

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2011-025

AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A CHILDREN'S RECREATION FACILITY KNOWN AS "BLAST ZONE" ON PROPERTY LOCATED AT 645 NORTH FAIRWAY DRIVE IN THE CONTINENTAL EXECUTIVE PARK IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

THE 17th DAY OF MAY, 2011

Published in pamphlet form by the Authority of the President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois, this 18th Day of May, 2011

ORDINANCE NO. 2011 - 025

**AN ORDINANCE GRANTING APPROVAL
OF A SPECIAL USE PERMIT TO ALLOW A
CHILDREN'S RECREATION FACILITY
KNOWN AS "BLAST ZONE" ON
PROPERTY LOCATED AT 645 NORTH
FAIRWAY DRIVE IN THE CONTINENTAL
EXECUTIVE PARK IN THE VILLAGE OF
VERNON HILLS, LAKE COUNTY**

WHEREAS, Carlos Rodriguez business owner and lessee, in regard to 645 North Fairway Drive in the Continental Executive Park, said property owned by Frankel Family Real Estate Partnership and legally described in Exhibit A, has petitioned the Village of Vernon Hills to grant approval of a special use permit to allow an indoor children's recreation facility at the proposed location; and

WHEREAS, said approval will allow "Blast Zone" to operate in a portion of the existing building occupied by Loomcraft; and

WHEREAS, upon due notice and after a public hearing held April 13, 2011, 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 an indoor children's recreation facility known as "Blast Zone" to operate as a special use 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 a children's recreation facility known as "Blast Zone", to operate as a special use at 645 North Fairway Drive as legally described in Exhibit A, is hereby granted, subject to the following conditions:

- a) Compliance with the petitioner's responses to Section 18.3 of the Zoning Ordinance and the Business Description as prepared by the petitioner and

attached to the Special Use application and attached hereto in Exhibit B which includes an addendum to allow a possible "Teen Night."

- b) Compliance with the floor plans prepared by LA Design consisting of 1 page with a date of 3/24/11, said plans as attached in Exhibit C.
- c) The petitioner shall provide a copy of written approval of the project and related signage from the Continental Executive Parke Property Association Board, if required by said Board, prior to issuance of a building permit.
- d) The operator shall insure that, at all times that activities are ongoing, that one staff member trained in First Aid, CPR and certified in the use of an AED unit will be present in the building. Said certifications shall always be kept current.
- e) The operator shall have at least one AED (Automatic External Defibrillator) device in the building at all times along.
- f) Compliance with all ordinances and standards of the Village except as may otherwise be provided.
- g) Special Use Permit is personal to the Petitioner and any change in ownership will require the new owner to obtain Village Board approval.
- h) The Police Department, Fire Departments and Staff will review the ingress and egress issues at the facility including issues of unauthorized taking of children for that protection.
- i) Provide required proof or insurance to the Village before final Certificate of Occupancy and keep the insurance current through the use.
- j) No drop off of children under the age of 12 years. Work with Staff regarding drop off of children above the age of 12.
- k) Necessary compliance with Lake County Health Department for food service
- l) Petitioner is encouraged to conduct back ground checks of all employees.
- m) If the Property owner loses the lease to the AT&T parking lot, the Petitioner will provide evidence of adequate parking for the use itself.

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.

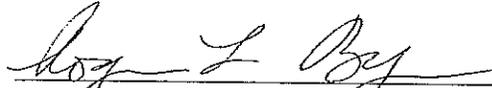
SECTION V. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2011-025.

Adopted by roll call vote as follows:

AYES: 4 – Marquardt, Koch, Schultz, Hebda

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Williams, Schwartz



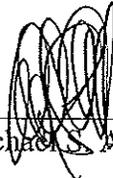
Roger L. Byrne, Village President

PASSED: 5/17/2011

APPROVED: 5/17/2011

PUBLISHED IN PAMPHLET FORM: 5/18/2011

ATTEST:



Michael S. Allison, Village Manager /Clerk

Exhibit A

Legal Description

EXHIBIT A

LEGAL DESCRIPTION

Parcel 1: Lot 10 in Continental Executive Parke Resubdivision No. 1, being a resubdivision of Lot 6 in Continental Executive Parke-Phase 1, a subdivision of part of Sections 3 and 4, Township 43 north, Range 11, east of the Third Principal Meridian, according to the Plat thereof recorded April 19, 1989 as Document 2784615, in Lake County, Illinois.

Parcel 2: Easement for landscaped berm over the southerly 25 feet of Lots 3 and 7 and the northerly 25 feet of Lots 5 and 6 of said Continental Executive Parke Resubdivision No. 1, as created by declaration record May 15, 1989 as Document 2792432 and amended by instrument recorded July 17, 1989 as Document 2811444, as implemented by deed from American National Bank and Trust Company of Chicago, as trustee under trust agreement dated November 3, 1986 and known as Trust Number 100468-03, dated July 5, 1989 and recorded July 17, 1989 as Document 2811445.

Permanent Index Number 15-04-201-014.

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Exhibit B

Responses to Section 18.3 of the Zoning Ordinance and the Business Description as prepared by the petitioner and attached to the Special Use application

Responses to section 18.3 of the village code

Sec. 18.3 Standards

18.3.1 The establishment, maintenance and operation of the special use will not be detrimental to, or endanger the public health, safety, morals or general welfare;

RESPONSE: Our business mission is to provide wholesome family entertainment in a safe and clean environment where kids can play and enjoy themselves all with parental supervision. At this time, I don't foresee any scenario where the establishment and operation of the special use would in any way shape or form be detrimental to public health, safety, morals or the general welfare of the community. If anything, this business would promote a standard of behavior in character and conduct that would be desirable in any community.

18.3.2 The special use will not be injurious to the use and enjoyments of the property in the immediate vicinity, for the purposes permitted, nor substantially diminish and impair property values within the adjacent neighborhood;

RESPONSE: The proposed indoor play area will not interfere or be injurious to any surrounding property in any way shape or form, nor have any negative impact on property values. In fact, the proposed family oriented establishment is complementary to the other businesses in the immediate vicinity that currently help build and enhance a wholesome family environment and a sense of community. Those businesses include but are not limited to: Glacier arena, YMCA, Pump it up, Whirly Ball, Chuck E Cheese, AMC showplace 8 and Brunswick Zone bowling.

18.3.3 The establishment of the special use will not impede normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.;

RESPONSE: At this time, there are no foreseen circumstances in which the special use permit will have any impediments over the zoning district. We will adhere to all village codes and will work hand in hand with the village with any development or improvements that the village and/or surrounding property owners want to embark on in the zoning district.

18.3.4 Adequate service, utilities, access roads, drainage and other necessary facilities are in existence or are being provided;

RESPONSE: The property being submitted for special use has been in existence and fully functional for over two decades, with all adequate services mentioned above. Some minor modifications might be required to meet our specific needs. Those modifications, if any, are shown in greater detail in the architectural plans submitted as an attachment to the special use permit application. We will provide any utilities, access roads, drainage or other facilities if the village feels there is a need.

18.3.5 Adequate measures have been, or will be, taken to provide ingress and egress designed to minimize traffic congestion in the public street;

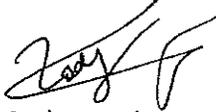
RESPONSE: Adequate measures will be taken to minimize congestion. At this time we believe that our busy times could be during the weekend and holidays. Therefore, traffic during our potential peak business hours will coincide with existing lower traffic patterns during holidays and weekends. Our belief is that the proposed business will have minimal impact on congestion in public streets.

18.3.6 The special use shall in other respects conform to applicable regulations to this ordinance.

RESPONSE: Our intent is to work in sync with the village to ensure that we conform to all applicable regulations in this ordinance. We expect to follow and adhere to the highest of standards for corporate and civic duties in the community where we conduct business.

I look forward to building strong ties to the community and will do everything in my power to enhance and complement the family environment that is at the core of our community.

Sincerely yours,



Carlos Rodriguez

General Manager

Exhibit C

Floor plans prepared by LA Design consisting of 1 page with a date of 3/24/11

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 2011-025, AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A CHILDREN'S RECREATION FACILITY KNOWN AS "BLAST ZONE" ON PROPERTY LOCATED AT 645 NORTH FAIRWAY DRIVE IN THE CONTINENTAL EXECUTIVE PARK IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY


MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN TO BEFORE
THIS 18TH DAY OF MAY, 2011



