

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2010-047

AN ORDINANCE AMENDING ORDINANCES 2007-25 AND 2007-55 GRANTING CERTAIN APPROVALS TO ALLOW RESUBDIVISION AND DEVELOPMENT OF VACANT PROPERTY LOCATED WITHIN THE DEVELOPMENT 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.

THE 17TH DAY OF AUGUST 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 23rd Day of August 2010

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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, Matt Knopf from Bradford Real Estate, 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 to amend the approved Special Use Permit for the Planned Unit Development to permit the resubdivision of Lots 6 and 7 to create seven (7) lots, the expansion of the retail commercial center to allow a grocery store (Mariano's Fresh Market) and certain variations including but not limited signage and required parking and loading for the use.
2. Preliminary and final approval of the site and landscaping plans.
3. Preliminary and final approval of the architectural elevations including signage.
4. Preliminary and final approval of the amended Plat of Re-subdivision for Lots 6 & 7.

WHEREAS, Matt Knopf from Bradford Real Estate requested the following variations as a part of the petition:

1. To allow a reduction in the number of parking spaces on Lot 6 (Mariano's) from 354 spaces as required by the Annexation Agreement/Zoning Ordinance to 286 spaces and a reduction in the parking stall size on Lot 6 from 9'x 20' to 9'6" x 18". Ten of these spaces will be occupied by cart corrals
2. To allow a reduction in the number of loading spaces on Lot 6 (Mariano's) from 4 spaces as required by the Annexation Agreement/Zoning Ordinance to 2 spaces.
3. To allow the sign on the north elevation to be a maximum of 135 sq ft which exceed the maximum allowable size of 75 sq ft.

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

1. Master Site Plan prepared by SHA (Schroeder & Holt Architects) with a date of Aug. 3, 2010 and consisting of 2 pages (front sheet and colored site master plan).
2. Final Plat of Resubdivision of The Shoppes of Gregg's Landing prepared by V3 Consultants with a revised date of 6/11/10 and consisting of 1 page.
3. Landscaping Plans prepared by Hitchcock Design Group with a revised date of 7/14/10 and consisting of 2 pages (L1.00 thru 1.01 and Exhibit 1).

4. Photometric Plans prepared by WLS Lighting Systems with a date of 6/8/10 and consisting of 1 page.
5. Architectural Plans, color elevations and material descriptions and colors prepared by SHA (Schroeder & Holt Architects) consisting of concept elevations for New Grocery Store (Mariano's Fresh Market) with a date of July 12, 2010 and consisting of 1 page.
6. Concept Signage Plan prepared by SHA (Schroeder & Holt Architects) consisting of color elevations for the wall signs and sign panels on the existing monument signs with a date of July 12, 2010 and consisting of 1 page.

Said Plans are attached hereto as Exhibit B; and,

WHEREAS, upon due notice and after public hearing held July 21, 2010 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 6, being the Mariano's Fresh Market, specifically complies with type and nature of permitted uses under both the Annexation Agreement and the Village's Zoning Ordinance, Mariano's Fresh Market being found to be a Retail Commercial Use as defined therein;

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 amendment of the special use permit for 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 VI. 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, approval of the preliminary and final site and landscaping plans for the entire site are hereby granted subject to the conditions listed below in Section VI.

SECTION III. Pursuant to the Vernon Hills Zoning Ordinance of 1982, the preliminary and final approvals of the architectural elevations including signage are hereby granted subject to the conditions listed below in Section VI.

SECTION IV. Pursuant to the Vernon Hills Zoning Ordinance of 1982, approval of the preliminary and final Plat of Re-subdivision of Lots 6 & 7 in the Shoppes at Gregg's Landing is hereby granted subject to the conditions listed below in Section VI.

SECTION V. 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 VI.

SECTION VI. 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 VII. 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 VIII. 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 IX. SUCCESSORS AND ASSIGNS. All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of Bradford Real Estate.

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

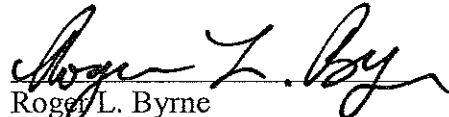
SECTION XI. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2010-047.

Adopted by roll call vote as follows:

AYES: 6 - Schwartz, Williams, Hebda, Koch, Marquardt, Schultz

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 - None



Roger L. Byrne
Village President

PASSED: 8/17/2010

APPROVED: 8/17/2010

PUBLISHED IN PAMPHLET FORM: 8/23/2010

ATTEST:



Michael Allison
Village Manager/Village Clerk



Exhibit A
Legal Description

LOTS 6 AND 7 IN THE FINAL PLAT OF THE SHOPPES AT GREGG'S LANDING
SUBDIVISION BEING A SUBDIVISION OF PART OF SECTION 28 AND 33,
TOWNSHIP 44 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN
ACCORDING TO THE PLAT RECORDED OCTOBER 11, 2007 AS DOCUMENT
NUMBER 6255002 IN LAKE COUNTY, ILLINOIS

Exhibit B Plans

General Compliance with the following plans:

1. Master Site Plan prepared by SHA (Schroeder & Holt Architects) with a date of Aug. 3, 2010 and consisting of 2 pages (front sheet and colored site master plan).
2. Final Plat of Resubdivision of The Shoppes of Gregg's Landing prepared by V3 Consultants with a revised date of 6/11/10 and consisting of 1 page.
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6. Concept Signage Plan prepared by SHA (Schroeder & Holt Architects) consisting of color elevations for the wall signs and sign panels on the existing monument signs with a date of July 12, 2010 and consisting of 1 page.

Exhibit C

Development Permit - Terms and Conditions of Approval

List of Variances

1. To allow a reduction in the number of parking spaces on Lot 6 (Mariano's) from 354 spaces as required by the Annexation Agreement/Zoning Ordinance to 286 spaces and a reduction in the parking stall size on Lot 6 from 9'x 20' to 9'6" x 18". Ten of these spaces will be occupied by cart corrals
2. To allow a reduction in the number of loading spaces on Lot 6 (Mariano's) from 4 spaces as required by the Annexation Agreement/Zoning Ordinance to 2 spaces.
3. To allow the sign on the north elevation to be a maximum of 135 sq ft which exceed the maximum allowable size of 75 sq ft.

Conditions of Approval for the entire Site:

1. Final approval of plans by the Village Engineer and Landscape Architect
2. The Village Attorney shall review and approve the revisions to the REA Documents for the project prior to recordation of the Plat of Subdivision.
3. Unless otherwise stated herein, all signage shall comply with the Village's sign ordinance, being Chapter 19 of the Code of Ordinances
4. Direct access from the lots adjacent to the entry drive magazines (being Lots 7 & 9) and Gregg's Parkway (being Lots 7, 9 & 10) shall be prohibited.
5. The building materials for the Mariano's property (new Lot 6) shall comply with the materials samples boards prepared by SHA and dated July ____, 2010.
6. Where applicable, the petitioner/Roundy's shall use of "goose-neck" type lighting on the exterior elevations of the building and to illuminate the wall mounted signs. The petitioner will provide cut-sheet details on each of the lights shown on the plans.
7. For any vacant lot and new building(s), the Planning & Zoning Commission and Village Board shall review and approve all site, landscaping and architectural plans.
8. Signage for the Cart Return Pens shall be informational and shall not contain the store name or advertising.
9. 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. The proposed photometric plan shall be amended to comply with these proposed standards.
10. The landscape plans for the property shall be modified to include bike racks. The number and locations of these racks will be reviewed and approved by the Village Landscape Architect.
11. When warrants are met allowing for installation of a Traffic signal on Gregg's Parkway, the property owners for the individual lots shall pay for a proportionate share of the cost for the signal and related installation costs. The cost of said improvements will be shared pursuant to Ordinances 2007-25 and 2007-55. This

cost will not exceed 50% of the cost and will be shared with the owner of the parcel north of Gregg's Parkway.

12. The REA Document shall specify that the berm located along the west property line shall be maintained in a manor free from trash or other debris. This maintenance activity shall occur on a weekly basis or when directed by the Village.
13. 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.
14. Compliance with the comments in the Landscape section of the report from John Kalmar to the Planning and Zoning Commission dated July 13, 2010.
15. Compliance with all ordinance and standards of the Village except as otherwise noted.
16. There shall be a 5 year extended warranty required for the newly installed portion of the berm and parking lot landscaping on Lot 6.
17. Recommendation that Roundy's provides operational statement for delivers that entry by truck would be limited to the extent practicable from Milwaukee Avenue
18. Petitioner agrees that landscaped island would be irrigated.
19. Work with the Village regarding the specifications for the requisite and appropriate size of the landscape islands.
20. To the extent reasonably practicable the Petitioner agrees to limit delivers to 7:00AM.

AFFIDAVIT OF SERVICE

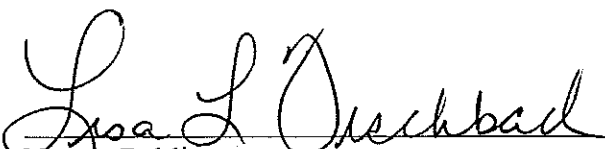
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

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 2010-047, AN ORDINANCE AMENDING ORDINANCES 2007-25 AND 2007-55 GRANTING CERTAIN APPROVALS TO ALLOW RESUBDIVISION AND DEVELOPMENT OF VACANT PROPERTY LOCATED WITHIN THE DEVELOPMENT 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.

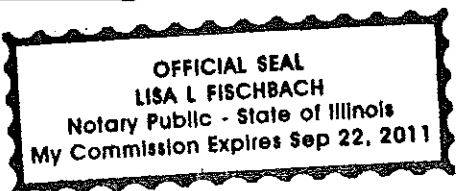


MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before
Me this 23rd day of August, 2010



Notary Public



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 AUGUST 17, 2010, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE 2010-047, AN ORDINANCE AMENDING ORDINANCES 2007-25 AND 2007-55 GRANTING CERTAIN APPROVALS TO ALLOW RESUBDIVISION AND DEVELOPMENT OF VACANT PROPERTY LOCATED WITHIN THE DEVELOPMENT 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.

THE PAMPHLET FOR ORDINANCE NO. 2010-047, INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF WAS PREPARED, AND A COPY OF SUCH ORDINANCE WAS POSTED IN THE VILLAGE HALL, COMMENCING AUGUST 23, 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 23th DAY OF AUGUST 2010.



MICHAEL S. ALLISON, VILLAGE CLERK

SEAL

