

ORDINANCE NO. 2007-25

AN ORDINANCE GRANTING CERTAIN APPROVALS FOR PROPERTY COMMONLY KNOWN AS THE SHOPPES AT GREGG'S LANDING PUD LOCATED AT THE INTERSECTION OF MILWAUKEE AVENUE AND GREGG'S PARKWAY, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.

WHEREAS, Matthew Knopf, Bradford Real Estate Services Corp (BRESA), in regard to property commonly known as The Shoppes at Gregg's Landing PUD and legally described in Exhibit A, has petitioned the Village of Vernon Hills for approval of the following:

1. Approval of a Special Use Permit for a Planned Unit Development to allow development of a retail commercial center along with certain variations, including but not limited to, building height and setbacks, signage and parking requirements.
2. Approval of certain Special Use Permits to allow restaurants, which may serve alcohol, and restaurants with carry-out and fast food (coffee) with drive-thru and a bank with a drive-thru facility.
3. Preliminary and final site and landscaping plan approvals
4. Preliminary and final approval of the architectural elevations
5. Preliminary and final approval of the Plat of Subdivision; and,

WHEREAS, BRESA requested the following variations as a part of the petition:

1. To allow a reduction in the number of parking spaces on Lot 1 (Lowe's) from 681 spaces as required by the Annexation Agreement to 581 spaces.
2. To allow a reduction in the building setback line along Milwaukee Avenue from 100 feet to 90 feet on Lots 2, 3 and 4.
3. To allow a reduction in the required buffer along Milwaukee Avenue from 50 feet to 25 feet.
4. To allow the multi-tenant, ground mounted monument signs to exceed the maximum of 50 square feet in size and exceed the maximum height of 8 feet. Specially, for the Milwaukee Avenue, the sign will be 21 feet in height and 273 sq ft in size. For the Gregg's Parkway, the sign will be approximately 12 feet in height and 195 sq ft. The ground mounted flood lights are to be removed and the signs will be internally lighted.
5. To allow 2 additional wall mounted signs on the Lowe's Building, subject to the total amount of signage not exceeding the amount permitted by the Sign Ordinance; and,

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

1. Master Site Plan prepared by Smith Engineering Consultants with a date of 2/22/07 and consisting of 3 pages.
2. Final Plat of Gregg's Landing South Subdivision prepared by Smith Engineering Consultants with a revised date of 12/22/06 and consisting of 3 pages.
3. Engineering Improvement Plans prepared by Smith Engineering Consultants with a revised date of 12/22/06 and consisting of 45 pages (CE-1 thru 45).
4. Revised Engineering Improvement Plans prepared by Smith Engineering Consultants with a revised date of 1/04/07 and consisting of 8 pages (CE-01, 02, 07-10, 14) and Revised Photometric Plans prepared by Hubbell Lighting with a revised date of 1/4/07 and consisting of 1 page (E-01).
5. Landscaping Plans prepared by Atwell Hicks with a revised date of 3/9/07 and consisting of 5 pages (LS-01 thru 05) except as otherwise amended in the Addendum to the Staff Report dated February 6, 2007.
6. Photometric Plans prepared by Hubbell Lighting with a revised date of 2/22/07 and consisting of 1 page (E-01), as revised with the 25 foot lights poles and the shoe boxes and lower heights on the wall pack lights.
7. Architectural Plans and color elevations prepared by OKW Architects consisting of elevations for Lowe's, multi-tenant Retail Building and Staples at Gregg's Landing with a date of December 22, 2006 and consisting of 6 pages.
8. Architectural Plans – Detailed plans for Lowe's Rear & Side Elevations prepared by OKW Architects with a date of December 22, 2006 and consisting of 1 pages (AO2).
9. Architectural Plans – Detailed plans for the Retail Building Floor Plans & Elevations (Multi-tenant) prepared by OKW Architects with a date of December 22, 2006 and consisting of 1 pages (AO3).
10. Architectural Plans – Detailed plans for the AMCORE Bank – Detailed Elevations (dated 1/15/07) and color perspective drawing (dated 2/26/07) prepared by Larson & Darby Group consisting of 3 pages.
11. Responses to the General Conditions of Approval from Mathew L. Knopf to John Kalmar dated March 14, 2007 and consisting of 8 pages.
12. Revised plans entitled The Shoppes at Gregg's Landing – Unified Commercial Development dated March 14, 2007 and consisting of 12 pages and including revised architectural, signage and landscaping plans for the entire site, Lowe's, Staples, the multi-tenant building and AMCORE Bank.

Said Plans are attached hereto as Exhibit B; and,

WHEREAS, upon due notice and after public hearing held February 7, 2007 and continued from time to time 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, it has been determined that the granting of approval of the Planned Unit Development will have no serious and depreciating effect upon the value of surrounding property and will have no adverse effect upon the character of the neighborhood, public utility facilities or other matters pertaining to the public health, public safety and general welfare;

WHEREAS, it has been further determined that construction of the improvements on Lot 1, being the Lowe's Home Improvement Store specifically comply with type and nature of permitted uses under both the Annexation Agreement and the Village's Zoning Ordinance, Lowe's being found to be a Retail Commercial Use as defined therein;

WHEREAS, as a part of the site improvement plans, the owners of Lot 1 shall be responsible for or will cause the installation, maintenance, repair and replacement of the storm sewer lines on Lot 1 up to the western property line of the Project Property, being Lot 1.

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 addresses the conditions in Sections 18.3 and 21.7 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 the Planned Unit Development commonly known as The Shoppes at Gregg's Landing with the certain variations, as listed in Exhibit C, is hereby granted. Said parcel is legally described in Exhibit A. The approval is subject to the conditions listed below in Section VIII. Additionally, the Special Use Permit is subject to the terms and conditions as set forth in the Development Permit attached in Exhibit C.

SECTION II. Pursuant to the Vernon Hills Zoning Ordinance of 1982, the special use permit to allow restaurants, which may serve alcohol, and restaurants with carry-out and fast food (coffee) with drive-thru (Lot 4) and a bank with a drive-thru facility (Lot 3) is hereby granted. The approval is subject to the conditions listed below in Section VIII. Additionally, the Special Use Permit is subject to the terms and conditions as set forth in the Development Permit attached in Exhibit C.

SECTION III. Pursuant to the Vernon Hills Zoning Ordinance of 1982, preliminary and final site, and landscaping for the entire site are hereby granted subject to the conditions listed below in Section VIII.

SECTION IV. Pursuant to the Vernon Hills Zoning Ordinance of 1982, the preliminary and final approval of the architectural elevations are hereby granted subject to the conditions listed below in Section VIII.

SECTION V. Pursuant to the Vernon Hills Zoning Ordinance of 1982, the preliminary and final plat of subdivision for Gregg's Landing South Subdivision is hereby granted subject to the conditions listed below in Section VIII.

SECTION VI. Pursuant to the Vernon Hills Zoning Ordinance of 1982, the preliminary and final site improvement plans are hereby approved subject to the conditions listed below in Section VIII.

SECTION VII. Pursuant to the Vernon Hills Zoning Ordinance of 1982, the Development Permit (Exhibit C) for the entire site is hereby approved subject to the conditions listed below in Section VIII.

SECTION VIII. 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. Said conditions will be made a part of the Development Permit.

SECTION IX. The existing Storm Water Detention Pond located within the Oakmont Homeowners Association Parcel, being Outlot A as depicted on the Plat of Subdivision ("Plat") dated 9/5/03 as recorded as document No. 5355034 was designed to accept stormwater from a portion of the Property. By approval of the Site Improvement Plans, the Village has determined that the existing facilities are adequate to serve the development on Lot 1. The Plat specifically provided a drainage easement to the Village of Vernon Hills thereby allowing for the Village to establish storm water drainage facilities and/or utilize the facilities so constructed within the Oakmont Development. Further, the Plat specifically provides a drainage easement to the Village, its successors and assigns, without limitation thereon. As part of the Site Improvement Plans, onsite storm water structures will be connected to an existing storm sewer line which is located on the western boundary of Lot 1, which in turn connects to the Oakmont Pond. The Developer shall cause this connection to be made. The Developer and subsequent owner of the improvements on Lot 1 shall be responsible for all storm water facilities located on Lot 1. The Oakmont Homeowners Association is required to maintain the pond and related storm water facilities. The Plat has also provided for the Village, in the event that the Association has not adequately maintained the Pond and related facilities to enter onto the Detention Areas (as defined on the Plat), and undertake any required maintenance. The Plat further provides that if the Village is required to do so, it may charge back the cost of such maintenance to the Oakmont Homeowners Association, which will become a lien on the property of the Association.

By this Ordinance, the Village is hereby assigning any and all of its rights as set forth on the Plat, in relation to establishing and utilizing storm water facilities, and for subsequent maintenance thereof to the Developer and owners of Lot 1 hereto, and to their successors and assigns.

SECTION X. 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 XI. 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 XII. SUCCESSORS AND ASSIGNS. All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of Opus North Corporation.

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

SECTION VX. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2007-25.

Adopted by roll call vote as follows:

AYES: 4-Koch, Marquardt, Schultz, Williams

NAYS: 0-None

ABSENT AND NOT VOTING: 2-Schwartz, Hebda

Roger L. Byrne
Village President

PASSED: 3/20/2007

APPROVED: 3/20/2007

PUBLISHED IN PAMPHLET FORM: 4/25/2007

ATTEST:

Linda Pelletier
Village Clerk

EXHIBIT A
Legal Description

EXHIBIT B
Plans

EXHIBIT C
Conditions of Approval

To be included in the Development Permit which will be completed for the Mayor and Village Clerk's signature once the Ordinance is approved.