

ORDINANCE NO. 2007-68

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPROVAL TO ALLOW NIRVANA WINE & GRILLERIE RESTAURANT TO SERVE ALCOHOL FOR PROPERTY LOCATED AT 701 N. MILWAUKEE AVENUE, UNIT 280 IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.

WHEREAS, Alaine Johnson (aka Alaine Lubin – pursuant to Exhibit B), business owner and lessee, the business owner, representing Inland Real Estate Column I, LLC, in regard to 701 N. Milwaukee Avenue, Unit 280, being in the Rivertree Court Shopping Center, said property legally described in Exhibit A, has petitioned the Village of Vernon Hills to grant approval of a special use permit to allow a new restaurant which serves alcoholic beverages and provides for carry-out service.

WHEREAS, said approval will allow for the operation of Nirvana Wine & Grillerie at the proposed location; and

WHEREAS, upon due notice and after public hearings held October 24, 2007 by the Planning and Zoning Commission of the Village of Vernon Hills, pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, said Planning and Zoning Commission has filed its report concerning said petition and recommended approval of the special use permit to allow operation of a new restaurant known as Nirvana Wine & Grillerie which serves alcoholic beverages and provides for carry-out service at the proposed location, subject to certain conditions; and

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 Section 18.3.

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 operation of a new restaurant known as Nirvana Wine & Grillerie which serves alcoholic beverages and provides for carry-out service at the proposed location as described in Exhibit A, is hereby granted, subject to the following conditions:

- a) Receipt of a liquor license from the Liquor and License Committee.
- b) Receipt of all required licenses from the Village and Lake County Health Department prior to issuance of a final certificate of occupancy.
- c) Compliance with the plans prepared by Interwork Architects, Inc. with date of September 25, 2007 and consisting of plan Sheet SK9.25-1, said plans being hereby attached as Exhibit C.
- d) Compliance with the Village Sign Ordinance.
- e) The maximum number of outdoor seats shall not exceed 24. The petitioner and property owner shall maintain pedestrian access on the sidewalk across the front of the

lessee's space. The table and chairs shall not limit or prohibit pedestrians from walking on the sidewalk. The Building Commissioner will periodically inspect this area and may require a reduction in the number of tables if, in his opinion, the area is inhibiting the flow of pedestrians in the immediate area.

- f) Adequate outdoor storage of trash and food waste shall be provided for the use.
- g) Compliance with all ordinances and standards of the Village except as may otherwise be provided.

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

SECTION V. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2007-68.

Adopted by roll call vote as follows:

Ayes: 4-Williams, Koch, Marquardt, Schultz

Nays: 0-None

Absent and not voting: 2-Hebda, Schwartz

Abstain: 0-None

Passed: 11/20/2007

Approved: 11/20/2007

Published in pamphlet form: 11/21/2007

Roger L. Byrne, Village President

Attest

Linda Pelletier, Village Clerk