

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2010-040

AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO  
ALLOW PETSMART TO LOCATE AT 700 NORTH MILWAUKEE, UNIT 109  
BEING IN THE HAWTHORN HILLS FASHION SQUARE IN THE VILLAGE OF  
VERNON HILLS, LAKE COUNTY.  
THE 6<sup>th</sup> DAY OF JULY 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 6<sup>th</sup> Day of July 2010

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MILWAUKEE, UNIT 109 BEING IN THE  
HAWTHORN HILLS FASHION SQUARE  
IN THE VILLAGE OF VERNON HILLS,  
LAKE COUNTY.**

**WHEREAS**, Andrew Whiteaker of PetSmart, Inc. business owner and representing Chase Properties, owner of the property at 700 North Milwaukee, Unit 109 being in the Hawthorn Hills Fashion Square, has petitioned the Village of Vernon Hills to grant approval of a special use permit to allow a proposed pet store to locate and operate an animal clinic, animal hospital, pet shop which will provide grooming, training and adoption services; and

**WHEREAS**, the petitioner further requested certain variations to allow indoor pet day care and overnight boarding of pets (PETSHOTEL & DOGGIE DAY CAMP) which is not incidental to the animal hospital or clinic to be located at 700 North Milwaukee, Unit 109 in the Hawthorn Hills Fashion Square, being the former Linen's N Things store; and

**WHEREAS**, upon due notice and after public hearings held June 9, 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 a proposed pet store to locate and operate an animal clinic, animal hospital, pet shop along with certain variations, 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 a proposed PetSmart pet store to locate and operate an animal clinic, animal hospital, pet shop which will provide grooming, training and adoption services, and certain variations to allow indoor pet day care and overnight boarding of pets (PETSHOTEL & DOGGIE DAY CAMP) which is not incidental to the animal hospital or clinic to be located in the 700 North Milwaukee, Unit 109,

Hawthorn Hills Fashion Square 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) General compliance with the floor plans and prepared by PETSMART consisting of page F1 with a stamp received date of May 30, 2010.
- b) The signage shall be consistent with the Village's sign ordinance and with other signs types within the development.
- c) Compliance with the Village Ordinance requiring the screening of existing and proposed roof top mounted mechanical units.
- d) Daily maintenance of the exterior sidewalk and planter areas adjacent to the store by PetSmart as it relates to the clean up of pet waste shall be provided. If PetSmart fails to keep said areas free of pet waste, trash, etc., the Village may revoke the special use permit.
- e) All animal related activities shall occur within the store. No walking or exercising of any animal shall occur within the public common areas, sidewalks, alleys, parking lots and associated green space areas. Failure to comply with this condition may result in revocation of the special use permit.
- f) Noise levels from the PETSHOTEL/DOGIE DAY CAMP area of the store shall be consistent with the results of the 2006 study prepared by Dominion Environmental Consultants, Inc. as set forth in Exhibit C. If the noise complaints are received from the adjacent businesses, the Village may require that a noise study be performed by PetSmart using a Village-approved noise consultant. If the noise levels exceed those levels as set forth in the 2006 study, PetSmart will take immediate action to reduce or eliminate the noise.
- g) All HVAC and related air filtration systems shall be regularly maintained.
- h) Pedestrian cross walks adjacent to the store shall be repainted and additional signage noting pedestrian crossing shall be added along the drive lane, if in the opinion of the Village Engineer, the area is not adequately highlighted.
- i) 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.

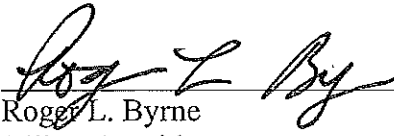
**SECTION V. ORDINANCE NUMBER.** This ordinance shall be known as Ordinance Number 2010-040.

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: 7/06/2010

APPROVED: 7/06/2010

PUBLISHED IN PAMPHLET FORM: 7/07/2010

ATTEST

  
\_\_\_\_\_  
Michael Allison, Village Manager/Clerk



**EXHIBIT A**  
**Legal Description**

Lot 5 on the final plat of Subdivision of Hawthorn Hills Fashion Square, being a subdivision of part of the Northwest Quarter of Section 3 and the Northeast Quarter of Section 4, Township 43 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded August 1, 1986 as document number 2467230, in the Village of Vernon Hills, in Lake County, Illinois.

**EXHIBIT B**

Floor plans prepared by PETSMART consisting of page F1 with a stamp received date of May 30, 2010

**EXHIBIT C**

Noise Survey prepared by Vern L. Crow of Dominion Environmental Consultants, Inc.  
dated September 9, 2006





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 2010-040, AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW PETSMART TO LOCATE AT 700 NORTH MILWAUKEE, UNIT 109 BEING IN THE HAWTHORN HILLS FASHION SQUARE IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.



A handwritten signature in black ink, appearing to be "Michael S. Allison", written over a horizontal line.

MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before  
Me this 20<sup>th</sup> day of July, 2010

A handwritten signature in black ink, appearing to be "Lisa L. Orselbail", written over a horizontal line.  
Notary Public