

ORDINANCE 2019-096

AN ORDINANCE APPROVING A SPECIAL USE PERMIT, SITE/LANDSCAPE PLAN, ARCHITECTURAL PLANS AND CERTAIN VARIATIONS FOR PANDA EXPRESS, 290 HAWTHORN VILLAGE COMMONS, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

WHEREAS, Panda Express located at 290 Hawthorn Village Commons and legally described in Exhibit A, has petitioned the Village of Vernon Hills for the following:

1. Approval of Special Use Permit to allow a restaurant with drive-thru service to be known as Panda Express; and
2. Grant certain variations related to the Zoning Code, Sign Code and Building Code on the legally described property; and
3. Preliminary and final approval of the site and landscaping plans; and
4. Preliminary and final approval of the architectural elevations.

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

1. General compliance with the Proposed Floor Plan and Exterior Color Elevations, prepared by Klover Architects, dated January 25, 2019; and
2. General compliance with the sign drawings, prepares by Priority Sign, dated April 17, 2019
3. General Compliance with the Landscape Plan prepared by Klover Architects, dated January 25, 2019, consisting of pages L1.0 and L3.0; and
4. General compliance with the civil engineering plans which include Existing Conditions/Demolition Site Plan, Striping Plan, Geometric Plan; and Grading/Utility Plan prepared by Klover Architects, dated January 25, 2019.

Said Plans are attached hereto as Exhibit B; and

WHEREAS, the requested approvals shall be in general compliance with the following conditions:

1. Review and approval of landscaping plans by the Village Landscape Technician shall be required prior to issuance of a full building permit for the project. The Landscape Technician may require plant substitutions where, in his opinion, the substitution is appropriate for this project. He shall require replacement of any trees lost due to construction based on one new tree planted for every tree lost.

The trees shall comply with the approved trees as set forth in the Landscape Ordinance; and

2. Final engineering is subject to review and approval by the Village Engineer prior to issuance of building permit.
3. Review and approval of site lighting and parking lot light fixtures by the Director of Community Development.
4. The Director of Community Development shall review and approve the exterior lighting on the building prior to issuing any building or site development permit.
5. The petitioner and property owner shall provide evidence that a permanent access easement is executed for the entire property either by covenant or restriction on the plat of subdivision. The petitioner and the shopping center owner shall affirm that access is allowed.
6. Decorative art panels shall be provided on the north elevation and are subject to review and approval by the Community Development Director.
7. Compliance with all ordinances and standards of the Village.
8. Landscaping shall be provided on the west side of the building for the full length of the landscape island.
9. Preliminary and final plat of approval is required prior to issuance of building permit.

Said conditions are attached hereto as Exhibit C; and

WHEREAS, upon due notice and after a public hearing held on May 1, 2019 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, 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 standards 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:

SECTION I Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the Special Use Permit for a drive-thru facility for Panda Express, 290 Hawthorn Center Drive, 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 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, certain zoning code, sign code and building code variations as set forth in Exhibit C are hereby granted 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

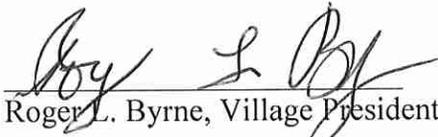
Ordinance Number 2019-096

Adopted by roll call vote as follows:

AYES: 6 – Schultz, Marquardt, Koch, Oppenheim, Takaoka, Byrne

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 – Brown

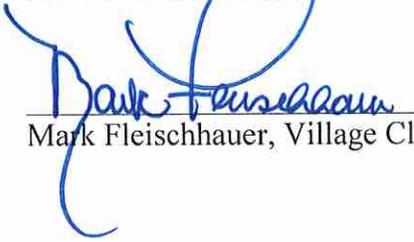


Roger L. Byrne, Village President

PASSED: 06/04/2019

APPROVED: 06/04/2019

ATTEST: 06/04/2019



Mark Fleischhauer, Village Clerk

Exhibit A
Legal Description

Exhibit B
Plans

General Compliance with the following plans:

1. General compliance with the Proposed Floor Plan and Exterior Color Elevations, prepared by Klover Architects, dated January 25, 2019; and
2. General compliance with the sign drawings, prepares by Priority Sign, dated April 17, 2019
3. General Compliance with the Landscape Plan prepared by Klover Architects, dated January 25, 2019, consisting of pages L1.0 and L3.0; and
4. General compliance with the civil engineering plans which include Existing Conditions/Demolition Site Plan, Striping Plan, Geometric Plan; and Grading/Utility Plan prepared by Klover Architects, dated January 25, 2019.

Exhibit C

AMENDED
DEVELOPMENT PERMIT

For

**Vernon Hills Park District Recreational Center and
School District 73 Kindergarten Addition**

Conditions of Approval for the entire Site:

1. Review and approval of landscaping plans by the Village Landscape Technician shall be required prior to issuance of a full building permit for the project. The Landscape Technician may require plant substitutions where, in his opinion, the substitution is appropriate for this project. He shall require replacement of any trees lost due to construction based on one new tree planted for every tree lost. The trees shall comply with the approved trees as set forth in the Landscape Ordinance; and
2. Final engineering is subject to review and approval by the Village Engineer prior to issuance of building permit.
3. Review and approval of site lighting and parking lot light fixtures by the Director of Community Development.
4. The Director of Community Development shall review and approve the exterior lighting on the building prior to issuing any building or site development permit.
5. The petitioner and property owner shall provide evidence that a permanent access easement is executed for the entire property either by covenant or restriction on the plat of subdivision. The petitioner and the shopping center owner shall affirm that access is allowed.
6. Decorative art panels shall be provided on the north elevation and are subject to review and approval by the Community Development Director.
7. Compliance with all ordinances and standards of the Village.
8. Landscaping shall be provided on the west side of the building for the full length of the landscape island.
9. Preliminary and final plat of approval is required prior to issuance of building permit.

Zoning Code Variations:

The following variations are hereby approved from the Zoning Code

1. Approval to allow a lot size of 38,411 square feet rather than the minimum required size of 40,000 square feet.

2. Approval to allow a lot width of 182.73 feet rather than the minimum required width of 200 feet.
3. Approval to allow a front yard setback of 45.5 feet rather than the minimum required setback of 60.0 feet.
4. Approval to allow a side (West) yard setback of 15.0 feet rather than the minimum required setback of 35 feet.
5. Approval to allow a landscape buffer of 18.1 feet rather than the minimum required buffer of 25 feet.

Sign Code Variations:

The following variations are hereby approved from the Sign Code

East Elevation:

- Allowing a 36 square foot sign on an elevation with no street frontage.
- Allowing the size of a logo to exceeds 4 square feet.

North Elevation:

- Allowing a 16 square foot sign on an elevation with no street frontage.
- Allowing a variation for the logo that exceeds 4 square feet.

South Elevation:

- Allowing a wall sign that is 34.04 square feet rather than the maximum permitted size of 30 square feet.

Site Signage:

- Allowing a “Panda Express” sign on the drive thru clearance pole to be 3.34 square feet rather than the maximum permitted size of 2.0 square feet.
- Allowing a “Panda Express” sign on the drive thru speaker board to be 5.3 square feet rather than the maximum permitted size of 2.0 square feet.

Building Code Variations:

A variation is hereby granted allowing an exterior wall finish material that is not brick or stone.