

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2012-044

AN ORDINANCE AMENDING THE FINAL SITE AND LANDSCAPING PLAN  
APPROVALS AND GRANTING CERTAIN VARIATIONS FOR THE PROPOSED WEST  
PARKING LOT EXPANSION PLAN FOR THE RUST-OLEUM PROPERTY LOCATED AT  
11 EAST HAWTHORN PARKWAY, IN THE VILLAGE OF VERNON HILLS, LAKE  
COUNTY

THE 7<sup>th</sup> DAY OF AUGUST 2012

Published in pamphlet form by the Authority of the  
President and Board of Trustees of the Village of  
Vernon Hills, Lake County, Illinois, this 10<sup>th</sup> Day of  
August 2012

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11 EAST HAWTHORN PARKWAY,  
IN THE VILLAGE OF VERNON HILLS,  
LAKE COUNTY**

**WHEREAS**, Scott Hezner of The Hezner Corporation, representing Rust-Oleum Corporation, in regard to properties legally described in Exhibit A, has petitioned the Village of Vernon Hills, pursuant to Vernon Hills Zoning Ordinance of 1982, as amended, to approve an amendment to the final site and landscaping plans to allow the proposed addition to the existing west parking lot located at 11 East Hawthorn Parkway; and

**WHEREAS**, Rust-Oleum Corporation is proposing to add 41 parking spaces to the west parking lot located at the west side of the building; and

**WHEREAS**, prior to appearing before the Planning and Zoning Commission, the Zoning Board of Appeals held a public hearing on June 14, 2012, after due notice thereof by publication, mailing and posting of the property, to consider variations to allow a landscape buffer to be 10 feet instead of 40 feet; and to allow parking lot landscape islands that are less than 180 square feet as required; and

**WHEREAS**, after testimony and deliberation, the Zoning Board determined that a hardship and unique circumstance exist in that: 1) employees currently use parking at Michael Salerno's which creates a safety issue when crossing the street; and 2) The only way to add parking spaces (In compliance with the Zoning Code) would be to construct a deck which is cost prohibitive; and

**WHEREAS**, the Zoning Board of Appeals, having fully heard the testimony, found that sufficient facts were presented which, in its judgment, would justify recommending approval of variations from Sections 15.6.5 and 19.8.9 of the Zoning Ordinance; and

**WHEREAS**, the Committee of the Whole, at its meeting on July 24, 2012, having fully heard the testimony, found that sufficient facts were presented which, in its judgment, would justify recommending approval of variations to allow a landscape buffer to be 10 feet instead of 40 feet; and to allow parking lot landscape islands that are less than 180 square feet as required; and

**WHEREAS**, the Village Board of Trustees have, with the findings of the Zoning Board of Appeals, found: 1) that the property in question cannot yield a reasonable return if required to be used only under the conditions allowed by the regulations of the code; 2) that the plight of the owner is due to unique circumstances; and 3) that variation if granted would not alter the essential character of the neighborhood; and

**WHEREAS**, representatives from the Rust-Oleum Corporation then appeared before the Planning and Zoning Commission at its July 11, 2012 meeting to present their site and landscaping plans for the expanding the existing parking lot located on the west side of their building; and

**WHEREAS**, the proposed plans called for the parking lot to contain landscape islands which are less than 180 square feet and to be setback 10 feet from the street right-of-way and, consistent with the recommended variations and approximately 5 feet off the Hamilton Partner property line; and

**WHEREAS**, the Planning and Zoning Commission reviewed the request and voted unanimously to recommend approval of the proposed lot expansion, subject to certain conditions.

**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 Variations from Sections 15.6.5 and 19.8.9 of the Zoning Ordinance to allow a landscape buffer to be 10 feet instead of 40 feet; and to allow parking lot landscape islands that are less than 180 square feet, are hereby approved subject to the Conditions of Approval as set forth below in Section II.

**SECTION II.** Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the amendments to the final site and landscaping plans to allow the proposed addition to the existing west parking lot located at 11 Hawthorn Parkway are hereby approved; said plans are attached as Exhibit B and may be amended, subject to the following conditions:

Conditions of Approval

A. General compliance with the following plans:

1. New Site Plan prepared by The Hezner Corporation consisting of one page (AS-102) with revised dates of June 27, 2012.
2. Landscape Plan prepared by The Hezner Corporation consisting of pages L0.1 thru L1.0 (Preferred plan) and L2.0 (Alternative Plan #1). The plans are dated 6/27/12. It is understood that these plans may have to be amended to address the changes to the parking lot.

- B. Final approval of plans by the Director of Public Works/Village Engineer and Landscape Architect.
- C. The owner shall take all reasonable measures to protect the trees on the property during construction. These measures may include placing a temporary fence at the drip line of the trees to prevent encroachment of vehicles and construction materials. The Director of Public Works/Village Engineer or his representative shall determine the appropriate means of protection, if needed.
- D. Rust-Oleum shall work with Hamilton Partners property to maintain the portions of the landscape beds which cross the property line consistent with the signed maintenance agreement dated June 18, 2012. The agreement acknowledges that Hamilton Partners has agreed to allow Rust-Oleum Corporation to cross the property line and maintain the landscape materials on the Hamilton Partners property, at Rust-Oleum Corporation expense. The agreement remains in effect as long as both entities own their properties.
- E. Compliance with all ordinances and standards of the Village.
- F. Rust-Oleum's maintenance obligations provided for, under the agreement, the landscape maintenance, include the replacement, if required, of planting materials on either side of the boundary line.

**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.

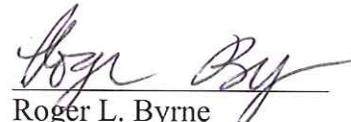
**SECTION V. ORDINANCE NUMBER.** This ordinance shall be known as Ordinance Number 2012-044.

Adopted by roll call vote as follows:

AYES: 5 – Williams, Hebda, Koch, Marquardt, Schultz

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Schwartz

  
\_\_\_\_\_  
Roger L. Byrne  
Village President

PASSED: 8/07/2012

APPROVED: 8/07/2012

PUBLISHED IN PAMPHLET FORM: 8/10/2012

ATTEST:

  
\_\_\_\_\_  
Michael S. Allison  
Village Clerk

**Exhibit A**  
**Legal Description**

POND CONSTRUCTION, REPAIR, REPLACEMENT  
AND MAINTENANCE AGREEMENT

THIS AGREEMENT made this 26th day of October, 1978, by and between THE VERNON HILLS PARK DISTRICT, an Illinois municipal corporation (the "District") and RUST-OLEUM CORPORATION, an Illinois corporation ("Rust-Oleum"):

W I T N E S S E T H:

THAT WHEREAS, Rust-Oleum is the owner of certain property in Vernon Hills, Illinois upon which it has constructed its international headquarters building, said property legally described as follows (the "Headquarters Property"):

Sublots 1 and 2 in the Resubdivision of Lot 3 in New Century Town Unit One, being a subdivision of parts of Sections 32 and 33, Township 44 North, Range 11, East of the Third Principal Meridian, in Lake County, Illinois, according to the Plat thereof, recorded on December 3, 1976 as Document No. 1807720.

AND WHEREAS, the District owns property east of and adjacent to the Headquarters Property, which property owned by the District is used as a water course pursuant to an easement granted to the Seavey Slough Drainage District by document recorded on February 6, 1911 as Document No. 133623 with the Recorder of Deeds of Lake County, Illinois and which property is described as follows (the "District Property"):

Lot 2 in New Century Town Unit One, being a subdivision of parts of Sections 32 and 33, Township 44 North, Range 11, East of the Third Principal Meridian, in Lake County, Illinois, according to the Plat thereof, recorded on December 3, 1976 as Document No. 1807720.

AND WHEREAS, Rust-Oleum has offered to the District to improve and beautify the District Property through the installation, landscaping and maintenance in the District Property of certain pond improvements (the "Improvements") shown on plans (the "Plans") prepared by C. F. Murphy Associates, 224 South Michigan Avenue, Chicago, Illinois entitled "Rust-Oleum Corporation International Headquarters, Vernon Hills, Illinois - Job No. 3700 dated July 5, 1978," containing

**Exhibit B**  
**Plans**





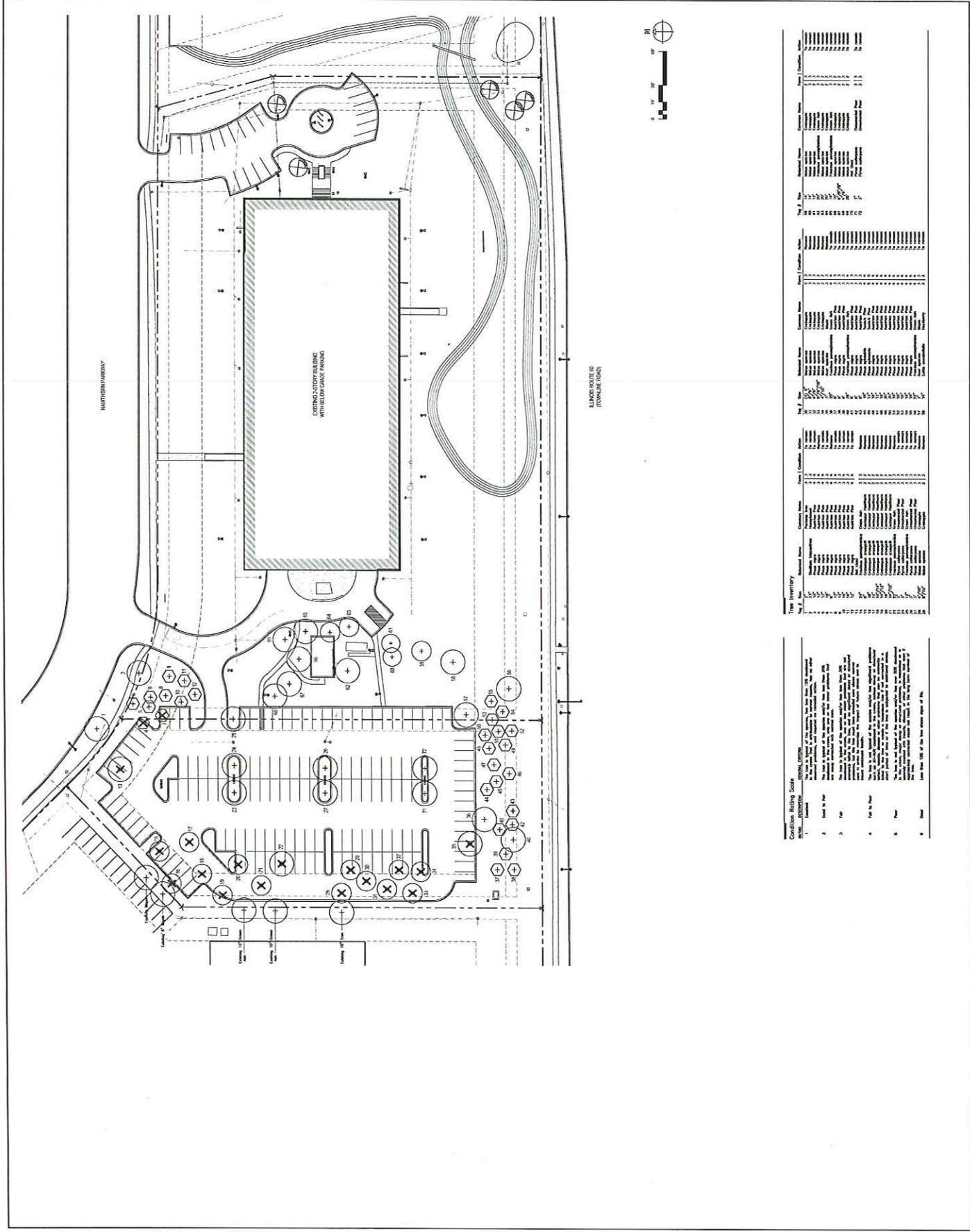
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CONSTRUCTION**

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Designed By: [ ]  
Project Name: [ ]  
Client: [ ]  
Date: [ ]  
Scale: [ ]  
Sheet No.: [ ]

Rust-Oleum  
11 Hawthorn Parkway  
Vernon Hills, Illinois 60051

**TREE INVENTORY**

Project Number: **C-835**  
Sheet Number: **L0.1**



**Condition Rating Scale**

- 1 - Excellent
- 2 - Good
- 3 - Fair
- 4 - Poor
- 5 - Dead

**Tree Inventory**

Tree ID	Species	DBH (in)	Height (ft)	Condition	Notes
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Architect's Seal & Signature

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

Drawn By: JMS	Checked By: JMS
Designed By: JMS	Approved By: JMS
Copyright © 2011	Project Name: <b>LANDSCAPE PLAN</b>
Location: <b>LAURELWOOD, ILLINOIS</b>	Project No.: <b>C-835</b>
Date: <b>02/22/11</b>	Sheet Title: <b>LANDSCAPE PLAN</b>
Scale: <b>AS SHOWN</b>	Client: <b>LAURELWOOD, ILLINOIS</b>
Author: <b>JMS</b>	Client Address: <b>11 HAWTHORN PARKWAY</b>
Designer: <b>JMS</b>	Client City: <b>VERNON HILLS, ILLINOIS 60061</b>
Checker: <b>JMS</b>	Client State: <b>ILLINOIS</b>
Printer: <b>JMS</b>	Client Zip: <b>60061</b>
Plotter: <b>JMS</b>	Client Phone: <b>(847) 328-3000</b>
Plot Size: <b>36" x 48"</b>	Client Email: <b>LAURELWOOD@LAURELWOOD.COM</b>
Plot Scale: <b>1" = 10'</b>	Client Website: <b>WWW.LAURELWOOD.COM</b>
Plot Orientation: <b>Portrait</b>	Client Project: <b>LAURELWOOD</b>
Plot Date: <b>02/22/11</b>	Client Project No.: <b>LAURELWOOD</b>
Plot Title: <b>LANDSCAPE PLAN</b>	Client Project Name: <b>LAURELWOOD</b>
Plot Description: <b>LANDSCAPE PLAN</b>	Client Project Address: <b>11 HAWTHORN PARKWAY</b>
Plot Location: <b>LAURELWOOD, ILLINOIS</b>	Client Project City: <b>VERNON HILLS, ILLINOIS</b>
Plot State: <b>ILLINOIS</b>	Client Project Zip: <b>60061</b>
Plot Zip: <b>60061</b>	Client Project Phone: <b>(847) 328-3000</b>
Plot Phone: <b>(847) 328-3000</b>	Client Project Email: <b>LAURELWOOD@LAURELWOOD.COM</b>
Plot Website: <b>WWW.LAURELWOOD.COM</b>	Client Project Website: <b>WWW.LAURELWOOD.COM</b>

Rust-Cleum  
11 Hawthorn Parkway  
Vernon Hills, Illinois 60061

Sheet Title

LANDSCAPE PLAN  
ALTERNATE NO.1

Architect's Project Number  
**C-835**

Sheet Number  
**L2.0**

**Plant List**

NO.	SYM.	PLANT NAME	QUANTITY	REMARKS
01	100	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
02	101	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
03	102	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
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142	241	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
143	242	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
144	243	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
145	244	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
146	245	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
147	246	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
148	247	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
149	248	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
150	249	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
151	250	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
152	251	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
153	252	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
154	253	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
155	254	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
156	255	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
157	256	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
158	257	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
159	258	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
160	259	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
161	260	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
162	261	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
163	262	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
164	263	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
165	264	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
166	265	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
167	266	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
168	267	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
169	268	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
170	269	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
171	270	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
172	271	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
173	272	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
174	273	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
175	274	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
176	275	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
177	276	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
178	277	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
179	278	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
180	279	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
181	280	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
182	281	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
183	282	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
184	283	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
185	284	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
186	285	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
187	286	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
188	287	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
189	288	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
190	289	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
191	290	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
192	291	10' ROUND PINE	1	PLANT IN CENTER OF DRIVE
193	2			







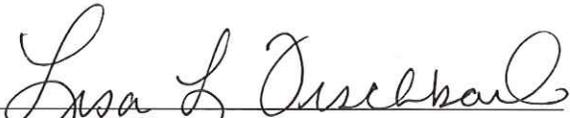
AFFIDAVIT OF SERVICE

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 2012-044, AN ORDINANCE AMENDING THE FINAL SITE AND LANDSCAPING PLAN APPROVALS AND GRANTING CERTAIN VARIATIONS FOR THE PROPOSED WEST PARKING LOT EXPANSION PLAN FOR THE RUST-OLEUM PROPERTY LOCATED AT 11 EAST HAWTHORN PARKWAY, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

  
\_\_\_\_\_  
MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN TO BEFORE  
THIS 10<sup>th</sup> DAY OF AUGUST 2012

  
\_\_\_\_\_  
Notary Public

