

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2010-036

AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A FAST FOOD RESTAURANT WITH CARRY OUT SERVICE KNOWN AS PHILLY CHEESE STEAK EXPRESS FOR PROPERTY LOCATED AT 701 NORTH MILWAUKEE AVENUE, UNIT 104 IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.

THE 2ND DAY OF JUNE 2010

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 June 2010

ORDINANCE NO. 2010-036

**AN ORDINANCE GRANTING APPROVAL
OF A SPECIAL USE PERMIT TO ALLOW
THE OPERATION OF A FAST FOOD
RESTAURANT WITH CARRY OUT SERVICE
KNOWN AS PHILLY CHEESE STEAK
EXPRESS FOR PROPERTY LOCATED AT
701 NORTH MILWAUKEE AVENUE, UNIT
104 IN THE VILLAGE OF VERNON HILLS,
LAKE COUNTY.**

WHEREAS, Vladislav Kostic, business owner and lessee, in regard to 701 N. Milwaukee Avenue, Unit 104, 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 the operation of a fast food restaurant which provides carry-out service.

WHEREAS, said approval will allow for the operation of Philly Cheese Steak Express at the proposed location; and

WHEREAS, upon due notice and after public hearings held January 6, 2010 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 the operation of a fast food restaurant known as Philly Cheese Steak Express which 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 the operation of a fast food restaurant known as Philly Cheese Steak Express which provides for carry-out service at the proposed location as described in Exhibit A, and consistent with the floor plans as attached in Exhibit B, is hereby granted, subject to the following conditions:

A. Adequate outdoor storage of trash and food waste shall be provided for the use within the existing trash enclosure area prior to issuance of a certificate of

occupancy. This will require an expansion of the existing enclosure area at the south end of the building to house the dumpster and grease containers for this use. The expansion of the enclosure area shall be designed to be architecturally consistent with the building and existing enclosures. Additional landscaping may be required to screen the enclosure or replace plant material adjacent to the existing enclosure.

- 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 Village Sign Ordinance
- D. Compliance with all ordinances and standards of the Village except as may otherwise be provided.
- E. Petitioner has agreed there will be not stopping, parking, or standing for delivery to the business in the fire lane between the hours of 11:00 AM and 2:00 PM and 4:00 PM and 7:00 PM.
- F. Petitioner has agreed there will be no delivery driver from the business parking in the lots adjacent to store spaces 39, 40, 42, 43 & 48 west of the business.
- G. Petitioner has agreed there will be no employee parking in the lots adjacent to store spaces 39, 40, 42, 43 & 48 west of the business.
- H. The Petitioner will work collaboratively with the Village and the center owner regarding signage and other inherent issues
- I. There will be no express or curb side delivery along the fire lane of the center.

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.

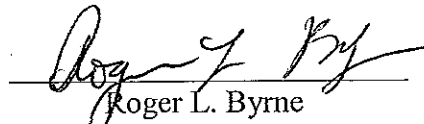
SECTION V. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2010-036.

Adopted by roll call vote as follows:

AYES: 5 Koch, Marquardt, Schultz, Schwartz, Williams

NAYS: 0 None

ABSENT AND NOT VOTING: 1 Hebda



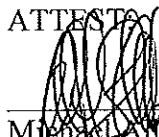
Roger L. Byrne
Village President

PASSED: June 2, 2010

APPROVED: June 2, 2010

PUBLISHED IN PAMPHLET FORM: June 3, 2010

ATTESTS:



Michael L. Anison
Village Clerk


STATE OF ILLINOIS)
)
COUNTY OF LAKE)

CERTIFICATE

I, MICHAEL S. ALLISON, 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 JUNE 3, 2010, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE 2010-036, AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A FAST FOOD RESTAURANT WITH CARRY OUT SERVICE KNOWN AS PHILLY CHEESE STEAK EXPRESS FOR PROPERTY LOCATED AT 701 NORTH MILWAUKEE AVENUE, UNIT 104 IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.

THE PAMPHLET FOR ORDINANCE NO. 2010-036, INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF WAS PREPARED, AND A COPY OF SUCH ORDINANCE WAS POSTED IN THE VILLAGE HALL, COMMENCING JUNE 3, 2010 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 2nd DAY OF JUNE 2010.



MICHAEL S. ALLISON, VILLAGE CLERK

SEAL



AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, MICHAEL S. ALLISON, 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 2010-036, AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A FAST FOOD RESTAURANT WITH CARRY OUT SERVICE KNOWN AS PHILLY CHEESE STEAK EXPRESS FOR PROPERTY LOCATED AT 701 NORTH MILWAUKEE AVENUE, UNIT 104 IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.



MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before
Me this 17th day of June, 2010

Lisa L. Fischbach
Notary Public

