

ORDINANCE NO. 2017-136

AN ORDINANCE AMENDING ORDINANCE 2014-029 TO AMEND THE SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AND AMEND THE PLAT OF SUBDIVISION FOR PROPERTY COMMONLY KNOWN AS GREGG'S LANDING NORTH IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

WHEREAS, Bradford Real Estate representing Aldi's grocery store located at the Gregg's Landing North Commercial Lot 4 and legally described in Exhibit A, has petitioned the Village of Vernon Hills for the following:

1. Approval of a Special Use Permit to amend the Planned Unit Development (PUD) to allow for certain site plan changes along with certain departures for signage;
2. Preliminary and Final Approval to amend the plat of subdivision;
3. Preliminary and final site and landscaping plan approvals;
4. Preliminary and final approval of the architectural elevations; and

WHEREAS, Bradford Real Estate has requested the following departures as a part of the petition:

1. To allow one wall sign on the northern elevation of the building face that has no frontage on a public or private street measuring 121 square feet.
2. To allow one wall sign on the eastern elevation of the building face that has no frontage on a public or private street measuring 121 square feet.
3. To allow wall sign on western elevation of the building measuring 121 square feet.
4. To allow logos on the north, east, south, and west elevations greater than 4 square feet.

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

- Preliminary and Final Plat of Subdivision prepared by Compass Surveying Ltd with a revision date of November 20, 2017 consisting of 2 pages
- Onsite Civil Engineering Plans prepared by Pinnacle Engineering Group with a revision date of 8/23/2017 and consisting of 8 pages
- Preliminary Landscape and Photometric Plans prepared by InSite Landscape Design with a revision date of 8/21/2017 and consisting of 4 pages
- Architectural Elevation Plans prepared by APD Engineering & Architecture, PLLC with a revision date of 8/28/2017 and consisting of 6 pages
- Architectural Elevation Plans with raised parapet prepared by APD Engineering & Architecture, PLLC with a revision date of 8/28/2017 and consisting of 1 page
- Aldi Site Plan (95 stalls) prepared by Pinnacle Engineering Group with a revision date of November 29, 2017 and consisting of 1 page.

Said Plans are attached hereto as Exhibit B; and

WHEREAS, upon due notice and after a public hearing held on October 4, 2017 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 standards 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 amend the Special Use for a Planned Unit Development known as Shoppes of Gregg's Landing North and certain departure related to signage as listed in Exhibit C, is hereby granted. Said parcel is legally described in Exhibit A. The approval is subject to the Terms and Conditions of Approval 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 Terms and Conditions of Approval, as set forth in Exhibit C.

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 Terms and Conditions of Approval, as set forth in Exhibit C.

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 Terms and Conditions of Approval as set forth in Exhibit C.

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 of Approval 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.

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 2017-136.

Adopted by roll call vote as follows:

AYES: 5 – Koch, Schultz, Hebda, Takaoka, Oppenheim

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Marquardt



Roger L. Byrne, Village President

PASSED: 12/12/2017

APPROVED: 12/12/2017

ATTEST:



John Kalmar, Village Clerk



Exhibit A
Legal Description

PARCEL 1 (AS SURVEYED)

THAT PART OF LOT 4 IN GREGG'S LANDING NORTH COMMERCIAL, BEING A SUBDIVISION OF PART OF SECTIONS 28 AND 33, TOWNSHIP 44 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 22, 2014 AS DOCUMENT 7125618, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH 80 DEGREES 23 MINUTES 21 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID LOT 4, A DISTANCE OF 61.92 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY, NOT TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 48.82 FEET, A CHORD BEARING OF NORTH 38 DEGREES 03 MINUTES 31 SECONDS WEST, A CHORD LENGTH OF 44.69 FEET, AN ARC LENGTH OF 46.41 FEET; THENCE NORTH 09 DEGREES 44 MINUTES 56 SECONDS WEST, NOT TANGENT TO THE LAST DESCRIBED COURSE, 74.50 FEET TO A POINT ON A CURVE; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY, NOT TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 194.91 FEET, A CHORD BEARING OF NORTH 14 DEGREES 35 MINUTES 06 SECONDS EAST, A CHORD LENGTH OF 159.44 FEET, AN ARC LENGTH OF 164.25 FEET; THENCE NORTH 40 DEGREES 05 MINUTES 32 SECONDS EAST NOT TANGENT TO THE LAST DESCRIBED COURSE, 55.33 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY, NOT TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 207.45 FEET, A CHORD BEARING OF NORTH 36 DEGREES 17 MINUTES 49 SECONDS EAST, A CHORD LENGTH OF 42.49 FEET, AN ARC LENGTH OF 42.57 FEET; THENCE SOUTH 51 DEGREES 58 MINUTES 25 SECONDS EAST NOT TANGENT TO THE LAST DESCRIBED COURSE, 48.48 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY AND EASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 11.50 FEET, A CHORD BEARING OF SOUTH 75 DEGREES 47 MINUTES 37 SECONDS EAST, A CHORD LENGTH OF 9.29 FEET, AN ARC LENGTH OF 9.56 FEET TO A POINT OF TANGENCY; THENCE NORTH 80 DEGREES 23 MINUTES 10 SECONDS EAST TANGENT TO THE LAST DESCRIBED COURSE, 195.99 FEET TO THE WESTERLY LINE OF THE STORMWATER MANAGEMENT AND DRAINAGE EASEMENT GRANTED PER DOCUMENT 7125618; THENCE SOUTH 04 DEGREES 06 MINUTES 29 SECONDS EAST ALONG SAID WESTERLY LINE, 189.58 FEET TO AN ANGLE POINT IN SAID WESTERLY LINE; THENCE SOUTH 09 DEGREES 36 MINUTES 36 SECONDS EAST ALONG SAID WESTERLY LINE, 96.30 FEET TO THE SOUTHWEST CORNER OF SAID STORMWATER MANAGEMENT AND

DRAINAGE EASEMENT, SAID SOUTHWEST CORNER BEING ON THE SOUTHERLY LINE OF SAID LOT 4; THENCE SOUTH 80 DEGREES 23 MINUTES 21 SECONDS WEST ALONG SAID SOUTHERLY LINE, 335.57 FEET TO THE POINT OF BEGINNING; IN LAKE COUNTY, ILLINOIS.

TO BE KNOWN AS LOT 5 IN GREGG'S LANDING NORTH COMMERCIAL RESUBDIVISION NO. 1, NOT YET RECORDED

PARCEL 2:

NON-EXCLUSIVE EASEMENTS FOR ACCESS, COMMON UTILITY LINES, DRAINAGE, SIGNS, AND PARKING FOR THE BENEFIT OF PARCEL 1 AS CREATED BY DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS RECORDED AUGUST 22, 2014 AS DOCUMENT 7125620.

**Exhibit B
Plans**

General Compliance with the following plans:

- Preliminary and Final Plat of Subdivision prepared by Compass Surveying Ltd with a revision date of November 20, 2017 consisting of 2 pages
- Onsite Civil Engineering Plans prepared by Pinnacle Engineering Group with a revision date of 8/23/2017 and consisting of 8 pages
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- Architectural Elevation Plans prepared by APD Engineering & Architecture, PLLC with a revision date of 8/28/2017 and consisting of 6 pages
- Architectural Elevation Plans with raised parapet prepared by APD Engineering & Architecture, PLLC with a revision date of 8/28/2017 and consisting of 1 page
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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. No outdoor sales are permitted on the site without prior approval by the Village Board of Trustees.
3. For portions of the building not protected by curbs, the petitioner shall erect some type of building protection, i.e. bollards, curbing, etc, to prevent damage to the building.
4. Shared parking between Lot 4 and Lot 5 shall be permitted and shall be included in the REA documents or other documents as required.
5. Unless otherwise stated herein, all signage shall comply with the Village's sign ordinance, being Chapter 19 of the Code of Ordinances
6. The lighting standard for all properties within the development shall comply with the Village's standard 25 foot poles, shoe-box style fixtures with 400W bulbs or comparable LED equivalent. The parking lot lighting calculations will be based on a light loss factor of 1.0.
7. Lighting within all signage will be evenly distributed and energy efficient.
8. The landscape plans for Lot 5 require the inclusion of bike racks. The number and locations of these racks will be reviewed and approved by the Village Landscape Architect.
9. No parking spaces on site shall be converted to compact car size spaces so as to increase the total number of parking spaces without review and approval by the Village Board. Parking spaces measuring 9 by 18 feet shall be allowed.
10. Compliance with all current technical review comments.
11. Provide screening from all sides for the RTU's and utilize a metal roof mounted system.
12. Any cart return corrals shall be of the same aesthetic design and quality as the adjacent Marianos located at the Shoppes of Gregg's Landing.
13. Parking lot islands, median entrance magazines and adjacent parkways, grass areas of the magazine shall be irrigated.
14. Installation of additional Colorado Spruce on the landscaping plan at the discretion of the Village's Landscape Architect.
15. No overnight parking or idling of trucks shall be allowed.
16. Delivery trucks are prohibited from using the entrance magazine to back into the property for delivery.
17. Compliance with all ordinance and standards of the Village except as otherwise noted.
18. Adjust the right-turn exit to accommodate additional stacking for left-turn movements exiting onto the entrance magazine from the site.
19. Modify the landscape plan to enhance site-lines for traffic exiting the property to satisfaction of the Village Engineer.
20. Petitioner shall work with staff on identifying appropriate tree species.

21. Raise the parapet wall to screen roof top units.
22. An additional sidewalk and appropriate connection to sidewalk shall be added in the 6 foot landscape median to accommodate pedestrian access from the northernmost parking spaces.
23. Approval to use other than brick and stone as an exterior finish material on retail and multi-family buildings.
24. REA documents shall be reviewed and approved by the Village Attorney
25. Aldi's shall design a truck circulation plan approved by Village staff and instruct delivery drivers and companies to use only Milwaukee Avenue and Gregg's Parkway east of the site as an entry and exit to the site
26. Structural retaining wall adjacent to the detention pond shall be decorative and generally consistent with the Vernon Hills Town Center retaining wall subject to Village Engineer and Building Commissioner approval.
27. Construction traffic pertaining to Aldi's will be prohibited from utilizing Gregg's Parkway west of the site as an entry or exit to the site.
28. Final Plat of Subdivision approval shall be subject to review and approval by the Village Attorney and Village Engineer.
29. Western facing sign is restricted from any back or internal illumination and shall only be lit by an external illumination pointed towards the sign and in no other direction as approved by Village staff.

In addition, the following Departures from the Village's Sign regulations are hereby granted:

1. To allow one wall sign on the northern elevation of the building face that has no frontage on a public or private street measuring 121 square feet.
2. To allow one wall sign on the eastern elevation of the building face that has no frontage on a public or private street measuring 121 square feet.
3. To allow wall sign on western elevation of the building measuring 9 feet by 8 feet.
4. To allow logos on the north, east, south, and west elevations greater than 4 square feet.

