

VILLAGE OF VERNON HILLS

ORDINANCE 2015-029

AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT WITH VARIATIONS AND CERTAIN OTHER APPROVALS TO ALLOW A RESTAURANT SERVING ALCOHOL AT 701 NORTH MILWAUKEE AVENUE IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

THE 11th DAY OF AUGUST 2015

Published in pamphlet form by the Authority of the President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois, this 13th Day of August, 2015

ORDINANCE NO. 2015-029

**AN ORDINANCE GRANTING APPROVAL OF A
SPECIAL USE PERMIT WITH VARIATIONS AND
CERTAIN OTHER APPROVALS TO ALLOW A
RESTAURANT SERVING ALCOHOL AT 701
NORTH MILWAUKEE AVENUE IN THE
VILLAGE OF VERNON HILLS, LAKE COUNTY**

WHEREAS, David Zimmerman of MOD Superfast Pizza, is proposing to lease 2,900 square feet of space on property located at 701 North Milwaukee Avenue and legally described in Exhibit A, and has petitioned the Village of Vernon Hills for approval of the following:

1. Approval of a Special Use Permit to allow a restaurant serving alcohol including variations for signage and parking/loading requirements;
2. Preliminary and final site and landscaping plan approvals; and
3. Preliminary and final approval of the architectural elevations.

WHEREAS, MOD Superfast Pizza has requested the following variations as a part of the petition:

- To allow a sign variation for the wall sign on the East elevation to be 29.55 square feet, a 9.36 square feet variation.
- To allow a parking variation to allow 48 parking spaces in-lieu of 67 parking spaces, the minimum number of spaces required.

WHEREAS, the requested approvals would be in general compliance with the following:

- Proposed Site Plan prepared by Becker Architects Limited with a date of June 26, 2015 and consisting of 2 pages.
- Proposed Exterior Elevations prepared by Becker Architects Limited with a date of June 26, 2015 and consisting of 1 page.
- Proposed Topography & Grading Plans prepared by Becker Architects Limited with a date of June 26, 2015 and consisting of 2 pages.
- Proposed Landscape Plan prepared by Becker Architects Limited with a date of June 26, 2015 and consisting of 2 pages.
- Signage Plans prepared by Chandler Signs with a date of October 29, 2014 and consisting of 5 pages.

Said Plans are attached hereto as Exhibit B; and

WHEREAS, upon due notice and after public hearing held July 15, 2015 by the Planning and Zoning Commission of the Village of Vernon Hills, and pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, said Planning and Zoning Commission has filed its report concerning said petition as listed above.

WHEREAS, based upon the evidence adduced at said hearings and in their application, the petitioner has entered into the record evidence and findings of fact that address the conditions in Section 18.3 of the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:

SECTION I. Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the Special Use Permit to allow a restaurant serving alcohol and certain variations related to parking and signage as listed in Exhibit C is hereby granted. Said parcel is legally described in Exhibit A. The approval is subject to the conditions listed in Section V and the terms and conditions as set forth in Exhibit C.

SECTION II. Pursuant to the Vernon Hills Zoning Ordinance of 1982, approvals of the preliminary and final site and landscaping plans for the entire site as set forth in Exhibit B are hereby granted subject to the conditions listed in Section V.

SECTION III. Pursuant to the Vernon Hills Zoning Ordinance of 1982, the preliminary and final approvals of the architectural elevations including signage as set forth in Exhibit B are hereby granted subject to the conditions listed in Section V.

SECTION IV. Pursuant to the Vernon Hills Zoning Ordinance of 1982, the preliminary and final site improvement plans as set forth in Exhibit B are hereby approved subject to the conditions listed below in Section V.

SECTION V. Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, and the recommendations of the Planning and Zoning Commission, the terms and conditions as set forth in Exhibit C are hereby approved and are made a part of the approvals as listed in the Sections above.

SECTION VI. SEVERABILITY. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION VII. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION VIII. SUCCESSORS AND ASSIGNS. All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of the petitioner and property owner.

Exhibit A
Legal Description

LOT 1 IN HAWTHORN II - RETAIL CENTER AMENDED AND RESTATED,
BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF
SECTION 34, TOWNSHIP 43 NORTH, RANGE 11 EAST AND PART OF THE
NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 43 NORTH, RANGE 11
EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT
THEREOF RECORDED DECEMBER 17, 1987 AS DOCUMENT NO 2641246, IN
LAKE COUNTY, ILLINOIS

**Exhibit B
Plans**

General Compliance with the following plans:

- Proposed Site Plan prepared by Becker Architects Limited with a date of June 26, 2015 and consisting of 2 pages.
- Proposed Exterior Elevations prepared by Becker Architects Limited with a date of June 26, 2015 and consisting of 1 page.
- Proposed Topography & Grading Plans prepared by Becker Architects Limited with a date of June 26, 2015 and consisting of 2 pages.
- Proposed Landscape Plan prepared by Becker Architects Limited with a date of June 26, 2015 and consisting of 2 pages.
- Signage Plans prepared by Chandler Signs with a date of October 29, 2014 and consisting of 5 pages.

Exhibit C
Terms and Conditions of Approval

Conditions of Approval for the entire Site:

1. Final approval of plans by the Village Engineer and Landscape Architect prior to issuance of a building permit.
2. Issuance of a license to allow outdoor dining by the Village Board.
3. Compliance with all ordinance and standards of the Village except as otherwise noted.

Variations - The following variations are hereby approved:

1. To allow a sign variation for the wall sign on the east elevation to be 29.55 square feet, a 9.36 square feet variation.
2. To allow a parking variation to allow 48 parking spaces en lieu of the minimum number of spaces required (67).

SECTION IX. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

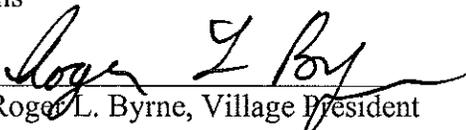
SECTION X. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2015-029.

Adopted by roll call vote as follows:

AYES: 4 – Hebda, Koch, Marquardt, Schwartz

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Schultz, Williams

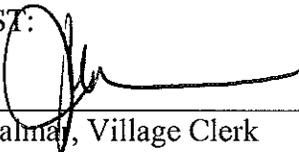

Roger L. Byrne, Village President

PASSED: 8/11/2015

APPROVED: 8/11/2015

PUBLISHED IN PAMPHLET FORM: 8/13/2015

ATTEST:


John Kalnay, Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

CERTIFICATE

I, JOHN M. KALMAR, CERTIFY THAT I AM THE DULY APPOINTED AND ACTING VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON AUGUST 11, 2015, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE 2015-029 AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT WITH VARIATIONS AND CERTAIN OTHER APPROVALS TO ALLOW A RESTAURANT SERVING ALCOHOL AT 701 NORTH MILWAUKEE AVENUE IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

THE PAMPHLET FOR ORDINANCE NO. 2015-029, INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF, WAS PREPARED, AND A COPY OF SUCH ORDINANCE WAS POSTED IN THE VILLAGE HALL, COMMENCING AUGUST 13, 2015 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE VILLAGE CLERK.

DATED IN VERNON HILLS, ILLINOIS, THIS 13th DAY OF AUGUST 2015



JOHN M. KALMAR, VILLAGE CLERK

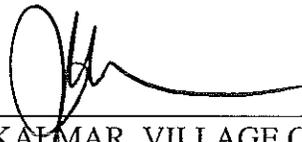
SEAL



AFFIDAVIT OF SERVICE

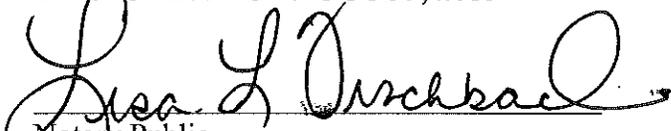
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, JOHN M. KALMAR, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2015-029 AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT WITH VARIATIONS AND CERTAIN OTHER APPROVALS TO ALLOW A RESTAURANT SERVING ALCOHOL AT 701 NORTH MILWAUKEE AVENUE IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM AUGUST 13, 2015 TO AUGUST 23, 2015



JOHN M. KALMAR, VILLAGE CLERK

SUBSCRIBED AND SWORN TO BEFORE
THIS 13th DAY OF AUGUST, 2015



Notary Public