

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2010-048

AN ORDINANCE GRANTING CERTAIN APPROVALS FOR PROPERTY
COMMONLY KNOWN AS THE VICTORY CENTRE OF VERNON HILLS
LOCATED ON LOT 4 IN THE DEERPATH ATRIUM SUBDIVISION, 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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WHEREAS, Robert Helle from Pathway Development, LLC, in regards to property commonly known as Victory Centre of Vernon Hills and legally described in Exhibit A, has petitioned the Village of Vernon Hills for approval of:

1. Approval of a Special Use Permit for the Planned Unit Development to permit the resubdivision of Lot 4 in the Deerpath Atrium Subdivision to create a two lot subdivision.
2. Approval of certain variations including but not limited to minimum lot size and width and building setbacks and separations on the new lots.
3. Preliminary and final approval of the Plat of re-subdivision for Lot 4 known as Victory Centre Subdivision.

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 special use permit for this 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, 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 for the Planned Unit Development to permit the resubdivision of Lot 4 in the Deerpath Atrium Subdivision to create a two lot subdivision along

with the certain variations, as listed in Exhibit B, is hereby granted. Said parcel is legally described in Exhibit A. The Special Use Permit is subject to the terms and conditions as set forth in the Development Permit attached in Exhibit B.

SECTION II. Pursuant to the Vernon Hills Zoning Ordinance of 1982, the preliminary and final plat of subdivision Plat of Subdivision - Victory Centre is hereby approved subject to the conditions listed below in Section III.

SECTION III. 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 B are hereby approved and are made a part of the approvals as listed in the Sections above.

SECTION IV. 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 V. 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 VI. SUCCESSORS AND ASSIGNS. All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of Pathway Development, LLC.

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

SECTION VIII. ORDINANCE NUMBER. This ordinance shall be known as
Ordinance Number 2010-048.

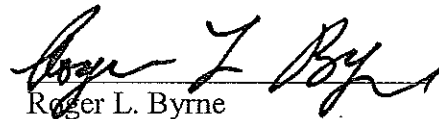
Adopted by roll call vote as follows:

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

NAYS: 0 - None

PRESENT: 1 - Schultz

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 Alkison
Village Manager/Village Clerk



Exhibit A
Legal Description

LOT 4 IN DEERPATH ATRIUM SUBDIVISION, BEING A SUBDIVISION OF THE
NORTHEAST ¼ OF SECTION 5 AND THE SOUTHWEST ¼ OF SECTION 4,
TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN, RECORDED SEPTEMBER 21, 2000, AS DOCUMENT NO. 4584694 BY
THE RECORDER OF DEEDS OF LAKE COUNTY, ILLINOIS.

Exhibit B

Development Permit - Terms and Conditions of Approval

Conditions of Approval:

1. General Compliance with the Plat of Subdivision - Victory Centre prepared by Mackie Consultants, LLC consisting 2 pages with a date of July 1, 2010.
2. Final approval of the Plat of Subdivision by the Village Engineer.
3. With the Village acquiring Atrium Drive and its dedication as a public road, approval from the property owners association of changes to Atrium Drive adjacent to Lot 4 will not be required as previously set forth in Ordinance 2009-013.
4. As may be required by the Village Attorney, the petitioner shall prepare covenants or similar agreements that address the sharing of the parking lot by the two lots and maintenance of the parking lot and stormwater management easement. The Village Attorney shall review and approve said covenants or similar agreements prior to recording of the plat of subdivision.
5. The following variations are granted:
 - a. A reduction in the Minimum Lot Size and Width as set forth on the final plat of subdivision. It is recognized that once the building is constructed, the property line may have to be adjusted to match the as-built conditions on the property. If there is an encroachment by the building requiring adjustment of the property line, a plat of correction or other corrective document, the petitioner shall prepare the necessary document for the Village review, approval and recordable prior to issuance of a final certificate of occupancy for the building.
 - b. A reduction of the Minimum Building Setbacks and Separation to eliminate 30 foot setback from the side property line and a 30 feet minimum separation between all buildings along the common property line as long as the building remains in the configuration as set forth in Ordinance 2009-013.
6. Compliance with all conditions in Ordinance 2009-013 and 2010-030
7. Compliance with all ordinance and standards of the Village except as otherwise noted.
8. The Reciprocal Easement Agreement address crossing access & parking and common area/parking lot/stormwater detention maintenance and operation requirements shall be recorded.

AFFIDAVIT OF SERVICE

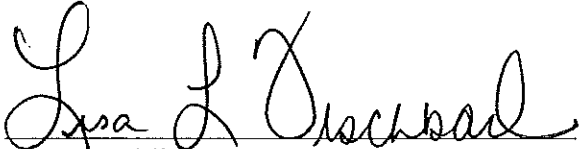
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

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 2010-048, AN ORDINANCE GRANTING CERTAIN APPROVALS FOR PROPERTY COMMONLY KNOWN AS THE VICTORY CENTRE OF VERNON HILLS LOCATED ON LOT 4 IN THE DEERPATH ATRIUM SUBDIVISION, 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



