

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2009-060

AN ORDINANCE APPROVING A SPECIAL USE PERMIT AND GRANTING FINAL SITE AND LANDSCAPING PLAN AND BUILDING ELEVATION APPROVALS TO ALLOW A RESTAURANT AND RETAIL USE ON PROPERTY LOCATED AT 700 EAST TOWNLINE ROAD, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS.

THE 1ST DAY OF DECEMBER 2009

Published in pamphlet form by the
Authority of the President and Board
Of Trustees of the Village of Vernon
Hills, Lake County, Illinois, this 2nd
Day of December 2009

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WHEREAS, Jason Smith, representing Circle H Vernon Hills, LLC, owner of the property, in regard to property legally described in Exhibit A, has petitioned the Village of Vernon Hills for the following:

1. Approval of a Special Use Permit to allow a fast food, carry-out style restaurant serving alcoholic beverages, known as Qdoba Mexican Grill on the legally describe property.
2. Final approvals for the amended site and landscaping plans and building elevations.

WHEREAS, said approval of the special use permit will allow for the operation of a Qdoba Mexican Grill which is a fast food, carry-out style restaurant that will serve alcoholic beverages; and

WHEREAS, said approvals will further allow renovation of the existing building, dividing it into two spaces, expansion of the existing parking lot, and improvement of the existing landscaping throughout the site; and

WHEREAS, due to the restaurant use and the lack of cross-parking opportunities with the Mall, the lot will be expanded from the current 26 spaces to 56 spaces from which the retail space will require a total of 20 spaces while the restaurant will require 36 spaces to accommodate the 8 employees and 65 seats.

WHEREAS, upon due notice and after public hearing held November 11, 2009 and continued from time to time 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 to approve a special use permit to allow a fast food, carry-out style restaurant serving alcoholic beverages, known as Qdoba Mexican Grill and final approvals for the amended site and landscaping plans and building elevations on the legally describe property; 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 a fast food, carry-out style restaurant serving alcoholic beverages, known as

Qdoba Mexican Grill is hereby approved subject to the conditions as listed in Section II below. Said parcel is legally described in Exhibit A.

SECTION II. Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the amendments to the final site and landscaping plans and building elevations to allow restaurant and additional retail space are hereby approved 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) Final approval by the Village Engineer and Landscape Architect prior to issuance of a building permit.
- d) Compliance with the plans prepared by Pugsley & La Haie LTD with revised date 10/21/09 and consisting of 2 pages.
- e) Compliance with the plans prepared by Reitan Architects, LLC with a revised date of 11/2/09 and consisting of pages ST1 and A1 thru 3.
- f) Compliance with the plans prepared by CEMCON Ltd (Parking Lot and Drainage Improvements) with a revised date of 10/29/09 and consisting of 10 pages with (1 thru 9A)
- g) Compliance with the Village Sign Ordinance.
- h) Adequate outdoor storage of trash and food waste shall be provided for the use to include a west and eastern access to the trash enclosure.
- i) Paint and/or upgrade the utility boxes located at the northwest corner of the property.
- j) Compliance with all ordinances and standards of the Village except as may otherwise be provided.

Said plans are attached as Exhibits B.

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

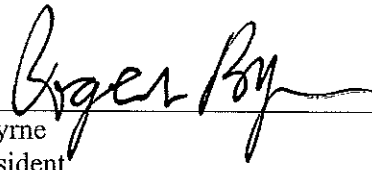
SECTION VI. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2009-060.

Adopted by roll call vote as follows:

AYES: 4-Marquardt, Williams, Hebda, Koch

NAYS: 0-None

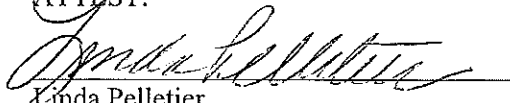
ABSENT AND NOT VOTING: 2-Schultz, Schwartz



Roger L. Byrne
Village President

PASSED: 12/01/2009
APPROVED: 12/01/2009
PUBLISHED IN PAMPHLET FORM: 12/02/2009

ATTEST:



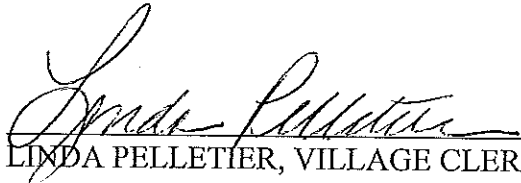
Linda Pelletier
Village Clerk



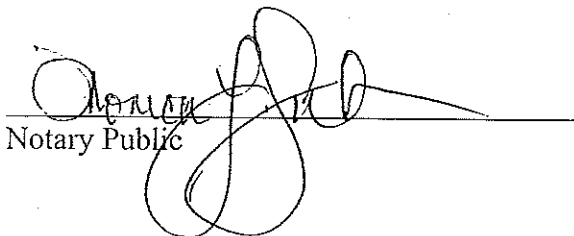
AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, LINDA PELLETIER, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, SHE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2009-060, AN ORDINANCE APPROVING A SPECIAL USE PERMIT AND GRANTING FINAL SITE AND LANDSCAPING PLAN AND BUILDING ELEVATION APPROVALS TO ALLOW A RESTAURANT AND RETAIL USE ON PROPERTY LOCATED AT 700 EAST TOWNLINE ROAD, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS.


LINDA PELLETIER, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before
Me this 14 day of December, 2009


Notary Public

