

ORDINANCE NO. 2454-25

AN ORDINANCE GRANTING APPROVAL OF A FINAL PLAT OF SUBDIVISION, A SPECIAL USE FOR A COMMERCIAL PLANNED UNIT DEVELOPMENT AND EXCLUSIONS FROM THE ZONING ORDINANCE – TEF HAWTHORN WOODS LLC

WHEREAS, on or about July 10, 2024, TEF Hawthorn Woods LLC, as applicant (“Applicant”), filed an application for a special use permit for a planned unit development for a nine-lot commercial development and for a Final Plat of subdivision on the property legally described on **Exhibit "A"** attached hereto and incorporated herein (the "Subject Realty"); and,

WHEREAS, Notice of Public Hearing with respect to the special use permit was published on or about September 19, 2024, in the Daily Herald, being a newspaper having general circulation within the Village of Hawthorn Woods, all as required by the statutes of the State of Illinois and the ordinances of the Village, and,

WHEREAS, all other notices required by the statutes of the State of Illinois and the ordinances of the Village have been given; and,

WHEREAS, pursuant to said Notice, the Planning, Building, and Zoning Commission of the Village of Hawthorn Woods conducted a Public Hearing regarding the special use permit and the final plat of subdivision on or about October 8, 2024, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, the Planning, Building, and Zoning Commission forwarded its recommendations and Findings of Fact, heretofore attached hereto as **Exhibit “B”**, to the Mayor and Board of Trustees on or about October 8, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: That approval is hereby granted for a special use permit for a commercial planned unit development as set forth with the permitted, restricted, and prohibited uses set forth on **Exhibit “C”** which is attached hereto and incorporated herein by this reference.

SECTION TWO: That approval is hereby granted of the Final Plat of Subdivision prepared by Manhard Consulting, Ltd., that is attached hereto as **Exhibit “D”**, and subject to the following conditions:

1. That the final plat of subdivision be reviewed and approved by the Village Engineering Consultants and Public Works Director/Village Engineer prior to a building permit being issued for the development.
2. That final engineering, including all required posting of improvement bonds or letters of credit to the extent applicable to the Village Code or other governing law, be reviewed and approved by the Village Engineering Consultants and Public Works Director/Village Engineer prior to a building permit being issued for the development. Additionally, the Applicant shall enter into a Subdivision Improvement Agreement for the construction of the overall improvements for the subdivision and shall be reviewed by Village staff and approved by the Village Board.
3. That any individual development of the proposed lots be subject to review in accordance with the Certificate of Approval process per Section 2-2-5 and 2-2-6 of the Village Code.

SECTION THREE: That approvals are hereby granted for certain exclusions from and exceptions to the provisions of the Village’s Zoning Ordinance on **Exhibit “E”** which is attached hereto and incorporated herein by this reference

SECTION FOUR: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of the Ordinance are, to the extent of such conflict, expressly superseded.

SECTION FIVE: All approvals, rights, and obligations granted or set forth in this Ordinance shall run with the Subject Realty and are binding on Applicant and any and all of Applicant's successors and assigns to all or any portion of the Subject Realty.

SECTION SIX: The recitals of this Ordinance are adopted as a material part of this Ordinance.

SECTION SEVEN: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

The foregoing Ordinance was passed by a roll call vote as follows:

AYES: Kaiser, Rychler, Hurst, Ramon

NAYS: 0

ABSENT AND NOT VOTING: McCartney, Bayer

APPROVED: [Signature]
Dominick DiMaggio, Mayor

ATTEST: [Signature]
Donna Lobaito, Village Clerk

PASSED: March 24, 2025

APPROVED: March 24, 2025

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT 1: THAT PART OF THE SOUTH QUARTER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHEASTERLY OF THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 63 (MIDLOTHIAN ROAD) AND NORTHERLY AND EASTERLY OF THE CENTERLINE OF OLD MCHENRY ROAD (EXCEPT THE EAST 208.45 FEET THEREOF AND EXCEPT THE NORTH 158.49 FEET THEREOF AND EXCEPT THAT PART THEREOF CONVEYED TO THE COUNTY OF LAKE BY DEED RECORDED DECEMBER 31, 1996 AS DOCUMENT NO. 39156581, IN LAKE COUNTY, ILLINOIS.

TRACT 2(A): THE NORTH 158.49 FEET OF THE FOLLOWING DESCRIBED PROPERTY, TO WIT; THAT PART OF THE SOUTH QUARTER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHEASTERLY OF THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 63 (MIDLOTHIAN ROAD) AND NORTHERLY AND EASTERLY OF THE CENTERLINE OF OLD MCHENRY ROAD, (EXCEPT THE EAST 208.45 FEET THEREOF); ALSO

TRACT 2(B): THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 62 (MIDLOTHIAN ROAD), EXCEPT THE NORTH 170.87 FEET THEREOF), IN LAKE COUNTY, ILLINOIS.

TRACT 3(A): THE NORTH 170.67 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHEASTERLY OF THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 63 (MIDLOTHIAN ROAD), IN LAKE COUNTY, ILLINOIS.

TRACT 3(B): THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO WHIT; COMMENCING AT A POINT 8 RODS NORTH OF THE QUARTER QUARTER SECTION LINE WHERE IT INTERSECTS THE SECTION LINE BETWEEN SECTIONS 9 AND 10; THENCE SOUTH ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION, 66 RODS AND 30 LINKS MORE OR LESS TO THE RIGHT OF WAY OF THE ELGIN JOLIET AND EASTERN RAILWAY COMPANY; THENCE ALONG SAID RIGHT OF WAY IN A NORTHEASTERLY DIRECTION, 70 RODS AND 22 LINKS; TO A POINT 2 RODS 16-2/3 LINKS SOUTH OF THE QUARTER QUARTER SECTION LINE OF SAID SECTION 10, THENCE WEST TO A POINT 20 RODS EAST OF THE WEST LINE OF SAID SECTION 10; THENCE NORTH 10 RODS AND 16-2/3 LINKS; THENCE WEST 20 RODS TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

EXHIBIT "B"



2 LAGOON DRIVE - HAWTHORN WOODS, ILLINOIS 60047 - (847) 438-5500

FINDINGS OF FACT

Public Hearing Date:
October 8, 2024

TEF Hawthorn Woods LLC – Request of Special Use Planned Development for a commercial development located at the northeast corner of Old McHenry Road and Midlothian Road

Based upon the evidence presented to the Planning, Building, and Zoning (PB&Z) Commission at the public hearing, the PB&Z Commission makes the following findings of fact with respect to the requested special use planned development permit in connection therewith.

9-14-4B:

1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community; and

Finding: The Comprehensive Plan designates this area for Commercial and Mixed Use and is part of the Main on Midlothian designation. The proposed commercial development will not only provide necessary services and economic benefits but will also promote convenience, enhance the general welfare, and contribute to the long-term prosperity of the neighborhood. It is a strategically desirable addition to the community.

2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvement in the vicinity; and

Finding: The proposed commercial development has been carefully planned to avoid any negative effects on health, safety, morals, general welfare, property values, or infrastructure. Any new use will be evaluated and need to adhere to the local and state requirements.

3. That the proposed use will comply with the regulations and conditions specified in this title for such use, and with the stipulations and conditions made a part of the authorization granted by the village board of trustees.

Finding: The special use planned unit development outlines the regulations and departures for the development.

9-15-7:

1. General:

- a. The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.

Finding: The PB&Z Commission finds that the proposed uses for the development are desirable for the Village and the surrounding community.

- b. The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.

Finding: The PB&Z Commission finds that the proposed development fits within the overall nature of the site and is not detrimental to the surrounding properties.

- c. That any industrial park areas established in the planned unit development conform to all requirements therefor as set forth elsewhere in this Title.

Finding: N/A

- d. That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the planned unit development shall be subject to the requirements for each individual classification as established elsewhere in this Title, except as may be specifically varied in the ordinance granting and establishing a planned unit development use.

Finding: The PB&Z Commission finds that the uses for the property are subject to the individual classifications.

- e. When private streets and common driveways are made a part of the planned unit development or private common open space or recreation facilities are provided, the applicant shall submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the Village Board.

Finding: The PB&Z Commission finds that the proposed roadway system will function appropriately with the overall layout of the site.

2. Variations of Minimum Requirements:

- a. Business:

- i. Business uses shall be as prescribed by the Plan Commission.

Finding: Noted.

- ii. All business and storage of materials shall be conducted or stored within a completely enclosed building.

Finding: The PB&Z Commission finds that the developer is not depicting any outdoor storage.

- iii. Not more than thirty percent (30%) of the lot area shall be covered by buildings or structures.

Finding: The PB&Z Commission finds that the overall lot coverage to be determined on a site by site basis and will be reviewed upon final plan for each lot.

- iv. At least ten percent (10%) of the lot shall be provided for landscape and open space purposes.
Finding: Noted.
- v. No building shall be more than thirty-five feet (35') in height.
Finding: Noted.
- vi. No dwelling shall be permitted in a planned business development.
Finding: Noted.
- vii. Off street parking shall be provided and maintained on the same lot based upon three (3) square feet of parking space for each square foot of gross floor area unless the plan commission recommends and the village board requires additional off-street parking space.
Finding: Noted.
- viii. Service and loading and unloading facilities shall be provided as recommended and approved by the plan commission.
Finding: Noted.
- ix. No building shall be located nearer than fifty feet (50') to any street line.
Finding: The PB&Z Commission finds that the overall commercial development will be appropriate to reduce the setback accordingly and based upon the departures listed in the staff report.
- x. Business developments shall be adequately screened by fencing or landscaping or both along the boundaries of adjacent residential, public open space, schools, churches or other similar uses. The screen planting shall be prepared by a landscape architect and shall meet the approval of the plan commission.
Finding: Noted.
- xi. Outdoor lighting shall be so designed in accordance with the provisions outlined in Section 9-19.
Finding: Noted.
- xii. Signs shall comply with the regulation of the B retail business/commercial uses permitted in this title.
Finding: Noted.

All of the above Findings of Fact are subject to the conditions of approval made by the PB&Z Commission on October 8, 2024.

Respectfully submitted,


10/21/24
Jim Merkel, Chairperson
CMH

EXHIBIT “C”

ADDITIONAL USES PERMITTED AS A MATTER OF RIGHT IN THE B – RETAIL BUSINESS/COMMERCIAL DISTRICT

The following uses shall be allowed as a matter of right on all lots and subject to the review and approval process outlined in Section 2-2-5 of the Village Code:

Automotive Service Station (Gas Station) with or without a convenient store, which convenient store may have a Drive-Thru.

Video Gaming when in conjunction with an Automotive Service Station that dispenses gasoline or diesel for automobiles and contains a convenient store or restaurant (Gas Station)

Car Wash

Quick Service Restaurant with a Drive-Thru

Pharmacy with a Drive-Thru

Coffee Shop with a Drive-Thru

Pet Shop

Grocery Store

Sit Down Restaurant

RESTRICTED USES

The following parameters are established for non-sales tax generating uses within the development:

1. In the event that Applicant seeks to use Lots 1, 2, 3, 4, and 5 for uses not subject of the retailers' occupation and use tax or food and beverage taxes, Applicant must enter into a “fee in lieu of sales tax” agreement with the Village; provided that this restriction shall not apply to Lots 1, 2, 3, 4, 5 or 8 in the event that Applicant uses such lot for a car wash.
2. In the event that Applicant constructs on Lots 1, 2, 3, 4, or 5 a strip center, the strip center development will be subject to the following based on the overall total number of units available per building:
 - a. 2 - 4 unit building – 1 non-sales tax generating use allowed.

- b. Over 5 unit building -- 2 non-sales tax generating uses allowed.

PROHIBITED USES

The following uses shall be prohibited:

Cell Towers

Adult Uses or Adult Novelty Stores

Cemetery/Crematorium

Funeral Homes

Pawn Shops

Firearm/Ammunition Shops

Cannabis Dispensary/Lounge

Self-Storage Facility

Truck Stop

Smoke Shop/Vape Shop/Head Shop

Tattoo Parlor/Piercing Salon

An Automotive Service Station (Gas Station) may not have diesel pumps that are dedicated primarily to use by heavy-duty trucks, such as semi-trucks and trucks within that weight class.

EXHIBIT "D"

EXHIBIT "E"

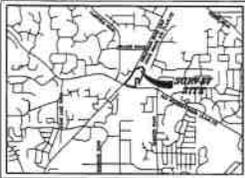
DEPARTURES FROM ZONING ORDINANCE

Regulation	B Zoning Standard	Proposed Standard	Departure
Maximum Lot Size – Permitted Use	3 Acres	4.41 Acres	1.41 Acres
Minimum Lot Width – Permitted Use	300 Feet	100 Feet	200 Feet
Minimum Lot Width – Special Use	200 Feet	100 Feet	100 Feet
Front and Corner Yard – Permitted Use	200 Feet	30 Feet	170 Feet
Front and Corner Yard – Special Use	250 Feet	30 Feet	220 Feet
Side Yard – Permitted Use	200 Feet	30 Feet	170 Feet
Side Yard – Special Use	250 Feet	30 Feet	220 Feet
Rear Yard – Permitted Use	200 Feet	30 Feet	170 Feet
Rear Yard – Special Use	250 Feet	30 Feet	220 Feet
Lot Coverage	50%	75%	25%
Floor Area Ratio – 1 Story – Permitted Use	0.15	0.25	0.10
Floor Area Ratio – 1 Story – Special Use	0.20	0.25	0.05
Floor Area Ration – Greater than 1 Story – Permitted Use	0.20	0.25	0.05
Access to Streets	Every building shall be constructed or erected upon a lot or	Lots 6 & 7 of the proposed subdivision are located within the interior of the development	

	parcel of land which abuts upon a street.	and not required to follow this regulation.	
Setback Parking	No parking shall be permitted in the area required for front, side, or rear yards, except where such parking is authorized by the village in a special use permit.	Parking shall be permitted within the required front, side or rear yards.	

FINAL PLAT OF BACK ON THE TRAIN SUBDIVISION

BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, AND THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 15, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.



LOCATION MAP
NOT TO SCALE

SURVEY PREPARED FOR

TTT HAWTHORN WOODS, LLC
8601 W BETH MARIE AVE, SUITE 112
CHICAGO, IL 60651

SUBMITTED BY/RETURN TO:

THE VILLAGE OF HAWTHORN WOODS
1202 LAGOON DRIVE
HAWTHORN WOODS, ILLINOIS 60141
ATTN: CHIEF OPERATING OFFICER

ABBREVIATIONS

P.S.E. = PUBLIC UTILITY EXISTENT
S.S.L. = SURVEYED SETBACK LINE



BASIS OF BEARINGS

BEARINGS AND DISTANCES WERE OBTAINED FROM THE PLANNED STREET PLANS AND RECORDS OF THE ILLINOIS SURVEYING BOARD. THE BEARINGS AND DISTANCES WERE OBTAINED FROM THE RECORDS OF THE ILLINOIS SURVEYING BOARD. THE BEARINGS AND DISTANCES WERE OBTAINED FROM THE RECORDS OF THE ILLINOIS SURVEYING BOARD.

PIN'S

- 14-08-200-092
- 14-08-200-093
- 14-08-200-094
- 14-08-200-095
- 14-08-200-096
- 14-08-200-097
- 14-08-200-098

ABBREVIATIONS

W.S.L. = WALKWAY SETBACK LINE

PROPERTY AREA

Parcel Name	Survey Foot	Acres
LOT 1	109,433	2.490
LOT 2	80,987	1.839
LOT 3	87,595	1.991
LOT 4	87,383	1.987
LOT 5	138,438	3.167
LOT 6	182,138	4.115
LOT 7	113,446	2.603
LOT 8	246,124	5.655
TOTAL	999,875	22.841

LINE TABLE

LINE	BEARING	LENGTH
L1	N89°48'49"E	330.00' (3)
L2	S89°48'49"E	330.00' (3)
L3	N89°48'49"E	330.00' (3)
L4	S89°48'49"E	330.00' (3)
L5	N89°48'49"E	330.00' (3)
L6	S89°48'49"E	330.00' (3)
L7	N89°48'49"E	330.00' (3)
L8	S89°48'49"E	330.00' (3)
L9	N89°48'49"E	330.00' (3)
L10	S89°48'49"E	330.00' (3)
L11	N89°48'49"E	330.00' (3)
L12	S89°48'49"E	330.00' (3)
L13	N89°48'49"E	330.00' (3)
L14	S89°48'49"E	330.00' (3)
L15	N89°48'49"E	330.00' (3)
L16	S89°48'49"E	330.00' (3)
L17	N89°48'49"E	330.00' (3)
L18	S89°48'49"E	330.00' (3)

SHEET INDEX

SHEET NO.	DESCRIPTION
1	PROPOSED LOTS AND SUBDIVISION
2	PROPOSED LOTS AND SUBDIVISION
3	PROPOSED LOTS AND SUBDIVISION

SURVEYOR'S NOTES

1. DISTANCES ARE GIVEN IN FEET AND DECIMAL PLACES THEREOF. NO DISTANCES SHALL BE GIVEN IN METERS OR METERS AND DECIMAL PLACES UNLESS SPECIFICALLY NOTED OTHERWISE.
2. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PLAT IS TO BE USED FOR THE PURPOSES OF THE SUBDIVISION OF THE LAND DESCRIBED HEREIN. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PLAT IS TO BE USED FOR THE PURPOSES OF THE SUBDIVISION OF THE LAND DESCRIBED HEREIN.
3. THE PROFESSIONAL SERVICE COMPANIES IN THE CURRENT LAND RECORDS ESTABLISHED FOR A SUBDIVISION ARE: SURVEYING CONSULTANTS, L.L.C. & PROFESSIONAL ENGINEERS, INC. RESTRICTIONS: UNLESS OTHERWISE SPECIFIED, ALL ARE 2015.

**PROPOSED CONDITIONS
(SEE SHEET 2 FOR
EXISTING CONDITIONS)**

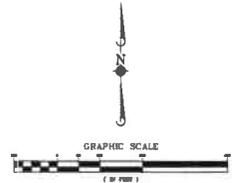
Manhard CONSULTING

BACK ON THE TRAIN SUBDIVISION
HAWTHORN WOODS, ILLINOIS
FINAL PLAT OF SUBDIVISION

SHEET
1 OF **3**

FINAL PLAT OF BACK ON THE TRAIN SUBDIVISION

BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, AND THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, ALL IN TOWNSHIP 13 NORTH RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS



BASIS OF BEARINGS

BEARINGS AND DISTANCES ARE BASED UPON THE PLAINS STATE PLUMB COMPANY SYSTEM, LAST LINE FROM THE BEARING TO CORNER BEING AN ESTABLISHED 1/4 SECTION BEARING (SEE PLUMB COMPANY INSTRUMENTS BEARING RECORDS FOR THE BEARING AND DISTANCE)

LINE	BEARING	LENGTH
L1	N89°57'42" E	308.42
L2	N89°57'42" E	14.17
L3	N89°57'42" E	98.97
L4	N89°57'42" E	288.17
L5	N89°57'42" E	288.17
L6	N89°57'42" E	188.97
L7	N89°57'42" E	188.97
L8	N89°57'42" E	188.97
L9	N89°57'42" E	188.97

CURVE	RADIUS	ANGLE	CHORD BEARING	CHORD
C1	1750.00'	171.88°	S75°53'17" W	743.87
C2	1887.17'	151.88°	S89°49'49" W	383.97
C3	1750.00'	171.88°	N89°57'42" E	743.87

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	1750.00'	20.40'	N89°57'42" E	20.40'
C2	1887.17'	20.40'	N89°49'49" E	20.40'
C3	1750.00'	20.40'	N89°57'42" E	20.40'

PROPERTY AREA

Tract Name	Survey Feet	Acres
TRACT 1	287,209	6.531
TRACT 2A	78,433	1.800
TRACT 2B	228,154	5.195
TRACT 3A	18,845	0.426
TRACT 3B	342,839	7.849
TOTAL	900,479	20.681

PIN'S

- 14-09-200-003
- 14-09-200-003
- 14-09-200-004
- 14-09-200-005
- 14-09-200-007

EXISTING CONDITIONS
(SEE SHEET 1 FOR PROPOSED CONDITIONS)

Manhard CONSULTING

1100 N. WASHINGTON ST., SUITE 200, CHICAGO, IL 60610
 TEL: 312.462.1000 FAX: 312.462.1001
 WWW.MANHARDCONSULTING.COM

BACK ON THE TRAIN SUBDIVISION
 HAWTHORN WOODS, ILLINOIS
 FINAL PLAT OF SUBDIVISION

2 - 3
 107 4/16/14

