

**EXTENDED STAY AMERICA
&
OUTLOTS**

**Property Located East of Milwaukee Avenue
And of Maravilla (Residential Resorts)**

- **PUD & Exhibit A**

ORDINANCE NO. 99-60

**AN ORDINANCE GRANTING A
PRELIMINARY PLANNED UNIT
DEVELOPMENT (PUD) FOR THE
PROPERTY KNOWN AS THE
EXTENDED STAY AMERICA
PROPERTIES.**

WHEREAS, upon due notice and after public hearing concluding on October 13, 1999 by the Planning and Zoning Commission of the Village of Vernon Hills, pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the said Planning and Zoning Commission has filed its report concerning a petition filed by the Bradford Realty Group for a Preliminary PUD affecting the premises legally described on Exhibit B.

WHEREAS, based upon the evidence adduced at said hearings; the following findings of fact are made:

1. That a petition for amending the zoning of the premises from R-1 to B-1 was concurrently filed and approved.
2. That submittal of Final PUD plans leading to the development of the property shall substantially conform to documents, plans and assertions, collectively referred to as the "Preliminary PUD Plans" submitted for review including:
 - A. 10/07/99 Engineering Plan (building and parking layouts for planning purposes only)
 - B. 10/26/99 Preliminary Overall Site Plan (building and parking layouts for planning purposes only)
 - C. Exhibit A
 - D. All pertinent plans and graphics presented by Bradford Realty, Casco or Manhard Consulting at public meetings or in response to staff comments
 - E. All assertions and affirmations made by Bradford Realty, Casco or Manhard Consulting or their representatives at public meetings or in writing in response to staff comments.

WHEREAS, it has been determined that the granting of this Preliminary PUD will have no serious and 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;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION I. Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the Preliminary PUD Plans for the "Extended Stay Properties" project are hereby approved.

PROVIDED HOWEVER, that approval of the Preliminary PUD Plans are conditioned upon compliance with all Village ordinances, including Ordinance 99-66 rezoning the property, and shall terminate and be of no further force or effect in the event of a violation from said regulations, or a violation of any other applicable ordinance of the Village.

PROVIDED FURTHER, that the approval of the Preliminary PUD plans, as may be modified by Final Plans approved via ordinance, are further conditioned upon the following:

1. Exhibit A – attached.
2. The Village reserves preliminary approval of certain plan components which require a more detailed examination than may be provided at the preliminary stage. These issues include coordination of an entry sign, which is limited to one constructed of natural materials and architectural details and the planned addition of a right in-right out onto Milwaukee Avenue.
3. Bradford Realty, and all successors and assigns, shall provide all required documents and plans pursuant to the PUD section of the Zoning Ordinance prior to review of Final PUD plans.
4. Bradford Realty shall reimburse the Village for all costs associated with the attainment of an easement from the Lake County Forest Preserve.
5. The Developer, Bradford Realty, agrees to pay the Village of Vernon Hills the sum of \$10,000 to cover the costs of road, signal and safety improvements. The payment of this sum shall not be counted towards the required payments of any other parcels adjacent to the future traffic signal at the intersection of Continental Drive and Milwaukee Avenue. This sum is to be paid prior to the issuance of the first building permit issued upon the property.
6. All building and site layouts, as prepared by Manhard Consulting, depicted upon sheet C1-C9, dated 10-7-99, are for forward planning purposes and are not approved as part of this Preliminary PUD.
7. Submittal of a Plat of Subdivision.
8. That lots 4 & 5 may not be consolidated without first obtaining an amendment to this Preliminary PUD or Final PUD.

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 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. PUBLICATION. This ordinance shall be published in pamphlet for in the manner provided by law.

SECTION VI. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 99-60

Adopted by roll call vote as follows:

AYES: 6-Black, Cashman, Hebda, Henley, Koch, Ryg

NAYS: 0-None

ABSENT AND NOT VOTING: 0-None


Village President

PASSED: 11/16/99

APPROVED: 11/16/99

PUBLISHED IN PAMPHLET FORM: 12/21/99

ATTEST:


Village Clerk

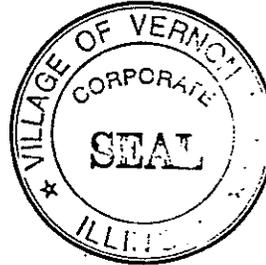


EXHIBIT A
ZONING, USE, BULK, SIGNAGE, SUBDIVISION AND OTHER
REGULATIONS AND STANDARDS APPLICABLE TO THE
PROPERTY KNOWN AS THE EXTENDED STAY AMERICA
DEVELOPMENT.

A. Provisions not Applicable. The provisions of the Village's Zoning Ordinance, Sign Ordinance, Development Regulations, Subdivision Ordinance and other Village Ordinances to the extent that they are modified by, amended by, or made inapplicable by the regulations and standards set forth below, and except as set forth in this Agreement, shall apply to this development of this property.

B. Definitions. The definitions used in interpreting the zoning standards, definitions, and uses allowed on said property are set forth in the Village's Zoning Ordinance. In all matters present and future the Zoning Ordinance that is legally current in its application shall be the controlling document as it pertains to these matters.

C. Added Permitted Uses. Only the following uses and those permitted uses listed in the Village's Zoning Ordinance, Section 13.2 shall be permitted on the Property:

- a. Clinics (Eye, Medical and Dental)
- b. Consumer Credit & Financial Offices
- c. Engraving, lithography, copying and Printing Establishments
- d. Hotels
- e. General Retail Sales
- f. Insurance Sales
- g. Medical/Dental/Optomety Offices
- h. Pet Shops
- i. Service oriented businesses that include airline ticket agents, hair and body salons, and real estate brokerages.
- j. Restaurants, excluding fast food and drive-thru components.
- k. Video Stores

D. Special Uses. Only the following special uses may be permitted on the Property pursuant to the procedure established in the Zoning Ordinance for the approval of special uses:

- a. All uses permitted as special uses under the B-1 General Business District Regulations of the Zoning Ordinance.
- b. Any use determined by the Board of Trustees to be similar and compatible to the uses listed herein.

E. Required Conditions.

- a. An overall site plan of the property detailing each lot to be developed and its relationship to the entire lot is required for Village review at the time said individual lot is seeking approval to develop.
- b. A landscape plan for the entire stretch of the 25 foot landscape buffer along Route 21, Milwaukee Avenue and the 15 foot buffer zones along the frontage road is to be submitted for Village review and approval prior to final PUD approval.
- c. A sidewalk is to be installed across the entire frontage of this property and is to link with the existing sidewalk on either side of this property.
- d. A plan indicating a right in-right out onto Route 21, Milwaukee Avenue is to be submitted as part of the overall site plan. After Village review and approval, the developer is to seek IDOT approval and install this access immediately upon permit.
- e. The individual lots are to follow the architectural theme and color pallet, of the Extended Stay America Hotel located upon parcel 3 and shall be subject to Village review and approval.
- f. The proper dedication of right of way is to be indicated upon all final plats.
- g. The development of the lots are to appear before the Planning and Zoning Commission for review of final site and landscape plans. Any subsequent re-development of the lots, including the subdivision of tenant space will also require an appearance before the Planning and Zoning Commission.

F. Lot Area. The Village recognizes that portions of this property may contain parcels to be developed west of the frontage road. In order to provide flexibility with respect to ownership of individual lots a minimum lot size, but no minimum widths will be applicable to this parcel(s) as follows.

1. All lots are to be a minimum of 1 acre.

G. Building Coverage. A ratio of building coverage of not more than sixty (60) percent of each individual lot for the principal building or buildings shall be provided. No more than one building may be maintained on any single outlot. However, one building may contain more than one tenant.

H. Height Regulations.

1. Rear Parcel 3 : 3 stories maximum, height not to exceed 45'.
2. Parcels 4 & 5: 2 stories maximum, height not to exceed 35'.
3. Parcel 6: 1 story, height not to exceed 25'.

I. Ingress and Egress Systems. All building and uses maintained on the Property shall have access to a roadway either public or private, directly or indirectly through shared ingress, egress or parking facilities.

J. Building Setbacks and Yards.

1. **Street Setbacks:** No building shall be maintained within sixty (60) feet, plus one foot for each foot of building height in excess of twenty-five (25) feet, of the right of way of Illinois State Route 21.
2. **Side and Rear Setbacks:** No building shall be maintained within 25 feet of any side lot line or within 20 feet of any rear lot line.
3. A landscaped buffer strip shall be provided in all yards abutting an access right-of-way. The buffer strip shall not be less than fifteen (15) feet in depth measured from the edge of pavement of said access right-of-way. All lots adjoining Route 21 are to maintain twenty-five foot landscape buffers from the property line abutting the Route 21 right of way.

K. Compliance. The performance standards set forth in the Village Ordinances pertaining to development shall be complied with and any use which fails to comply with these standards shall be in violation of the Village Ordinance(s) and be subject to penalties provided for such violation(s). It shall be deemed a violation of these standards for any qualified professional to falsely certify as to the compliance of submitted plans and documents with the performance standards specified herein.

L. Landscaping. Those portions of property not devoted to buildings; pavement or other permanent improvements shall be landscaped and well maintained. Landscaping shall be done in accordance with the Village's Landscape Ordinance. No plants shall be placed in such a way as to obstruct pedestrian or vehicular sight of a public right-of-way.

M. Noise. At no point on the property line on which the operation is located shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation vehicles) exceed the levels delineated in the Zoning Ordinance. Noise testing is to be accomplished at the property line of the noise emitting source by an independent testing authority trained and skilled in this field.

N. Off-Street Parking and Loading. Off-street parking and off-street loading facilities shall be provided as required by the regulations of this Section, for all buildings and structures erected, altered, or enlarged and all uses of land established in the Property. If a use is not provided for in this section than the Village's Zoning Ordinance is to be used.

- a. When the intensity of use of any building, structure, or premises is increased through the addition of gross floor area, seating capacity, or other units of measurement, such increase shall be permitted only if the required parking and loading facilities for the addition are also provided.

- b. Whenever the existing use of a building or structure shall hereafter is changed to a new use, parking or loading facilities shall be provided as required for such new use.
- c. Parking spaces along end aisles may be two (2) feet less in depth to account for overhang over sidewalks or landscaping upon Village review and approval.

The Village recognizes, however, that off-street parking spaces serving an individual use need not be located on the same lot as the use to be served. Parking for the uses and buildings to be maintained within said lots (3, 4, 5 & 6) can be provided collectively. However, the total number of spaces provided shall not be less than the sum of the total use or building(s) served. A cross-easement parking agreement or covenant running with the land must be submitted by the time of issuance of a final PUD detailing the terms and conditions, approved by the Corporate Authorities of the Village of Vernon Hills, and must be recorded in the office of The Recorder of Deeds of Lake County, Illinois, for the lot(s) upon which the parking is located.

The covenants shall not be released and the lease agreement shall not be terminated, until such time as either one of the following conditions occur:

- (1) The structure on the lot containing the use is terminated; or
- (2) Another lot of the required size, within the required distance, is properly developed and used for the required parking, in place of the initial lot used. The same requirements, covenants, and conditions attaching to such substitute accessory use lot, as approved by the same authority as required for approval of such initial use lot is required.

- O. Computation of parking requirements.** Parking requirements for permitted and special uses for the Property shall be those set forth in the Zoning Ordinance except as modified by the following:
- a. General commercial/retail - 1.0 space per 250 square feet of floor area.
 - b. Eating and drinking establishments - 1.0 space per 3 seats and 1.0 spaces for each 2.0 employees. Establishments with a drive-thru window shall provide a minimum of 5 stacking spaces per window.
 - c. Household appliance stores, furniture stores- 3.0 spaces per 1,000 square feet of floor area.
 - d. Bank, savings and loan and financial institutions - 3.0 spaces per 1,000 square feet of floor area. Drive thru establishments shall provide 5 stacking spaces per teller or ATM.
 - e. Dental and medical clinic or office - 4.0 spaces per 1,000 square feet of floor area.
 - f. Day care center, child care center, nursery school, pre-school - 1.0 spaces per every two employees.

- P. **Maintenance of the Road.** The maintenance of the main frontage road and any other direct accesses to Route 21 shall be the responsibility of the separate owners of the properties under this document. This is not a public street. A document detailing the provisions for the maintenance of these roads and accesses shall be drawn up and submitted to the Village for review and approval. Language shall also be provided upon all Plats of Subdivision giving the Village the right, but not the obligation, to remedy any defect or maintenance of said road and to recapture the cost of those repairs.
- Q. **Stormwater Facilities.** The maintenance of the stormwater facility shall be the sole responsibility of the separate owners of the properties that this facility serves. A variance not to exceed 2' from the normal to high water level portion of the Village's Development Ordinance is hereby granted. However, a document detailing the provisions for the maintenance of this facility shall be drawn up and submitted to the Village for review and approval. Language shall also be provided upon all Plats of Subdivision giving the Village the right, but not the obligation, to remedy any defect or maintenance of said pond and required easement and the ability to recapture the cost for that work.
- R. **Payment of Fees.**
- ◆ The developer agrees to reimburse the Village for all fees associated with the stormwater drainage easement obtained from the Lake County Forest Preserve.

EXHIBIT B

BEING A RESUBDIVISION OF LOT 3 AND PART OF LOT 4 IN THE MARKET PLACE AT VERNON HILLS, AND ALSO LOT 1 AND PART OF LOT 2 IN PERCY WILSON'S RIVERVIEW ACRES, ALL IN SECTION 3, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS.