

**ORDINANCE NO. 2018-021**

**AN ORDINANCE AMENDING ORDINANCE 2017-015 AND 2006-51 AND 2006-57 TO AMEND THE SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AND AMEND THE FINAL ARCHITECTURAL PLANS AND SITE PLAN FOR PROPERTY COMMONLY KNOWN AS PORT CLINTON PLACE PUD LOCATED ON ROUTE 45, WEST OF MILWAUKEE AVENUE, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY**

**WHEREAS**, Ordinance 2006-51 approved a Special Use Permit for Port Clinton Place, a Planned Unit Development consisting of 47 townhomes and 132 condominiums located on Route 45, West of Milwaukee Avenue to Opus Development Company.

**WHEREAS**, Ordinance 2006-57 amended Ordinance 2006-51 to amend the final architectural plans for the Port Clinton Place PUD.

**WHEREAS**, Ordinance 2017-015 amended both Ordinance 2006-57 and Ordinance 2006-51 to amend the final site and architectural plans for the Port Clinton Place PUD to allow the construction of an 80 unit multifamily building.

**WHEREAS**, Margie Georgopoulos, representing The Taxman Corporation in regards to property commonly known as Port Clinton Place PUD, has petitioned the Village of Vernon Hills for the following:

1. Approval to amend the Special Use Permit for a Planned Unit Development to allow an amendment to the site plan to allow construction of 18 townhomes, along with certain variations, including but not limited to, setbacks; and
2. Preliminary and final site and landscaping plan approvals; and
3. Preliminary and final approval of the architectural elevations; and
4. Preliminary and final approval of the Plat of Subdivision.

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

1. The Port Clinton Place Packet dated December 13, 2017 totaling 10 pages and prepared by BSB Design.
2. Final Landscape Plan dated February 8, 2018 totaling 1 page and prepared by Manhard Consulting Ltd.
3. Final Plat of Subdivision dated November 11, 2017 totaling 2 pages and prepared by Manhard Consulting Ltd.

Said Plans are attached hereto as Exhibit B; and

**WHEREAS**, the Taxman Corporation has requested the following departures as a part of the petition:

1. To permit non-masonry constructed materials
2. Lot Size: Allow a lot size of 54,450 square feet (120,000 is required)
3. Lot Width: Allow 158'(200' required)
4. Front Yard Setback: Allow 21' front yard setback instead of the required 30'
5. Side Yard Setback: Allow a 11.5' side yard setback instead of the required 30' to the north
6. Side Yard Setback: Allow a 12.5' side yard setback instead of the required 30' to the south
7. Rear Yard Setback: Allow a 15' rear yard setback instead of the required 30'
8. Building Separation: Allow a 12' building separation instead of the required 30'
9. To allow 3 signs for a development of less than 10 acres rather than the maximum permitted number of 1.
10. To allow 2 of the signs to be located not on the property being advertised.

**WHEREAS**, upon due notice and after public hearings held January 17, 2017 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 requested zoning relief will have no serious or 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; 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 address the conditions in Section 18.3 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 THAT ORDINANCE 2017-015, 2006-51 AND ORDINANCE 2006-57 ARE HEREBY AMENDED AS FOLLOWS:**

**SECTION I.** Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the Special Use Permit to allow an amendment to the site plan to allow construction of 18 townhomes and certain departures as listed in Exhibit C, is hereby granted. Said parcel is legally described in Exhibit A. The approval is subject to the Terms and Conditions of Approval as set forth in Exhibit C.

**SECTION II.** Pursuant to the Vernon Hills Zoning Ordinance of 1982, approvals of the preliminary and final site and landscaping plans for the entire site as set forth in Exhibit B are hereby granted subject to the Terms and Conditions of Approval, as set forth in Exhibit C.

**SECTION III.** Pursuant to the Vernon Hills Zoning Ordinance of 1982, the preliminary and final approvals of the architectural elevations as set forth in Exhibit B are hereby granted subject to the Terms and Conditions of Approval, as set forth in Exhibit C.

**SECTION IV.** Pursuant to the Vernon Hills Zoning Ordinance of 1982, the preliminary and final site improvement plans as set forth in Exhibit B are hereby approved subject to the Terms and Conditions of Approval as set forth in Exhibit C.

**SECTION V.** Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, and the recommendations of the Planning and Zoning Commission, the Terms and Conditions of Approval as set forth in Exhibit C are hereby approved and are made a part of the approvals as listed in the Sections above.

**SECTION VI. 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 VII. 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 VIII. SUCCESSORS AND ASSIGNS.** All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of the petitioner and property owner.

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

**SECTION X. ORDINANCE NUMBER.** This ordinance shall be known as Ordinance Number 2018-021.

Adopted by roll call vote as follows:

AYES: 4 – Marquardt, Oppenheim, Takaoka, Koch

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Schultz

  
Roger L. Byrne, Village President

PASSED: 2/20/2018

APPROVED: 2/20/2018

PUBLISHED IN PAMPHLET FORM: 2/21/2018

  
John Kalmar, Village Clerk



**Legal Description**  
**TOWER 11 PARCEL**  
Vernon Hills, IL

THAT PART OF LOT 2 IN TOWN CENTER RESIDENCES, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 26, 2007 AS DOCUMENT

NUMBER 6174795, IN LAKE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS :BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, ALSO BEING THE SOUTHEAST CORNER OF LOT 3 IN SAID TOWN CENTER RESIDENCES; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 2 FOR THE NEXT TWO COURSES:

THENCE NORTH 12 DEGREES 34 MINUTES 46 SECONDS WEST, 168.56 FEET, TO A POINT OF CURVATURE; THENCE NORTHERLY, 69.79 FEET, ALONG A CURVE TANGENT TO THE LAST DESCRIBED COURSE, CONCAVE WESTERLY, HAVING A RADIUS OF 113.50 FEET, A CHORD BEARING OF NORTH 30 DEGREES 11 MINUTES 38 SECONDS WEST AND A CHORD DISTANCE OF 68.69 FEET; THENCE NORTH 48 DEGREES 08 MINUTES 18 SECONDS EAST, 156.01 FEET; THENCE SOUTH 89 DEGREES 01 MINUTES 10 SECONDS EAST, 77.59 FEET, TO A POINT ON A NON-TANGENT CURVE, SAID CURVE BEING THE WESTERLY RIGHT-OF-WAY LINE OF NORTH-SOUTH ROAD PER SAID TOWN CENTER RESIDENCES; THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR THE NEXT FIVE COURSES :

THENCE SOUTHERLY 85.67 FEET, ALONG SAID NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 320.00 FEET, A CHORD BEARING OF SOUTH 07 DEGREES 25 MINUTES 02 SECONDS EAST AND A CHORD DISTANCE OF 85.42 FEET, TO A POINT OF TANGENCY; THENCE SOUTH 15 DEGREES 05 MINUTES 13 SECONDS EAST, 53.62 FEET, TO A POINT OF CURVATURE; THENCE SOUTHERLY, 86.39 FEET, ALONG A CURVE TANGENT TO THE LAST DESCRIBED COURSE, CONCAVE WESTERLY, HAVING A RADIUS OF 280.00 FEET, A CHORD BEARING OF SOUTH 06 DEGREES 14 MINUTES 53 SECONDS EAST AND A CHORD DISTANCE OF 86.05 FEET, TO A POINT OF TANGENCY; THENCE SOUTH 02 DEGREES 35 MINUTES 26 SECONDS WEST, 78.63 FEET, TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, 41.21 FEET, ALONG A CURVE TANGENT TO THE LAST DESCRIBED COURSE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 26.50 FEET, A CHORD BEARING OF SOUTH 47 DEGREES 08 MINUTES 43 SECONDS WEST AND A CHORD DISTANCE OF 37.18 FEET, TO A POINT OF TANGENCY, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF TOWN CENTER ROAD PER SAID TOWN CENTER RESIDENCES; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO COURSES :

THENCE NORTH 88 DEGREES 18 MINUTES 00 SECONDS WEST, 72.10 FEET, TO A POINT OF CURVATURE; THENCE WESTERLY 54.12 FEET, ALONG A CURVE TANGENT TO THE LAST DESCRIBED COURSE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 320.00 FEET, A CHORD BEARING OF SOUTH 86 DEGREES 51 MINUTES 19 SECONDS WEST AND A CHORD DISTANCE OF 54.05 FEET, TO THE POINT OF BEGINNING.

**Exhibit B**  
**Plans**

- The Port Clinton Place Packet dated December 13, 2017 totaling 10 pages and prepared by BSB Design.
- Final Landscape Plan dated February 8, 2018 totaling 1 page and prepared by Manhard Consulting Ltd.
- Final Plat of Subdivision dated November 11, 2017 totaling 2 pages and prepared by Manhard Consulting Ltd.

**Exhibit C**  
**Terms and Conditions of Approval**

Conditions of Approval for the entire Site:

1. Development identification signage shall be identified on the approved plans and comply with the Village's sign regulations.
2. Final approval of plans by the Village Engineer and Landscape Technician prior to issuance of a building permit.
3. Developer contributions shall be made to School Districts and Vernon Hills Park District pursuant to Development Fee. Fees will be collected prior to issuance of individual building permits.
4. Final plat of subdivision will be subject to Village Attorney and Village Engineer approval
5. Compliance with all ordinance and standards of the Village except as otherwise noted.
6. Six foot tall chain link construction fencing shall required during construction to prevent trash or other materials from leaving the property.
7. Compliance with all technical review comments dated January 3, 2018.
8. The Building Commissioner to review and approve the exterior light fixtures prior to issuance of a building permit for the building.
9. Install grasscrete for the surface of the emergency access drive and post signs or markings identifying the access being for emergency vehicles only.
10. Subject to Lincolnshire-Rivers Woods Fire District, install a gate between the Opus Condominium building and the proposed townhomes.
11. Village Attorney shall review, comment, and approve on any and all Covenants, Restrictions, and Easements.
12. Petitioner shall work with 1199 East Port Clinton Road Condo Association with respect to ownership of the detention pond/management and Covenants, Restrictions and Easements.

Departures - The following variations are recommended for approval

1. To permit non-masonry constructed materials
2. Lot Size: Allow a lot size of 54,450 square feet (120,000 is required)
3. Lot Width: Allow 158'(200' required)
4. Front Yard Setback: Allow 21' front yard setback instead of the required 30'
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