

ORDINANCE NO. 2025-27

**AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE
AUTHORIZING A SPECIAL USE PERMIT FOR A RESTAURANT WITH DRIVE
THROUGH FOR THE PROPERTY COMMONLY KNOWN AS 13675 IL ROUTE 76,
POPLAR GROVE, IL WITH PIN 03-26-200-010 AND FOR AN APPROXIMATELY 0.30
ACRE PORTION OF THE PROPERTY WITH PIN 03-26-200-008 LOCATED IN THE
GB (GENERAL BUSINESS) DISTRICT**

WHEREAS, the Village of Poplar Grove, Illinois (“Village”) has adopted Title 8, Zoning in accordance with the provisions of Illinois Compiled Statutes, to regulate the use of land and specify the minimum requirements for improvements on land in the Village of Poplar Grove; and

WHEREAS, special uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property and are reviewed on a case by case basis, and are permitted only by the Poplar Grove Village Board; and

WHEREAS, the applicant, Cathy Stephens of Permit Solutions, 100 North Avenue, Tallmadge, Ohio 44278 on behalf of the property owner Bel Air Estates, LTD, 11619 IL Route 76, Poplar Grove, IL 61065 has petitioned the Village for a special use permit for a restaurant with drive through for the properties commonly known as 13675 IL Route 76, Poplar Grove, IL 61065 (PIN 03-26-200-010) and an approximately 0.3 acre portion of the property with PIN 03-26-200-008); and

WHEREAS, after due notice pursuant to the Illinois State Statutes, the Village of Poplar Grove Planning and Zoning Commission (“PZC”) held a public hearing on October 14, 2025 concerning the proposed special use; and

WHEREAS, the PZC, having examined said application and having considered the evidence, both oral and documentary, and being fully advised about the premises did make findings of fact as set forth in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the PZC did give a positive recommendation on the granting of the special use permit and

WHEREAS, the corporate authorities of the Village have considered the findings of fact and recommendation of the PZC; and

WHEREAS, the corporate authorities desire to approve the special use permit, subject to the conditions set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF POPLAR GROVE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. That the above-recitals are incorporated herein and made a part hereof.

Section 2. That a special use permit allowing for a restaurant with drive through for the properties commonly known as 13675 IL Route 76, Poplar Grove, IL 61065 (PIN 03-26-200-010) and an approximately 0.3 acre portion of the property with PIN 03-26-200-008), and legally described in Exhibit B, attached hereto and incorporated herein, in the GB, General Business, District, is hereby granted subject to the following conditions:

- A. Approval from the Illinois Department of Transportation be received prior to issuing any Building Permits.
- B. Approval from the Fire District shall be received prior to issuing any Building Permits.
- C. The Village Engineer's Report and recommendations shall be followed.

Section 3. The subject properties shall be used in accordance with the Village of Poplar Grove Zoning Code and shall not be used except as expressly authorized by the special use permit.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Section 5. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2025

AS FOLLOWS:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT, ABSTAIN, OTHER

APPROVED _____, 2025

ATTEST:

CLERK

PRESIDENT

EXHIBIT A- FINDINGS OF FACTS BY PZC

Findings of Fact

Per section 8-5-7(D) and 8-7-7 of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

1. **The establishment, maintenance or operation of the special use would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The Proposed property is zoned (GB) General Business and a restaurant is a permitted use per the zoning code. Because the proposed restaurant will have a drive through, it is required to have a Special Use Permit. Adjacent to this property to the South is the General Dollar Store also zoned GB. This development will not be detrimental or endanger the public health, safety, morals, comfort or general welfare as a restaurant with a drive through is a common business use consistent with the other commercial uses in the surrounding area. The adjacent property which is zoned R-2, is approximately 127 acres and .30 acres will be rezoned (map Amendment) to GB. The adjacent property 03-26-200-008 and the proposed property 03-26-200-010 are both currently owned by Bel Air Estates LTD.

2. **The special use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

The approval of this Special Use Permit will not affect the adjoining property owners. The properties adjacent to this property are zoned GB as well as R-2. The R-2 zoned property is currently undeveloped at this time. The property along ILL Route 76 is a commercial business corridor due to the number of commercial users in the vicinity of this area. No properties will be impacted by this approval nor will property values be diminished.

3. **The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

The applicant has submitted a traffic study and there is no impact to the current operation of the surrounding properties. This development is an enhancement to the area.

4. **Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

There is currently an existing easement that is utilized for the Dollar General Stores customers to access the site. This proposed development of McDonalds to the North will develop that easement into a public road. The plat of subdivision has been submitted with the application. This development will provide the appropriate utilities, access roads and drainage. All access to both the Dollar General Store and the proposed McDonalds will utilize this new public road. There will be no direct access to this site from ILL Route 76 other than the new public road. To insure the improvements are adequate, the village engineer's recommendations shall be followed.

5. **Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

The only egress from the site will be via the new public access road. The impact of the proposed project per the submitted traffic study will not create high traffic congestion on any public streets.

6. **The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.**

The regulations of the particular zoning district are in compliance with the spirit of the district.

EXHIBIT B- LEGAL DESCRIPTION

PART OF LOT 2 IN POPLAR WOODS SECOND ADDITION, RECORDED NOVEMBER 5, 2015, AS DOCUMENT NO. 2015R05917, TOGETHER WITH ADDITIONAL LAND, BOTH BEING A PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 1 IN SAID POPLAR WOODS SECOND ADDITION, BEING A SOUTHWESTERLY CORNER OF THE NORTHERLY PART OF SAID LOT 2; THENCE NORTH 00 DEGREES 20 MINUTES 31 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 20 MINUTES 31 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 10.36 FEET; THENCE NORTH 02 DEGREES 31 MINUTES 13 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 100.12 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 31 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 64.59 FEET; THENCE NORTH 89 DEGREES 33 MINUTES 40 SECONDS EAST, A DISTANCE OF 417.00 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 31 SECONDS WEST, A DISTANCE OF 175.02 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 40 SECONDS WEST, A DISTANCE OF 412.00 FEET TO THE POINT OF BEGINNING, IN BOONE COUNTY, ILLINOIS.