

**VILLAGE OF VERNON HILLS
ORDINANCE 2021-105**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT ALLOWING
RESTUARANTS SERVING ALCOHOL FOR PROPERTY COMMONLY KNOWN AS
HAWTHORN MALL, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY**

WHEREAS, representatives of Centennial Real Estate on behalf of Hawthorn LP & Hawthorn SP located at 122 Hawthorn Center and legally described in Exhibit A, has petitioned the Village of Vernon Hills for approval of a Special Use Permit allowing restaurants serving alcoholic beverages at various locations of the subject property; and

WHEREAS, upon due notice and after a public hearing held on June 9, 2021 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 and recommendation concerning said petition referenced herein; and

WHEREAS, based upon the evidence adduced at said hearing 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; and

WHEREAS, the Village Board, having considered the Planning and Zoning Commissions report and recommendation at its Committee of the Whole meeting on July 20, 2021, found that sufficient facts were presented which, in its judgment, would justify approving a Special Use Permit allowing restaurants serving alcoholic beverages at various locations of the subject property.

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, approval of a Special Use Permit allowing restaurants serving alcoholic beverages at various locations of the subject property is hereby granted, subject to the Terms and Conditions of Approval set forth in Exhibit B.

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

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

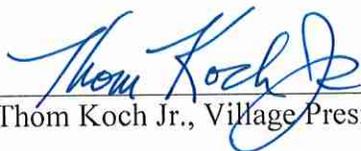
SECTION VII. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2021-105.

Adopted by roll call vote as follows:

AYES: 6 – Marquardt, Forster, Oppenheim, Koch, Takaoka, Schenk

NAYS: 0 – None

ABSENT AND NOT VOTING: 1 - Byrne


Thom Koch Jr., Village President Pro Tem

PASSED: 08/10/2021

APPROVED: 08/10/2021

ATTEST: 08/10/2021

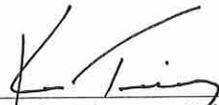

Kevin Timony, Village Clerk



Exhibit A
Legal Description

LEGAL DESCRIPTION

PARCEL 1:

LOT 2 IN HAWTHORN CENTER SUBDIVISION, BEING A SUBDIVISION OF PARTS OF SECTIONS 33 AND 34, TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 19, 1977, AS DOCUMENT 1866654 IN BOOK 62 OF PLATS, PAGES 1 AND 2 (EXCEPTING THAT PART OF SAID LOT 2 CONVEYED TO J.C. PENNY PROPERTIES INC., BY DEED DATED JUNE 26, 1997 AND RECORDED JULY 10, 1997 AS DOCUMENT NO. 3991225, DESCRIBED AS FOLLOWS):

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 IN SAID HAWTHORN CENTER, BEING ALSO A CORNER OF SAID LOT 2; THENCE SOUTH 03 DEGREES, 53 MINUTES, 56 SECONDS WEST ALONG THE LINE BETWEEN SAID LOTS 2 AND 6, A DISTANCE OF 267.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 27 DEGREES, 41 SECONDS 04 MINUTES EAST, A DISTANCE OF 323.15 FEET; THENCE SOUTH 62 DEGREES, 18 MINUTES, 56 SECONDS WEST, A DISTANCE OF 253.50 FEET; THENCE SOUTH 27 DEGREES, 41 MINUTES, 04 SECONDS EAST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 62 DEGREES, 18 MINUTES, 56 SECONDS WEST, A DISTANCE OF 67.00 FEET; THENCE NORTH 27 DEGREES, 41 MINUTES, 04 SECONDS WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 62 DEGREES, 18 MINUTES, 56 SECONDS WEST, A DISTANCE OF 88.36 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE NORTHERLY ALONG THE LINE BETWEEN SAID LOTS 2 AND 6 THE FOLLOWING SEVEN (7) COURSES:

NORTH 27 DEGREES, 41 MINUTES, 04 SECONDS WEST, A DISTANCE OF 47.02 FEET;
NORTH 62 DEGREES, 18 MINUTES, 56 SECONDS EAST, A DISTANCE OF 81.08 FEET;
SOUTH 72 DEGREES, 41 MINUTES, 04 SECONDS EAST, A DISTANCE OF 16.97 FEET;
NORTH 62 DEGREES, 18 MINUTES, 56 SECONDS EAST, A DISTANCE OF 38.00 FEET;
NORTH 17 DEGREES, 18 MINUTES, 56 SECONDS EAST, A DISTANCE OF 16.97 FEET;
NORTH 62 DEGREES, 18 MINUTES, 56 SECONDS EAST, A DISTANCE OF 96.02 FEET;
NORTH 03 DEGREES, 53 MINUTES 56 SECONDS EAST, A DISTANCE OF 324.14 FEET TO THE PLACE OF BEGINNING), IN LAKE COUNTY, ILLINOIS.

PERMANENT TAX NO.: 11-33-401-020

PARCEL 2:

LOT 7 IN HAWTHORN CENTER SUBDIVISION, BEING A SUBDIVISION OF PARTS OF SECTIONS 33 AND 34, TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 19, 1977, AS DOCUMENT 1866654 IN BOOK 62 OF PLATS, PAGES 1 AND 2, IN LAKE COUNTY, ILLINOIS.

PERMANENT TAX NO.: 11-33-401-004

PARCEL 3:

THAT PART OF LOT 6 IN HAWTHORN CENTER, BEING A SUBDIVISION OF PARTS OF SECTIONS 33 AND 34, TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 19, 1977 AS DOCUMENT 1866654 IN BOOK 62 OF PLATS, PAGES 1 AND 2, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6; THENCE SOUTH 00 DEGREE, 38 MINUTES, 22 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 6, A DISTANCE OF 354.00 FEET TO A CORNER OF SAID LOT 6, BEING ALSO THE NORTHWEST CORNER OF LOT 2 IN SAID HAWTHORN CENTER; THENCE EASTERLY ALONG THE LINE BETWEEN SAID LOTS 2 AND 6 THE FOLLOWING TWO (2) COURSES:

SOUTH 45 DEGREES, 08 MINUTES, 22 SECONDS EAST, A DISTANCE OF 172.78 FEET; SOUTHWESTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 515.00 FEET AN ARC DISTANCE OF 11.08 FEET TO THE POINT OF BEGINNING, THE CHORD OF SAID ARC, HAVING A LENGTH OF 11.08 FEET AND A BEARING OF SOUTH 46 DEGREES, 50 MINUTES, 36 SECONDS WEST; THENCE SOUTH 64 DEGREES, 58 MINUTES, 01 SECOND EAST, A DISTANCE OF 137.66 FEET; THENCE NORTH 05 DEGREES, 00 MINUTE, 07 SECONDS WEST, A DISTANCE OF 36.26 FEET; THENCE SOUTH 64 DEGREES, 58 MINUTES, 01 SECOND EAST, A DISTANCE OF 552.72 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 100.00 FEET, AN ARC DISTANCE OF 7.23 FEET TO A POINT OF COMPOUND CURVATURE, THE CHORD OF SAID ARC, HAVING A LENGTH OF 7.23 FEET AND BEARING OF SOUTH 04 DEGREES, 16 MINUTES 41 SECONDS WEST; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 34.48 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC, HAVING A LENGTH OF 31.82 FEET AND A BEARING OF SOUTH 33 DEGREES, 10 MINUTES, 04 SECONDS EAST; THENCE SOUTH 72 DEGREES, 41 MINUTES, 04 SECONDS EAST, A DISTANCE OF 31.06 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 17.15 FEET AN ARC DISTANCE OF 13.47 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC, HAVING A LENGTH OF 13.13 FEET AND A BEARING OF NORTH 84 DEGREES, 48 MINUTES, 56 SECONDS EAST; THENCE NORTH 62 DEGREES, 18 MINUTES, 56 SECONDS EAST, A DISTANCE OF 60.14 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 6; THENCE ALONG THE LINE BETWEEN SAID LOTS 2 AND 6 THE FOLLOWING NINE (9) COURSES:

SOUTH 27 DEGREES, 41 MINUTES, 04 SECONDS EAST, A DISTANCE OF 24.60 FEET; SOUTH 62 DEGREES, 18 MINUTES, 56 SECONDS WEST, A DISTANCE OF 78.00 FEET; NORTH 72 DEGREES, 41 MINUTES, 04 SECONDS WEST, A DISTANCE OF 71.42 FEET; SOUTH 61 DEGREES, 47 MINUTES, 22 SECONDS WEST, A DISTANCE OF 56.74 FEET TO A POINT OF CURVATURE; WESTERLY ALONG A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 85.71 FEET AN ARC DISTANCE OF 43.42 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID ARC, HAVING A LENGTH OF 42.96

FEET AND BEARING OF SOUTH 76 DEGREES 18 MINUTES, 08 SECONDS WEST;
NORTH 89 DEGREES, 11 MINUTES, 04 SECONDS WEST, A DISTANCE OF 38.41 FEET;
NORTH 03 DEGREES, 23 MINUTES, 23 SECONDS WEST, A DISTANCE OF 92.07 FEET;
NORTH 64 DEGREES, 58 MINUTES, 01 SECOND WEST, A DISTANCE OF 545.28 FEET;
NORTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, HAVING A
RADIUS OF 515.00 FEET AN ARC DISTANCE OF 28.85 FEET TO THE PLACE OF
BEGINNING, THE CHORD OF SAID ARC, HAVING A LENGTH OF 28.85 FEET AND A
BEARING OF NORTH 44 DEGREES, 37 MINUTES, 19 SECONDS EAST, IN LAKE
COUNTY, ILLINOIS, AS CONVEYED BY QUIT CLAIM DEED DATED JUNE 26, 1997
AND RECORDED JULY 10, 1997 AS DOCUMENT NO. 3991224 FROM J.C. PENNEY
PROPERTIES, INC., A DELAWARE CORPORATION ("GRANTOR"), TO LASALLE
NATIONAL TRUST N.A., NOT PERSONALLY, BUT AS SUCCESSOR TRUSTEE UNDER
THAT CERTAIN TRUST AGREEMENT DATED MARCH 1, 1971 AND KNOWN AS
TRUST NO. 41999 ("GRANTEE").

PERMANENT TAX NO.: 11-33-401-019

Exhibit B

AMENDED
DEVELOPMENT PERMIT

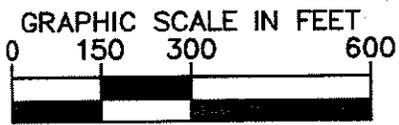
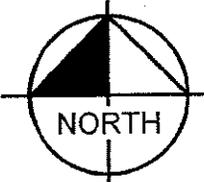
**For Centennial Real Estate on behalf of Hawthorn LP & Hawthorn SP
d/b/a Hawthorn Mall 122 Hawthorn Center**

General Compliance with the following plans:

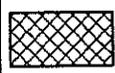
Compliance with the plans prepared by Kimley Horn, titled "Alcohol Service Areas," dated May 11, 2021.

Conditions of Approval for the entire Site:

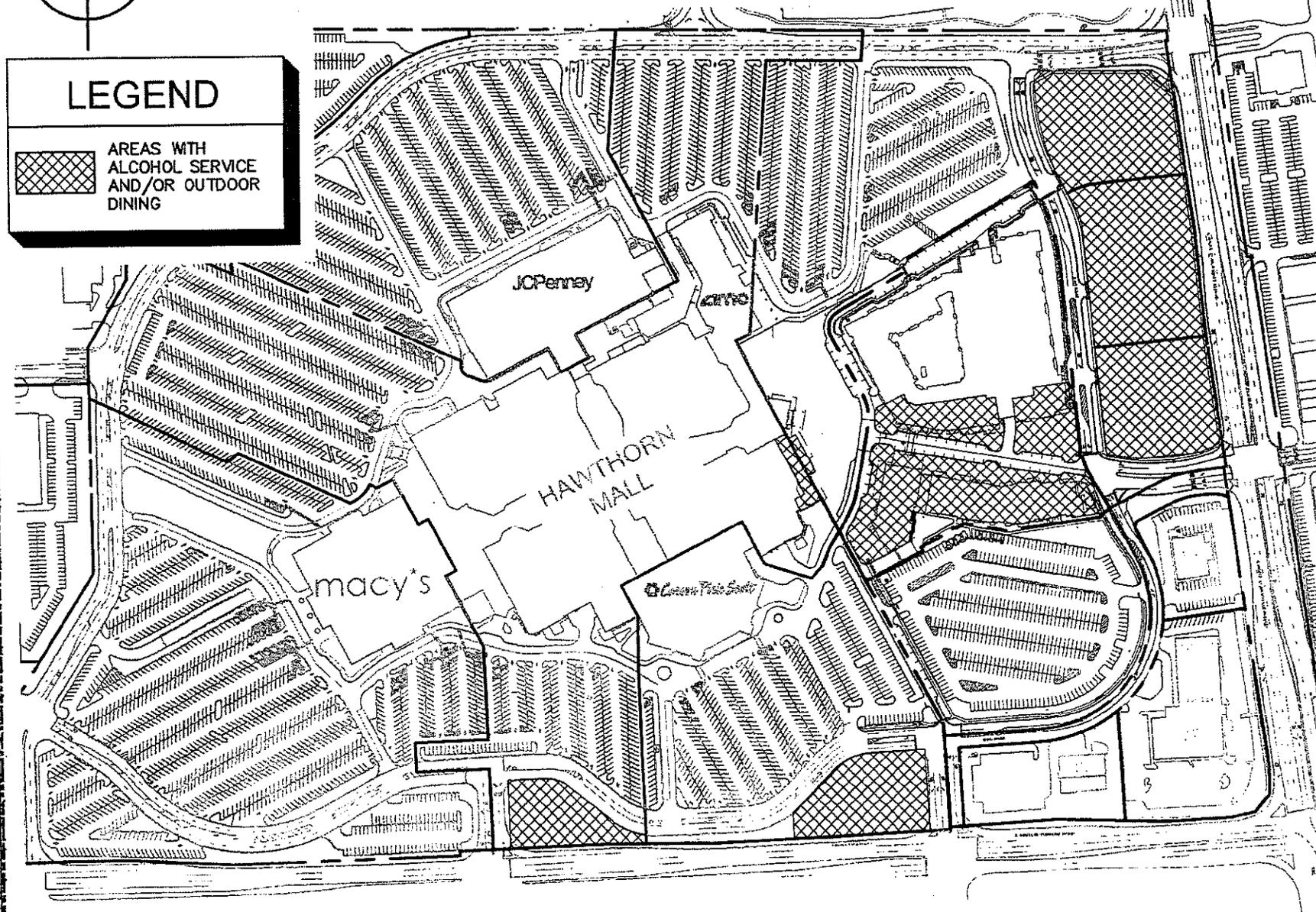
1. Receipt of a liquor license from the Liquor and License Commission for each individual restaurant; and
2. Receipt of all required licenses from the Village and Lake County Health Department prior to issuance of a final certificate of occupancy for each individual restaurant; and
3. Notwithstanding those locations approved for the service of alcoholic beverages in accordance with Ordinance 2013-015, restaurants are authorized to serve alcohol only at those locations shown on the drawing prepared by Kimley Horn, titled "Alcohol Service Areas," dated May 11, 2021; and
4. Compliance with all ordinances and standards of the Village except as may otherwise be provided.



LEGEND



AREAS WITH
ALCOHOL SERVICE
AND/OR OUTDOOR
DINING



Kimley»Horn
© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
4201 WINFIELD ROAD, SUITE 600, WARRENVILLE, IL 60555
PHONE: 630-487-5550 WWW.KIMLEY-HORN.COM

RECEIVED
MAY 11 2021

ALCOHOL SERVICE AREAS

HAWTHORN MALL
VERNON HILLS, IL

SHEET NUMBER

EX. 4