpiper Court Center Subdivision, Hanover Park.

**II. Findings**

On August --, 2015, after due notice as required by law, the Hanover Park Development Commission held a public hearing on the subject request concerning Subdivision and Amendment to the Planned Unit Development Plan. -- objectors appeared and no written objections were filed.

The Development Commission has made the following findings regarding the request:

**A. Ownership and Site**

The site of the planned unit development is currently under single ownership.

**B. Consistency with Comprehensive Plan**

The proposed development is consistent with the policies, goals, objectives and recommendations of the Comprehensive Plan to “foster a diverse property and sales tax base that expands the Village’s supply of goods and services and increases employment opportunities.” Specifically, it addresses the goal of “assisting commercial property owners in recruiting tenants that match existing spaces and improve commercial clustering of similar uses.”

**C. Compatibility**

The proposed configuration of the lots in the planned unit development already exists, with buildings and uses in place for the past 20 years, and exercise no undue detrimental influence upon surrounding properties, since the neighboring properties are developed as well.

**D. Parking Requirements**

The development meets the parking requirements for a retail use on the former Wendy’s lot, and a shared parking agreement will be in place for the Jiffy Lube lot.

**E. Traffic**

Adequate provisions have been designed to provide ingress and egress to minimize traffic congestions on the public streets. Ingress and egress easements are provided to the site utilizing an existing common access drive.

**F. General Design**

The planned unit development is designed so as to support, enhance, and protect the public health, safety, comfort, or general welfare. The proposal will be in the public interest with regards to the following:

- (1) The proposed plan is consistent with the stated purpose of the planned unit development regulations, allowing a flexibility of regulations for an quality development, providing overall benefit to the Village.
- (2) The proposed plan meets the standards and requirements of the planned unit development regulations.
- (3) The proposed plan meets the zoning and subdivision regulations applicable to the subject property, including density, bulk, and use; except with regard to lot size, lot coverage and parking for one of the two lots, for which variances are proposed due to the pre-existing conditions.
- (4) The proposed plan makes adequate provisions for public services, provides adequate control over vehicular traffic, does not impact adjacent open space, and does not negatively impact the amenities of light and air, recreation and visual enjoyment. The site is designed so as to mitigate potential off-site impacts and allow for the use to be fully served onsite.
- (5) The proposed plan will relate to and be compatible with the abutting properties and neighborhood. It is a retail building with a design, bulk, and function that correlate with the other commercial outlots in the planned unit development.
- (6) The proposed plan will be desirable to the physical development, tax base, and economic well-being of the entire community. The proposal will bring a quality new building to a currently vacant site, which will increase the tax base and strengthen the economic well-being of the surrounding shopping area and community overall.

**III. Recommendations**

Accordingly, by a vote of -- to --, the Development Commission recommends approval of the request, subject to the following conditions:

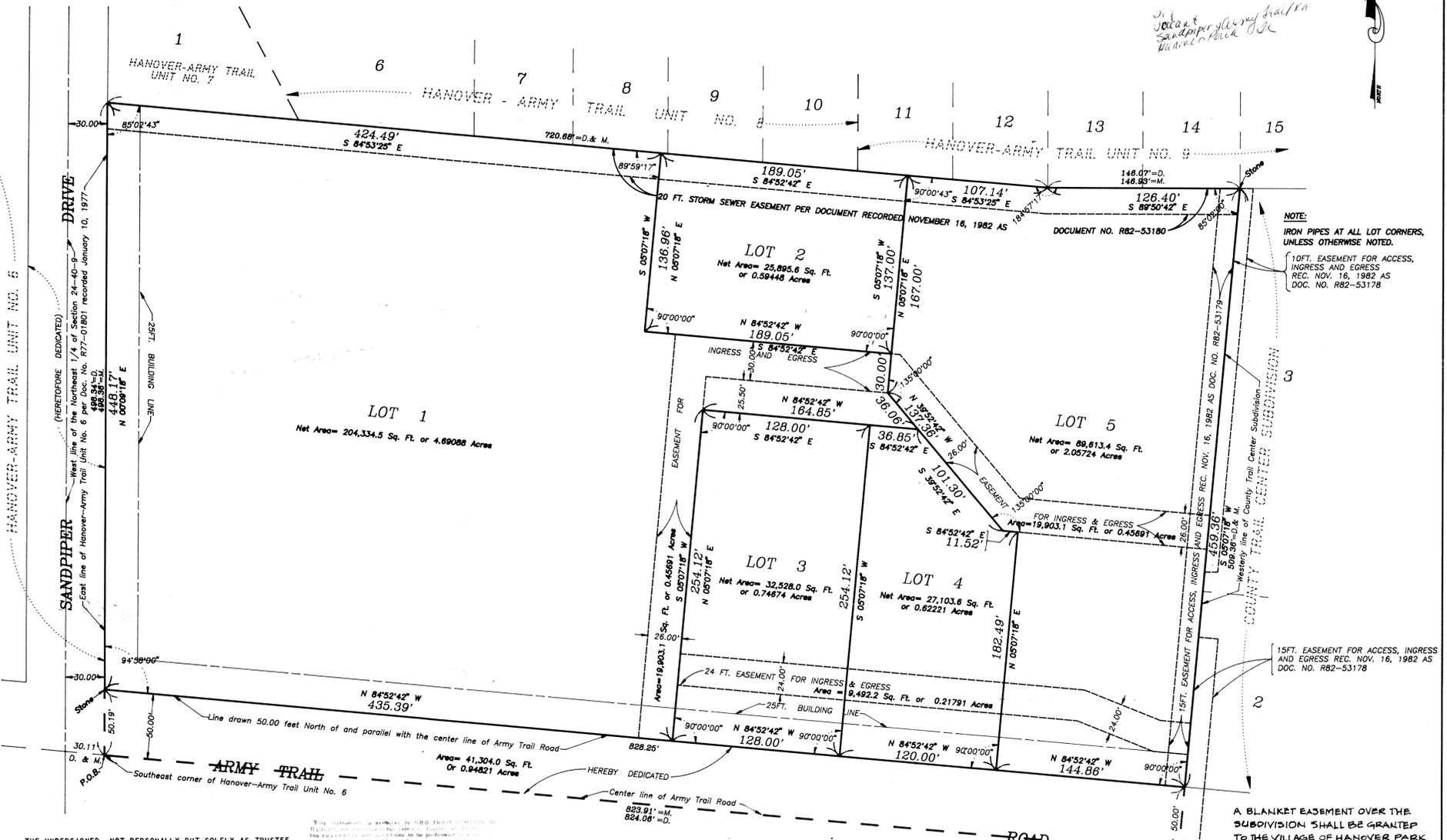
1. That the subdivision will be substantially consistent with the drawing prepared by Alan J. Coulson, P.C., as approved by the Village Engineer;
2. Landscaping on both resulting lots shall be updated and continuously maintained as depicted on the landscape plan originally approved by Ordinance O-96-56.;
3. That a shared parking and dumpster agreement shall be drafted and recorded subject to Village approval;
4. No outdoor display, sales, or storage of materials is permitted on the site; and
5. No signs are approved as a part of this request.



# Sandpiper Court Center

Being a Subdivision of part of the West 1/2 of the Northeast 1/4 of Section 24, Township 40 North, Range 9, East of the Third Principal Meridian, in the Village of Hanover Park, in DuPage County, Illinois.

OFFICIAL BUSINESS  
VILLAGE OF HANOVER PARK  
2123 W. LAKE STREET  
HANOVER PARK, ILLINOIS 60103-4398



NOTE:  
IRON PIPES AT ALL LOT CORNERS,  
UNLESS OTHERWISE NOTED.  
10 FT. EASEMENT FOR ACCESS,  
INGRESS AND EGRESS  
REC. NOV. 16, 1982 AS  
DOC. NO. R82-53178

15 FT. EASEMENT FOR ACCESS, INGRESS  
AND EGRESS REC. NOV. 16, 1982 AS  
DOC. NO. R82-53178

A BLANKET EASEMENT OVER THE  
SUBDIVISION SHALL BE GRANTED  
TO THE VILLAGE OF HANOVER PARK  
FOR OPERATION AND MAINTENANCE  
OF ALL PUBLIC WATER MAINS, SANITARY  
SEWERS AND STORM SEWERS EXCEPT IN  
AREAS COVERED BY PERMANENT STRUCTURES.

THE UNDERSIGNED, NOT PERSONALLY BUT SOLELY AS TRUSTEE  
UNDER TRUST AGREEMENT NO. 2200  
DATED July 31, 1992, AND UNDER DEED IN TRUST  
DATED July 31, 1992, RECORDED IN THE RECORDER'S  
OFFICE OF DuPage COUNTY, ILLINOIS ON THE 31 DAY  
OF JULY, 1992, AS DOCUMENT NO. R82-53178,  
DOES HEREBY CERTIFY THAT IT IS AS SUCH  
TRUSTEE THE OWNER OF THE PROPERTY HEREBY DESCRIBED IN THE  
ABOVE CAPTION AND HAS CAUSED THE SAID PROPERTY TO BE  
SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREBY  
DRAWN.  
July 31, A.D. 1992  
NBD TRUST COMPANY OF ILLINOIS  
SUCCESSION TRUSTEE TO THE FIRST NATIONAL  
BANK OF ELGIN, AS TRUSTEE, TRUST NO. 2200.

STATE OF ILLINOIS )  
COUNTIES OF COOK & DU PAGE )  
I, Joyce M. Artman, A NOTARY PUBLIC IN AND FOR  
SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY  
THAT JOYCE M. ARTMAN AND WILLIAM J. BECKMAN WHO  
ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS  
WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS  
OWNER AND LEGAL HOLDER OF NOTES, APPEARED BEFORE ME THIS  
DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED, SEALED  
AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND  
VOLUNTARY ACT AND DEED AS OWNERS AND LEGAL HOLDERS OF NOTES  
AS AFORESAID, FOR THE USES AND PURPOSES THEREIN SET FORTH.  
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 31 DAY OF  
JULY, A.D. 1992

STATE OF ILLINOIS )  
COUNTIES OF COOK & DU PAGE )  
I, William J. Beckman, VILLAGE ENGINEER OF  
THE VILLAGE OF HANOVER PARK, ILLINOIS, HEREBY CERTIFY THAT  
THE LAND IMPROVEMENTS DESCRIBED IN THE PLAT, AND THE PLANS  
AND SPECIFICATIONS THEREOF, MEET THE MINIMUM  
REQUIREMENTS OF SAID VILLAGE, AND THAT PROVISION HAS BEEN  
MADE FOR THE REQUIRED BOND OR OTHER GUARANTEE FOR THE  
COMPLETION OF THE IMPROVEMENTS REQUIRED BY THE REGULATIONS  
OF SAID VILLAGE.  
DATED AT HANOVER PARK, DU PAGE COUNTY, ILLINOIS, ON  
THIS 18 DAY OF SEPTEMBER, 1992

STATE OF ILLINOIS )  
COUNTIES OF COOK )  
NATIONAL SURVEY SERVICE, INC., A CORPORATION OF THE STATE  
OF ILLINOIS HEREBY CERTIFIES THAT A SURVEY HAS BEEN MADE  
AT AND UNDER ITS DIRECTION BY AN ILLINOIS REGISTERED LAND  
SURVEYOR OF THE PROPERTY DESCRIBED AS FOLLOWS:  
THAT PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 40  
NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE  
NORTHEAST 1/4 OF SAID SECTION 24 AND THE CENTER LINE OF  
ARMY TRAIL ROAD; THENCE SOUTH 84 DEGREES 32 MINUTES 42  
SECONDS EAST ALONG SAID CENTER LINE A DISTANCE OF 30.11  
FEET TO THE SOUTHEAST CORNER OF HANOVER-ARMY TRAIL UNIT 6,  
BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED  
PARCEL OF LAND; THENCE NORTH 0 DEGREES 09 MINUTES 18  
SECONDS EAST ALONG THE EAST LINE OF HANOVER-ARMY TRAIL  
UNIT 6, A DISTANCE OF 498.34 FEET; THENCE SOUTH 64 DEGREES  
53 MINUTES 25 SECONDS EAST A DISTANCE OF 720.68 FEET;  
THENCE SOUTH 89 DEGREES 50 MINUTES 42 SECONDS EAST A  
DISTANCE OF 147.07 FEET TO A POINT OF INTERSECTION WITH  
THE WESTERLY LINE OF COUNTY TRAIL CENTER SUBDIVISION;  
THENCE SOUTH 3 DEGREES 07 MINUTES 18 SECONDS WEST ALONG  
SAID WESTERLY LINE A DISTANCE OF 909.36 FEET TO AN  
INTERSECTION WITH THE CENTER LINE OF ARMY TRAIL ROAD;  
THENCE NORTH 84 DEGREES 32 MINUTES 42 SECONDS WEST ALONG  
SAID CENTER LINE A DISTANCE OF 824.06 FEET TO THE POINT OF  
BEGINNING, ALL IN THE VILLAGE OF HANOVER PARK, DU PAGE COUNTY, ILLINOIS.  
GROSS AREA = 420,779.1 SQUARE FEET OR 9.65976 ACRES

STATE OF ILLINOIS )  
COUNTIES OF COOK & DU PAGE )  
I, Joyce M. Artman, A NOTARY PUBLIC IN AND FOR  
SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY  
THAT JOYCE M. ARTMAN AND WILLIAM J. BECKMAN WHO  
ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE  
NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH  
VICE PRESIDENT AND VICE PRESIDENT TRUST OFFICER  
RESPECTIVELY APPEARED BEFORE ME THIS DAY IN PERSON AND  
ACKNOWLEDGED THAT THEY SIGNED, SEALED AND DELIVERED THE  
SAID INSTRUMENT AS TRUSTEES AS AFORESAID TO BE THE LAWFUL OWNER  
OF THE PROPERTY HEREBY DESCRIBED, THAT THE SAID JOYCE M. ARTMAN AS  
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VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT AND DEED  
OF SAID JOYCE M. ARTMAN AS TRUSTEE AS AFORESAID FOR THE USES AND  
PURPOSES THEREIN SET FORTH.  
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 31 DAY OF  
JULY, A.D. 1992

STATE OF ILLINOIS )  
COUNTIES OF COOK & DU PAGE )  
I, WILLIAM J. BECKMAN, VILLAGE ENGINEER OF  
THE VILLAGE OF HANOVER PARK, ILLINOIS, DO HEREBY CERTIFY  
THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR  
FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS  
THEREOF THAT HAVE NOT BEEN APPOINTED AGAINST THE TRACT,  
INCLUDED IN THE PLAT.  
DATED AT HANOVER PARK, DU PAGE COUNTY, ILLINOIS  
THIS 18 DAY OF SEPTEMBER, 1992

STATE OF ILLINOIS )  
COUNTIES OF COOK & DU PAGE )  
I, Christian H. Froemke, AN ILLINOIS REGISTERED LAND  
SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE  
PROPERTY HEREBY DESCRIBED AND HAVE SUBDIVIDED THE SAID  
PROPERTY IN THE MANNER REPRESENTED ON THE PLAT HEREBY DRAWN.  
DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF  
AND ARE CORRECTED TO A TEMPERATURE OF 62° FAHRENHEIT.  
I FURTHER CERTIFY THAT THE ABOVE DESCRIBED PROPERTY IS  
IN THE VILLAGE OF HANOVER PARK.  
THE SUBJECT PROPERTY IS DESIGNATED AS "ZONE - C",  
DEFINED AS AREAS OF MINIMAL FLOODING, AS SHOWN IN THE FLOOD  
INSURANCE RATE MAP (FIRM) FOR HANOVER PARK,  
COMMUNITY - PANEL NO. 17009 0008 EFFECTIVE DATE OF  
NOVEMBER 15, 1978, AS PUBLISHED BY THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY.  
CHICAGO, Feb 3, A.D. 1992

STATE OF ILLINOIS )  
COUNTIES OF COOK )  
I, Christian H. Froemke, AN ILLINOIS REGISTERED LAND  
SURVEYOR NO. 1607  
GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT  
WHEATON, DU PAGE COUNTY, ILLINOIS, THIS 18 DAY OF  
SEPTEMBER, 1992

STATE OF ILLINOIS )  
COUNTIES OF COOK & DU PAGE )  
I, JOYCE M. ARTMAN, A NOTARY PUBLIC IN AND FOR  
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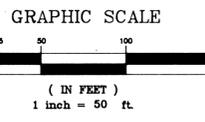
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SEPTEMBER, A.D. 1992

STATE OF ILLINOIS )  
COUNTIES OF COOK )  
I, Christian H. Froemke, AN ILLINOIS REGISTERED LAND  
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CHICAGO, Feb 3, A.D. 1992



SURVEY NO. N-116881 SUBDIVISION DATE: FEB. 3, 1992  
THIS INSTRUMENT PREPARED BY:  
NATIONAL SURVEY SERVICE, INC.  
ENGINEERS AND LAND SURVEYORS  
128 W. GRAND AVE. 312-944-3450 CHICAGO, ILL. 60610

DATE	DESCRIPTION
2/11/96	ISSUED FOR PERMITS
	ISSUED FOR PERMITS
	ISSUED FOR PERMITS

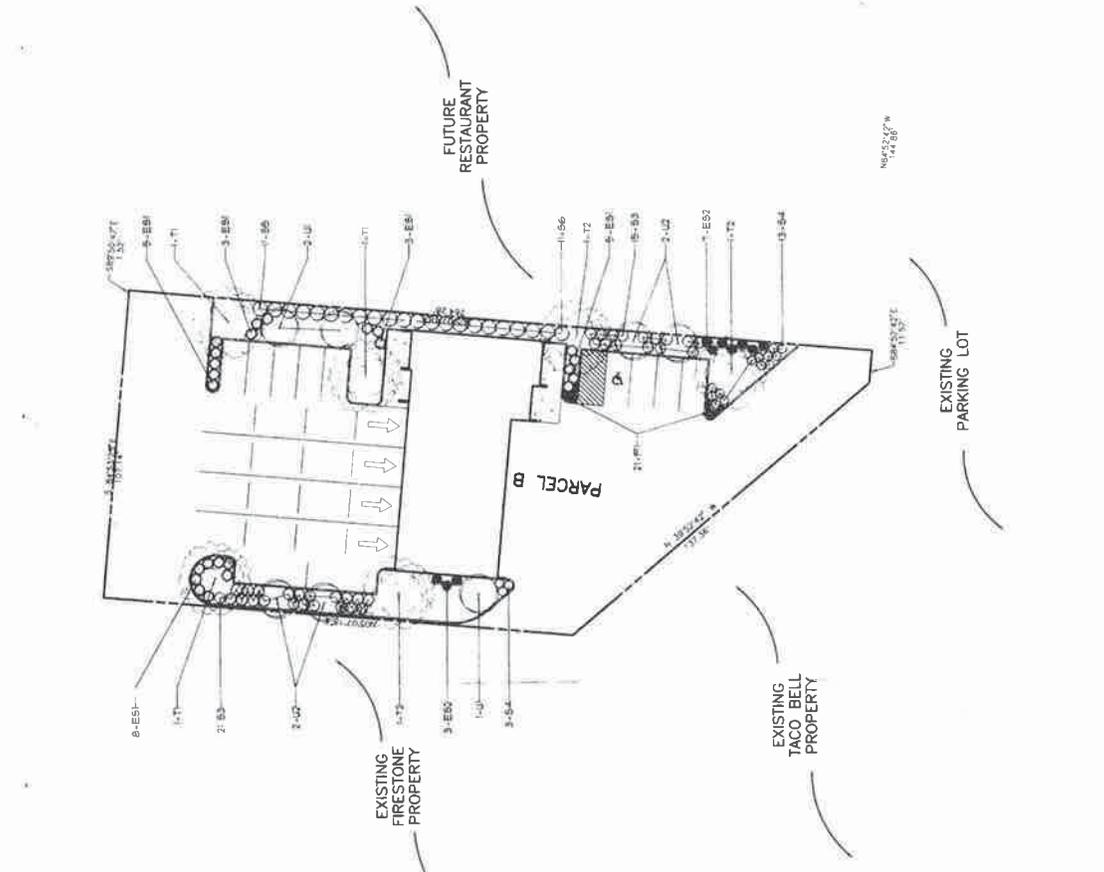
PROPOSED JIFFY LUBE SANDPPER CENTER II HANOVER PARK, ILLINOIS

CE DESIGN, LTD. CIVIL ENGINEERING  
 110 NORTH WILSON HIGHWAY, ARLINGTON HEIGHTS, ILLINOIS 60004  
 (708) 392-3570 FAX (708) 392-8252

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
<b>CANOPY TREES</b>				
T1	Glazalia tricuspidata, 'Inermis Skyline'	Skyline Honeylocust	2-1/2"	3
T2	Tilia americana 'Regaloid'	Redmond Linden	2-1/2"	3
<b>UNDERSTORY TREES</b>				
U1	Tilia 'Sensational'	Sensational	2 1/2"	3
U2	Pyrus calleryana 'Bradford'	Bradford Pear	2-1/2"	4
<b>EVERGREEN SHRUBS</b>				
ES1	Pinus nuda	Mugo Pine	24 in	24
ES2	Thuja occidentalis 'Tachy'	Thuja Arbor-vitale	4 ft.	10
<b>DECIDUOUS SHRUBS</b>				
S3	Cotoneaster acutifolia	Peking Cotoneaster	24 in	36
S4	Spiraea bumalda 'Froebelii'	Froebel's Spiraea	18 in	16
S5	Syringa vulgaris	Common Lilac	36 in	11
S6	Viburnum dentatum	Arrowwood Viburnum	36 in	11
<b>PERENNIALS</b>				
P1	Hemerocallis 'Stella de Oro'	Stella de Oro Daylily	1 gal.	21

NOTE: All shrubs and trees to be sodded.  
 All shrubs and trees will be mulched with amended or chipped bark.  
 Plant substitutions may be made depending upon plant availability.  
 All specifications for the measurement, quality, and installation of trees and shrubs shall be in accordance with the American Standards for Nursery Stock.  
 The property owner or developer shall provide written certification that the trees and shrubs meet the standards.  
 All plant material shall be free from diseases and shall be installed in a fashion that allows the availability of sufficient soil and water to sustain healthy growth. All plant material shall be planted in a manner that allows the property owner or developer to maintain the plants for a minimum of 1 year. All shrubs and understory trees shall be properly balled or staked at the time of planting. All plant material shall be obtained in a manner which does not involve the utilization of pesticides.



APPROVED LANDSCAPE PLAN PER 0-96-56

LANDSCAPE PLAN SCALE: 1" = 20'

Mauro Crestani and Associates  
 Landscape Architecture Site Planning  
 3328 Arden Ave. Brookfield, IL 60513

EXHIBIT 3 - Landscape Plans

DATE	DESCRIPTION	BY	CHKD
8/27/95	PER PLAN		
8/27/95	PER CLIENT		
8/27/95	PER RELEASE		
8/27/95	PER W/DRG		

**Old Fashioned HAMBURGERS**

Wendy's

NORTHWEST CORNER OF ARMY TRAIL RD. AND COUNTY PARK RD.  
HAYWARD PARK

**LANDSCAPE PLAN**

DESIGN: JDAVITO  
DATE: JUNE 4, 1998

2300 N. BARRINGTON ROAD, SUITE 300, NORTHAN ESTATES, ILL. 60195 847-666-8373

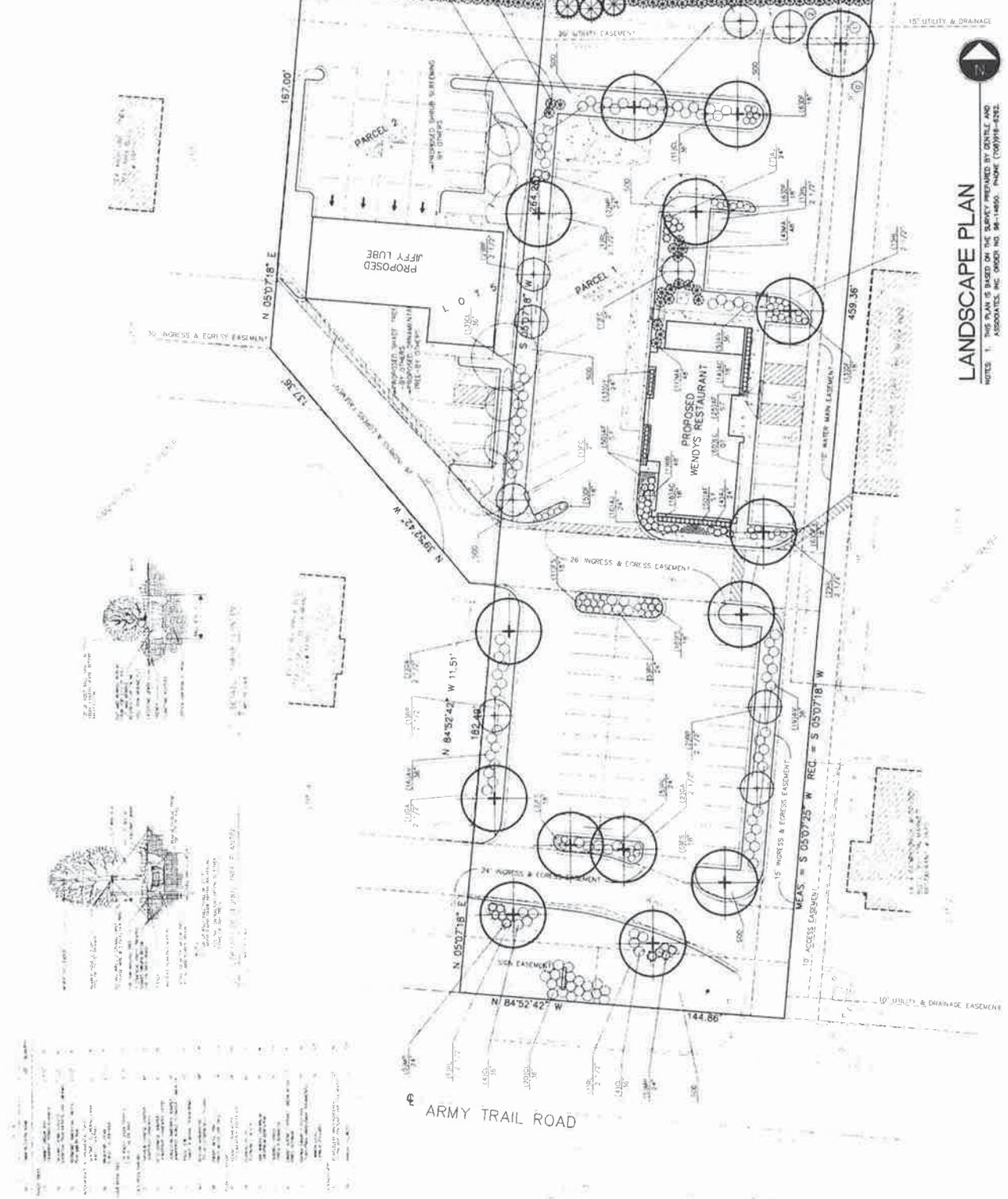
MARCHARIS ENGINEERING, LTD.  
CONSULTING ENGINEERS

**MR**

JOB NO. 86-002  
LS-1

**REVISIONS**

NO.	DATE	DESCRIPTION
1	8/27/95	PER PLAN
2	8/27/95	PER CLIENT
3	8/27/95	PER RELEASE
4	8/27/95	PER W/DRG



**LANDSCAPE PLAN**

NOTES: 1. THIS PLAN IS BASED ON THE SURVEY PREPARED BY GENTILE AND ASSOCIATES, INC. ORIGIN NO. 84-1480. PLANS: (10)0118-002.

NO.	DATE	DESCRIPTION
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2	8/27/95	PER CLIENT
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4	8/27/95	PER W/DRG



**ARIANO HARDY RITT**  
 NYULI RICHMOND LYTLE & GOETTEL P.C.

EXHIBIT 4  
 Applicant's Ltr

Lisa M. Nyuli \*  
 Scott G. Richmond  
 Aaron J. Lytle \*\*  
 Karrsten Goettel  
 Jennifer L. Stallings  
 Laura A. Dzielski

2000 McDONALD ROAD  
 SUITE 200  
 SOUTH ELGIN, IL 60177-3324  
 (847) 695-2400

Huntley Office  
 American Community Bank & Trust  
 10101 North State Route 47, Suite 200  
 PO Box 857  
 Huntley, IL 60142

*\*Fellow of the American  
 Academy of Matrimonial Lawyers*

Facsimile (847) 695-2401  
 or  
 E-Mail: SGR@attorneys-illinois.com

Ralph C. Hardy *(Of Counsel)*  
 Norbert C. Ritt *(Of Counsel)*  
 Frank V. Ariano *(Retired)*

*\*\*Licensed in Illinois & Wisconsin*

July 15, 2015

**Via FedEx Overnight Delivery**  
 Ms. Katie Bowman, Village Planner  
 Village of Hanover Park  
 2121 Lake Street  
 Hanover Park, IL 60133

**Re: PUD Amendment and Re-Subdivision  
 1850-60 E. Army Trail Rd., Hanover Park  
 Z Investments, LLC**

Dear Ms. Bowman:

I am pleased to submit for the Village of Hanover Park's consideration the following PUD Amendment and Subdivision Applications on behalf of Z Investments, LLC. As you are aware, Z Investments, LLC currently owns the property located at 1850-1860 E. Army Trail Rd. This property is two separate tax parcels, but one lot. The property currently has two commercial buildings located on it, with an operating Jiffy Lube Oil Change business and a former Wendy's Restaurant. I have enclosed herein a historical summary of the lot and its development from David Ziegler, the principal of Z Investments, LLC.

Based upon the Village Code, this PUD Amendment and Re-Subdivision into two separate zoning lots will mitigate an existing code violation of having two commercial businesses on one lot. However, to do so will require variations as follows:

1. Lot Size – Lot 1 (Lot with the Jiffy Lube) will require a 0.45 acre variation from the Village's 1 acre minimum;
2. Lot Coverage – Lot 1 (Lot with Jiffy Lube) will require a 5% variation for lot coverage maximum of 75% as the proposed Lot 1 will have 80% Lot Coverage
3. Parking – Lot 1(Lot with Jiffy Lube) will require a 3 space variation from the required 12 spaces as only 9 are provided.

With regard to the variation #3 above, Z Investments, LLC will prepare a shared parking agreement which shall allow Lot 1 to use 3 or more parking spaces on Lot 2 as necessary. The reality is that Jiffy Lube has very little parking need as most vehicles are not left on the property during business hours. In addition there will be an easement of ingress and egress amended to cover Lots 1 and 2. Z Investments, LLC will work to restore and enhance the landscaping in accordance with the previously approved landscape plans. Moreover, there will be a shared dumpster agreement created whereby the Jiffy Lube business can use the dumpster on the former Wendy's site and signage will be allocated as well.

Enclosed herewith are the following documents:

1. Fee of \$2,250.00
2. Property History and Narrative from David Ziegler dated 7/15/15
3. PUD Application for Public Hearing
4. Subdivision Application for Public Hearing
5. List of Taxpayers of Record within 250' of the subject property
6. 20 copies of Plat of Survey/Site Plan
7. 20 Copies of Plat of Re-Subdivision
8. 1 Copy of submittal to EcoCat for Agency Action Report
9. 1 copy of application to KDSWCD for Land Use Opinion
10. CD with Legal Description of Property & Printed Copy of Legal Description
11. Deed
12. Copies of Landscape Plans

I look forward to working with you on this project and should you require any additional information, kindly contact me at your earliest convenience.

Very truly yours,



Scott G. Richmond, Esq.

SGR/os

Enc.

cc: David Ziegler

July 15, 2015

Lot 5 - Sandpiper Court Shopping Center, Army Trail Road, Hanover Park, IL

### **Property History**

During the mid 1980's, the Ziegler family of Elgin, IL purchased approximately 8.7 acres of land from US Homes in Hanover Park, along the north side of Army Trail Rd. They anticipated building an Ace Hardware store at this location. Shortly after the closing, the owners of Heritage Plaza (Jewel center) at Army Trail Rd and County Farm Rd in Carol Stream recruited the Ziegler family to open their Ace Hardware as a second anchor in that shopping center. (This store closed in 2014 after 25 years)

Without need of this land, the Ziegler family found a commercial developer to purchase most of this land and he developed the Sandpiper Court Shopping Center. This shopping center was approved by the Village of Hanover Park with five (5) separate lot parcels. Walgreens, Firestone Tire, Taco Bell, and a Family Style Restaurant were some of the approved tenants.

### **Original Development**

As part of the land sale negotiations, the Ziegler family ended up retaining ownership of the irregular shaped Lot 5 (2.06 acres) in this commercial subdivision. The Ziegler's were successful in recruiting Jiffy Lube and Wendy's to each ground lease a portion of Lot 5 with long term land leases (20 years with options). As part of this arrangement the Village of Hanover Park approved these two businesses on one parcel and made sure all the appropriate cross easements and sharing arrangements were in order and recorded. Both Wendy's and Jiffy Lube built buildings and have operated their businesses for over twenty years. As land lessor's, the Ziegler's have had zero day to day involvement in this land, as the land leases required the lessees to construct their building to Village of Hanover Park specifications and maintain all aspects of the property, including real estate taxes.

### **Recent Property Activity and Interest**

In mid 2013, Wendy's informed the Ziegler family they would not be renewing their land lease and the building reverted back to the Ziegler family.

The Ziegler's are focused on owning and operating Ace Hardware stores (currently 8) and do not wish to be landlords of commercial land/buildings. In August of 2013 they hired Linda Kost of RealtyMetrix realtors to list and sell the Wendy's building and land portion of Lot 5. Because any sale would require title to be conveyed separately, Linda promptly met with the Village of Hanover Park staff and opened subdivision discussions on behalf of the Ziegler family. She shared the proposed subdivision survey and building configurations and was encouraged with the response from the Village staff. After over a year of marketing the property, the Ziegler's received a viable offer from Martin Hernandez to purchase the building and land for a restaurant. Martin and his family successfully own multiple restaurants in Chicagoland. Mr. Hernandez spent a considerable amount of energy and funds doing his due diligence and developing architectural plans for a first class restaurant which were approved by the Village of Hanover Park. Also

during this time the Ziegler's were successful in working with the DuPage County Assessor's office to split the two business areas into two tax parcels with separate tax id numbers (PINS).

While this was all occurring, Linda Kost, Martin Hernandez and Ziegler's attorneys were informed by the Village of Hanover Park officials that they would not be allowed to subdivide Lot 5, without a variance, because it would result in having one lot (Jiffy Lube) less than an acre which is not in current compliance with Village ordinances.

At this point Ziegler's/Hernandez explored the idea of Hernandez purchasing the entire Lot 5 with the Jiffy Lube land lease. As part of this effort, Ziegler successfully negotiated with the Jiffy Lube building owner an extended 10 year land lease, which also provided them the right to share the trash concrete area, share signage, protected sight line to Army Trail Rd. and limited employee parking on the Wendy's portion of Lot 5.

However, this strategy did not work as the Hernandez financing bank would not loan funds because the Jiffy Lube building already has a mortgage on it which cannot be subordinated.

The Ziegler family also explored the option of moving the Jiffy Lube lot line to the east in an attempt to configure a Jiffy Lube one acre parcel. Due to the fixed location of the Wendy's building, drive thru and parking, this proved impossible.

Because of all the significant time delays with this endeavor, the Ziegler/Hernandez contract has expired. Hernandez has informed Ziegler he and his partners may look at re-establishing the contract once the property is subdivided, but he has not promised anything more. They are actively working on developing other new restaurants in neighboring communities.

#### **Requested Subdivision and Variance**

The Ziegler family now returns to the Village of Hanover Park and pleads to allow a subdivision of Lot 5 into two parcels, one of which will be less than one acre, exactly as the county tax assessor has for the tax parcels, in order to convey title. If allowed it will result in:

1. A new viable taxpaying business in Hanover Park.
2. The elimination of a vacant commercial building which is considered a blight on the area along with other vacant buildings and shops in Sandpiper Court Shopping Center. This would position the owners of the other vacant buildings in a better light, which hopefully will increase the odds for success in attracting new businesses for their properties.
3. While resulting in a parcel less than one acre, it resolves a different Village of Hanover Park code violation of having two buildings on one parcel.
4. It will result in the replacement of a non-conforming pylon sign with a new ground based monument sign with new landscaping on Army Trial Rd. marketing both Jiffy Lube and a new business.

5. It will allow the Ziegler family to negotiate the sale of the Jiffy Lube land parcel to the owners of the Jiffy Lube building. This hopefully will result in the Jiffy Lube owner/operator owning both the land and building, instead of an absentee landlord owning the land. This should be a positive for the Village of Hanover Park. Additionally, know that second generation automotive buildings are very desirable and can fully function on the current lot size.

Please contact me with any further questions about both the history and future intentions of this property.

With appreciation for your consideration,

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