

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2010-016

AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW EXPANSION OF LANDSCAPING YARD AND CONVERSION OF A PORTION OF AN EXISTING BUILDING BY JAMES MARTIN ASSOCIATES, INC. ON PROPERTY LOCATED AT 29 EAST US HIGHWAY 45, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.

THE 3RD DAY OF FEBRUARY 2010

Published in pamphlet form by the
Authority of the President and Board
Of Trustees of the Village of Vernon
Hills, Lake County, Illinois, this 4th
Day of February 2010

ORDINANCE 2010-016

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A SPECIAL USE PERMIT TO ALLOW
EXPANSION OF LANDSCAPING YARD AND
CONVERSION OF A PORTION OF AN
EXISTING BUILDING BY JAMES
MARTIN ASSOCIATES, INC. ON PROPERTY
LOCATED AT 29 EAST US HIGHWAY 45, IN
THE VILLAGE OF VERNON HILLS, LAKE
COUNTY.**

WHEREAS, Jim Martin and Tom Bolas, representing James Martin Associates, Inc. and the property owner, Congregation Beit Haverim, in regard to subject property generally located at 29 East US Highway 45 and legally described in Exhibit A, has petitioned the Village of Vernon Hills for approval to allow the following:

1. Expansion of the existing James Martin Associates, Inc. landscaping yard onto the subject property.
2. Conversion of the existing building into a landscape office.
3. Continuation of the use of the two existing residential units within the existing building.

WHEREAS, the subject property consists of one parcel, is approximately 1.25 acres in size, and contains an existing building with two existing apartments; and

WHEREAS, said approval will allow James Martin Associates, Inc., being the contract purchaser of the subject property, to expand their existing landscape yard onto the subject property, convert the existing building into a landscape office and continue the use of the two existing residential units located within the building; and

WHEREAS, upon due notice and after public hearings held January 6, 2010 by 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 expansion the existing landscape yard onto the subject property, convert the existing building into a landscape office and continue the use of the two existing residential units located within the building 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 the following:

1. Expansion of the existing James Martin Associates, Inc. landscaping yard onto the subject property; and
2. Conversion of the existing building into a landscape office; and
3. Continuation of the use of the two existing residential units within the existing building,

for the property as described in Exhibit A, is hereby granted, subject to the following conditions:

- a) The Special Use Permit shall be for the sole purpose of allowing for the expansion of James Martin Associates, Inc. landscaping yard and offices onto the property. If the acquisition of the property by Martin fails to occur or the property is ever sold by Martin separately from the two (2) properties to the south, the special use permit shall immediately expire.
- b) The petitioner shall provide confirmation to the Building Commissioner that the capacity of the septic field is adequate prior to converting or occupying the building with the office space.
- c) General compliance with the plans and illustrations attached to the Planning and Zoning Commission packet and as set forth in Exhibit B.
- d) Final approval of parking lot and landscaping plans by the Village Engineer and Landscape Technician. The petitioner shall work with the Village to locate a balance of the new plant materials used in the screening of the parking to outside the Route 45 right of way.
- e) The parking lots must be re-stripped and shall provide of the required handicap spaces. The appropriate handicap parking signs shall also be provided.
- f) Compliance with all ordinances and standards of the Village except as may otherwise be provided.
- g) Compliance with the Village Sign Ordinance

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.

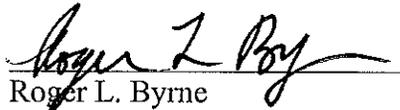
SECTION V. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2010-016.

Adopted by roll call vote as follows:

AYES: 6-Koch, Marquardt, Schultz, Schwartz, Williams, Hebda

NAYS: 0-None

ABSENT AND NOT VOTING: 0-None


Roger L. Byrne
Village President

PASSED: 2/03/2010

APPROVED: 2/03/2010

PUBLISHED IN PAMPHLET FORM: 2/04/2010

(ATTEST:

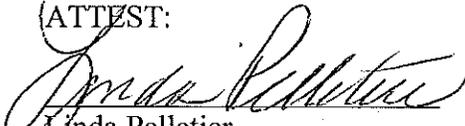

Linda Pelletier
Village Clerk



EXHIBIT A
Legal Description

EXHIBIT B
Plans and Powerpoint presentation

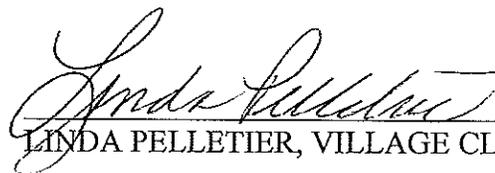
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

CERTIFICATE

I, LINDA PELLETIER, CERTIFY THAT I AM THE DULY APPOINTED AND ACTING VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON FEBRUARY, 2010, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE 2010-016, AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW EXPANSION OF LANDSCAPING YARD AND CONVERSION OF A PORTION OF AN EXISTING BUILDING BY JAMES MARTIN ASSOCIATES, INC. ON PROPERTY LOCATED AT 29 EAST US HIGHWAY 45, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.

THE PAMPHLET FOR ORDINANCE NO. 2010-016, INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF WAS PREPARED, AND A COPY OF SUCH ORDINANCE WAS POSTED IN THE VILLAGE HALL, COMMENCING FEBRUARY 4, 2010 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE VILLAGE CLERK.

DATED IN VERNON HILLS, ILLINOIS, THIS 4TH DAY OF FEBRUARY 2010.


LINDA PELLETIER, VILLAGE CLERK



AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, LINDA PELLETIER, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, SHE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2010-016, AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW EXPANSION OF LANDSCAPING YARD AND CONVERSION OF A PORTION OF AN EXISTING BUILDING BY JAMES MARTIN ASSOCIATES, INC. ON PROPERTY LOCATED AT 29 EAST US HIGHWAY 45, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.



LINDA PELLETIER, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before
Me this 17 day of February, 2010



Notary Public

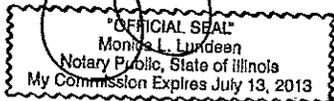


EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

[See Attached]

Plat of Survey

R. E. DECKER, P.C.
PROFESSIONAL LAND SURVEYORS
114 E. COOK AVE., LIBERTYVILLE, ILLINOIS 60048
847-362-0091 FAX 847-362-0119

BOOK 99 PAGE 952 ORDER NO. 99-952 LIBERTYVILLE, JUNE 12, 1999
ORDERED BY MR. THOMAS THOMPSON, ATTY. FOR _____

The Southeasterly 129.5 feet (measured perpendicular to the Southeasterly line) of the following described property: That part of the North 1/2 of the Southeast 1/4 of Section 8, Township 43 North, Range 11, East of the Third Principal Meridian, described as follows: Beginning at the intersection of the centerline of U.S. Road No. 45 and the North line of said North 1/2 of said Southeast 1/4, said point beginning being 66.5 feet West from the Northeast corner of said North 1/2 of said Southeast 1/4; thence West along said North line 328.3 feet to the Easterly line of the Minneapolis, St. Paul, Saulte Ste. Marie Railway; thence Southerly along said Easterly line of railway, 632.5 feet; thence North 58 Degrees 40 Minutes East, 188.8 feet to a point on the East line of and 507.9 feet South from the Northeast corner of said North 1/2 of said Southeast 1/4; thence North along said East line of the North 1/2 of said Southeast 1/4 436.2 feet to the center of said U.S. Road No. 45; thence North 43 Degrees 30 Minutes West along the center of said road, 97.8 feet to the Place of Beginning. Also, that part of the North 1/2 of the Southwest 1/4 of Section 9, Township 43 North, Range 11, East of the Third Principal Meridian, described as beginning at the intersection of the centerline of U.S. Road No. 45 and the West line of said North 1/2 of said Southwest 1/4 said Point of Beginning being 71.7 feet South from the Northwest corner of said North 1/2 of said Southwest 1/4; thence South along said West line 438.2 feet; thence North 58 Degrees 40 Minutes East 305.5 feet to the center of said U.S. Road No. 45; thence North 43 Degrees 30 Minutes West along the center of said road 369.9 feet to the Point of Beginning, in Lake County, Illinois.

Commonly known as: **29 E HIGHWAY 45, VERNON HILLS, ILLINOIS.**

U.S. ROUTE

NORTHWEST CORNER OF NE 1/4 OF SE 1/4 OF SEC. 8-43-11
ESTABLISHED USING DOCUMENT NO. 273462

NORTHWEST CORNER OF NE/4 OF SE/4 OF SEC. 8-43-11
ESTABLISHED USING DOCUMENT NO. 273162

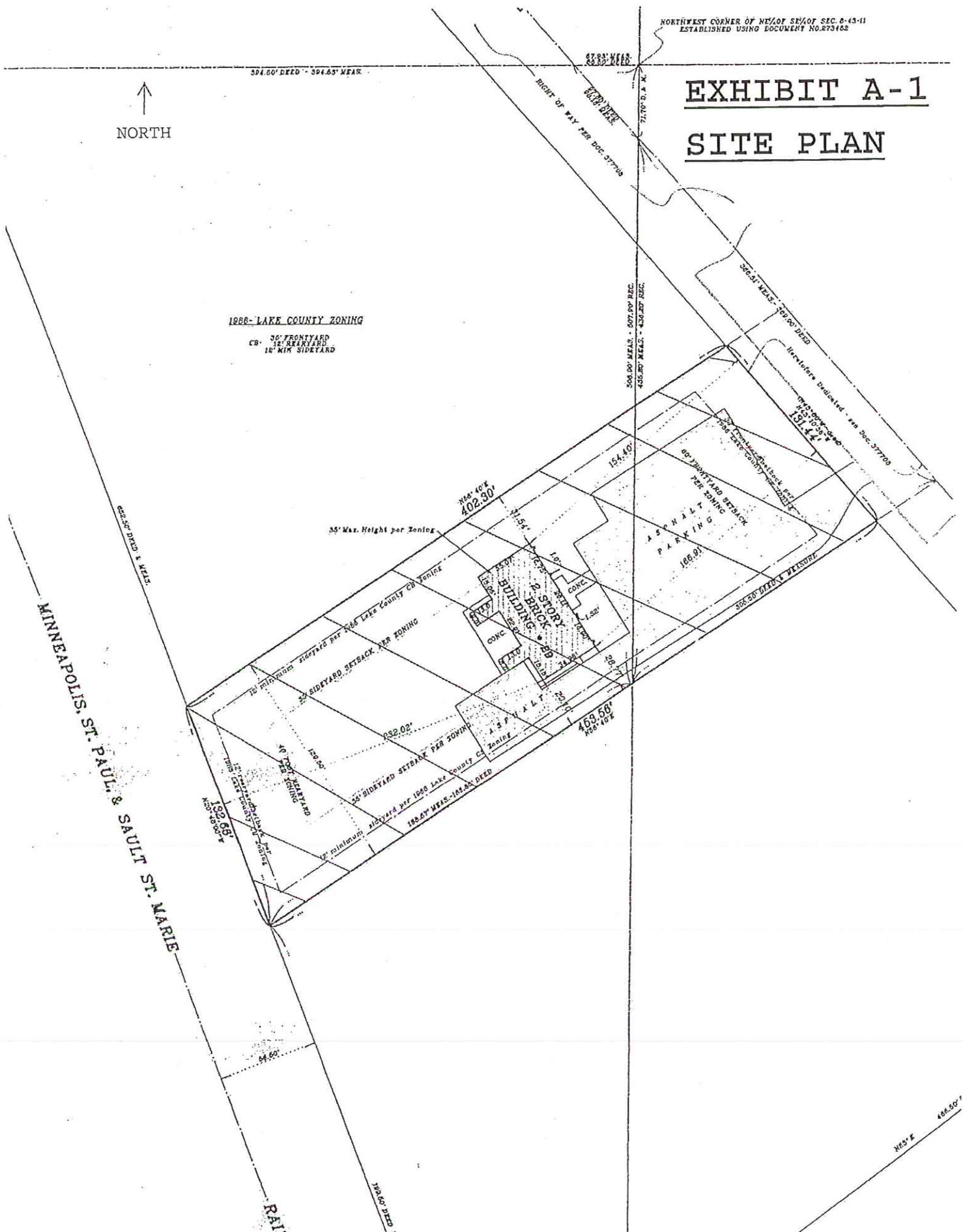
EXHIBIT A-1 SITE PLAN



1988 LAKE COUNTY ZONING

30' FRONTYARD
CB - 18' REARYARD
18' MIN. SIDEYARD

35' Max. Height per Zoning



MINNEAPOLIS, ST. PAUL, & SAULT ST. MARIE

RAILROAD

468.50' ±
N63° E

**29 East US Highway 45
Proposed Site Improvements**



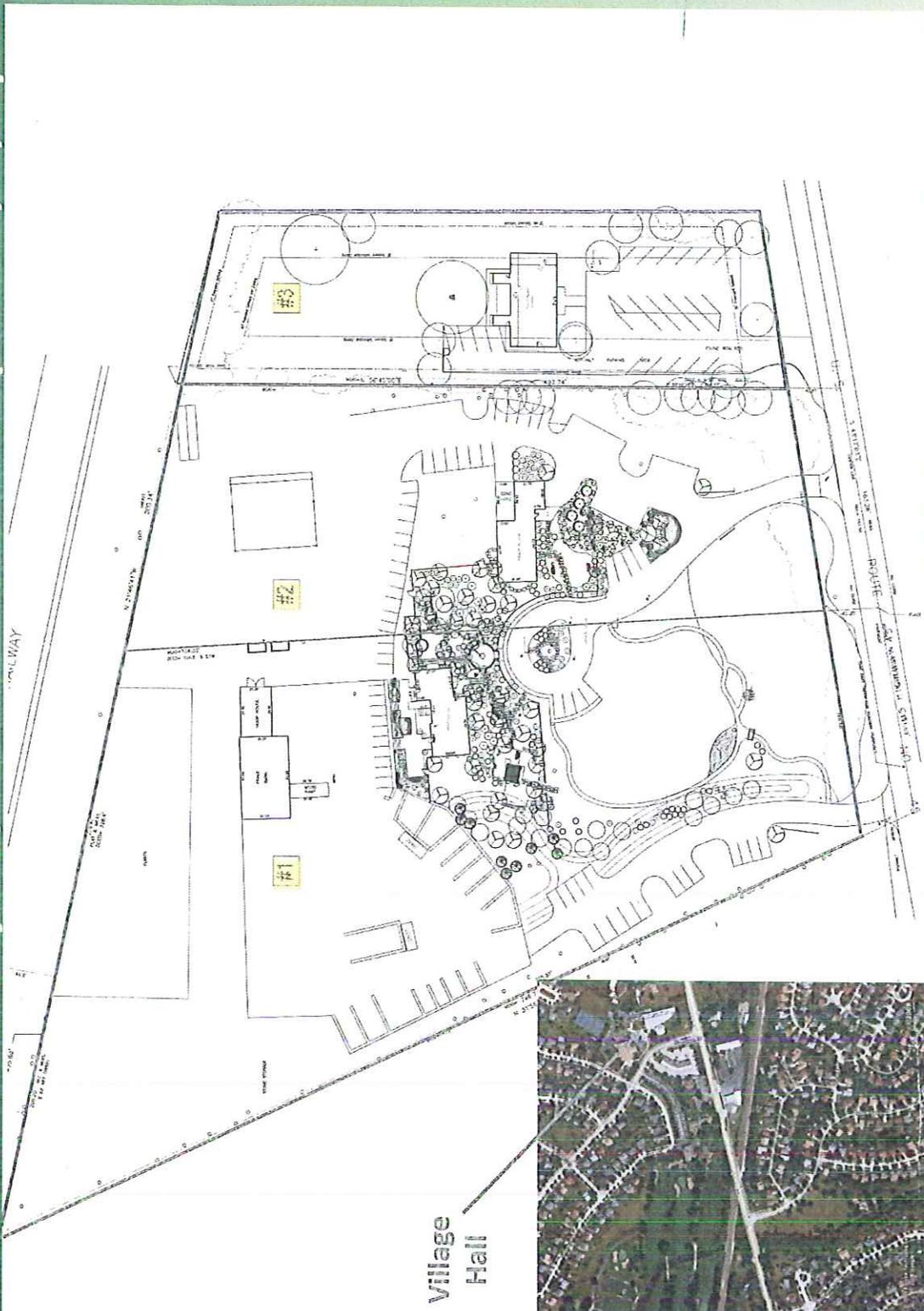
Tom Bolas, General Manager

RECEIVED

JAN 07 2010

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Property Ownership Background for 59 & 29 East US Hwy 45, Vernon Hills IL. (Lots 1, 2, 3)



Village Hall

Existing sites



Martin Associates

Site #1 - 59 E. US Hwy 45

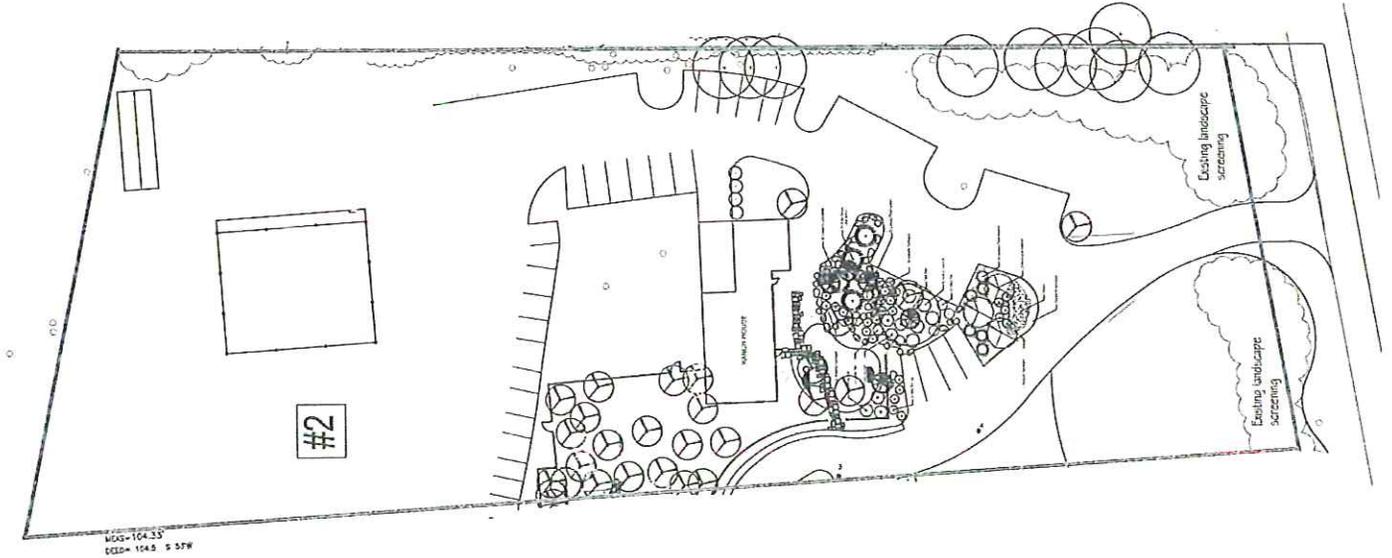
- Purchased in 1985 w/ approval from the Village of Vernon Hills to operate a landscape business & potential garden center.
- Approximately 4 acres
- Current zoning is B1



Site #2 - 41 E. US Hwy 45

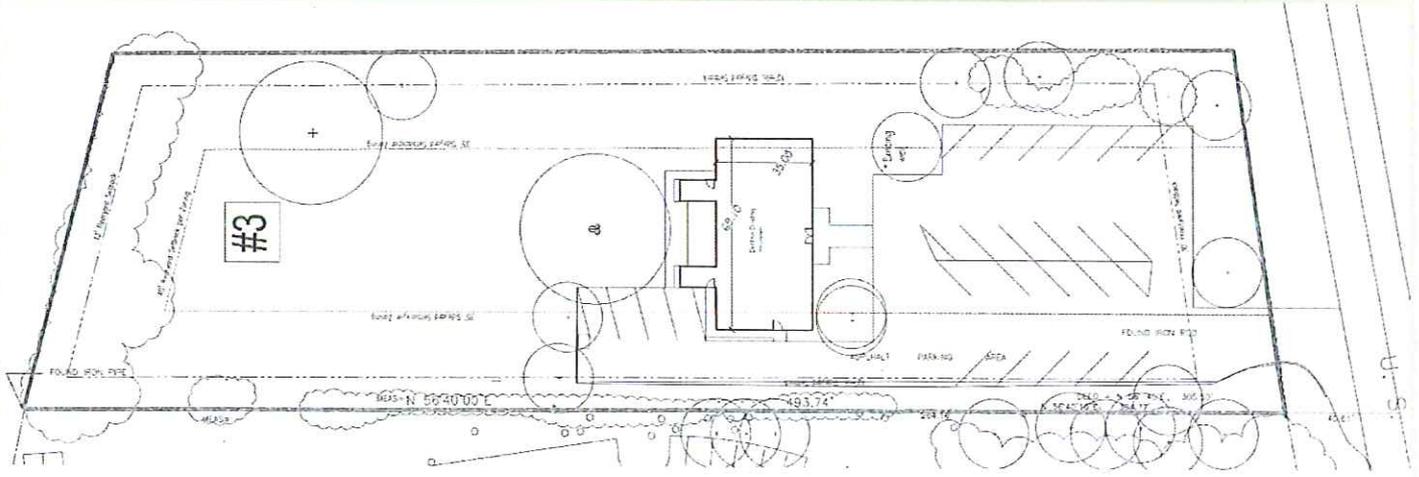
- Purchased in 1987 in unincorporated Lake County.
- Site was annexed by Vernon Hills in 1993.
- Approximately 2 acres
- Current zoning is R1 under annexation

Martin Associates
S

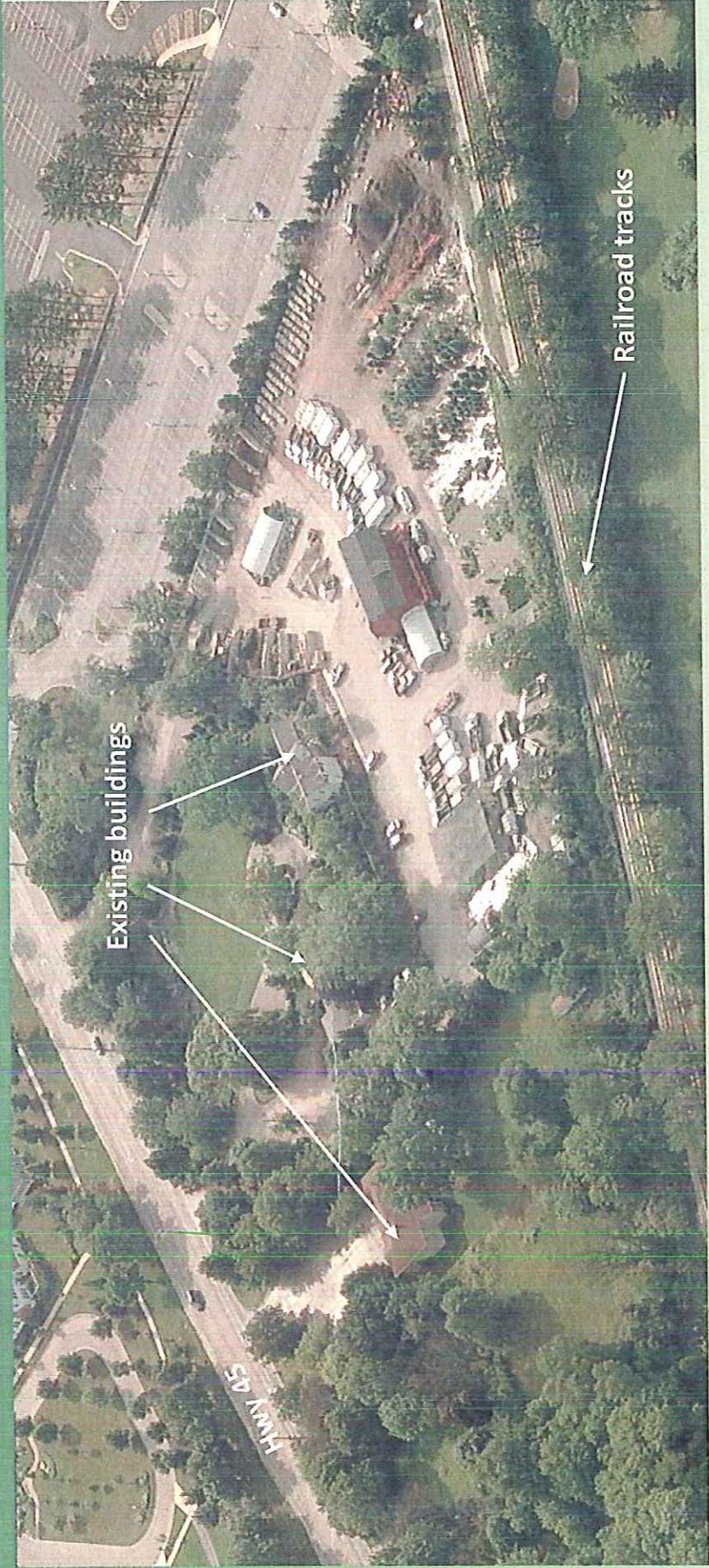


Site #3 – 29 E. US Hwy 45

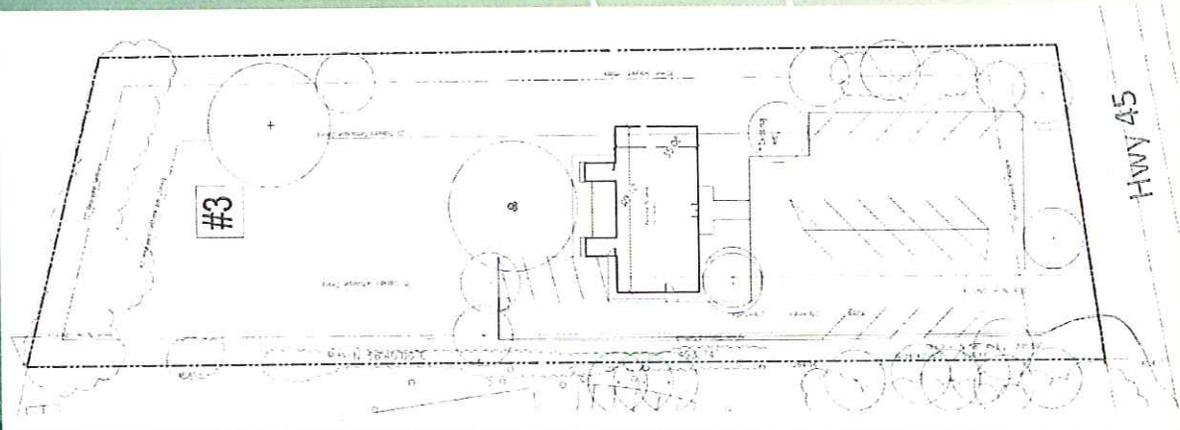
- ±1999 Congregation Beit Haverim purchased property
- Approximately 1.2 acres
- Current zoning is B1
- Nov. 2009, JMA & Congregation have entered into a real estate purchase agreement



Current conditions for
59 & 29 East US Hwy 45, Vernon Hills IL. (Lots 1, 2, 3)



Current conditions for 29 East US Hwy 45, Vernon Hills IL. (Lot 3)

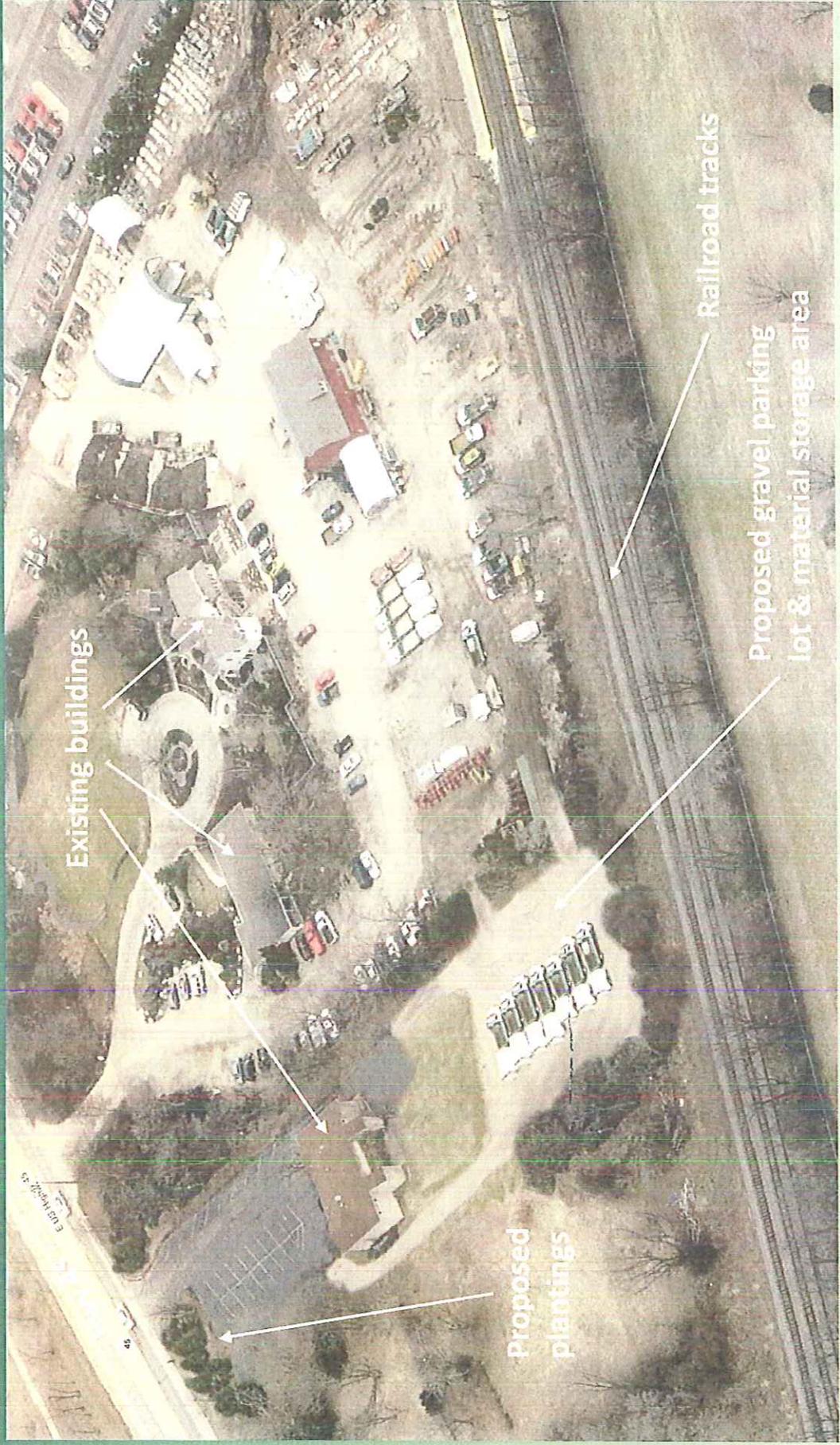


Existing parking

Existing building

Existing parking

Proposed Site Use



Existing rear yard of Synagogue



Martin Associates
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Proposed rear yard of Synagogue

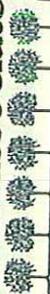


Proposed gravel
driveway to existing
JMA property

Proposed gravel
parking and
material storage
area

Existing north side of Synagogue



Martin Associates
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Proposed north side of Synagogue



Proposed gravel
driveway from rear
proposed gravel
parking area to the
existing front
asphalt parking lot

Existing front of Synagogue



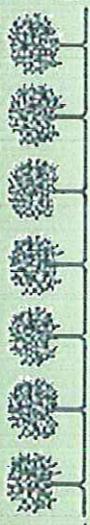
Martin Associates
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Proposed planting in front of Synagogue



Martin AssociateS

Thank You

Martin Associates
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