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RESOLUTION NO. 96-06

A Resolution Granting Final R.P.U.D. Development Plan Approval, Final Site and Landscape Approval, Final Subdivision Plat Approval, and Final Resubdivision Plat Approvals, to G.A.Z., Inc., an Illinois corporation for the property located at Butterfield, Milwaukee, the EJ&E commonly known as the Cuneo Estate

WHEREAS, the property legally described in Exhibit A, attached hereto and by this reference incorporated herein (the "Property") is part of an approved special use for a Regional Planned Unit Development ("R.P.U.D.") which was established by the Annexation Agreement of the Cuneo Estate property, said Agreement dated November 15, 1988, pursuant to Chapter 20A of the Village of Vernon Hills Zoning Ordinance of 1982, as amended (the "Zoning Ordinance"), which special use is also known as the Cuneo Estate; and

WHEREAS, G.A.Z., Inc. ("Zale") has petitioned the Village of Vernon Hills for Final R.P.U.D. Development Plan approval, Final Site and Landscape Plan approval, and Final Plat approval, for portions of the property legally described above, for use as a Residential Planned Unit Development; and

WHEREAS, Zale intends to develop the Property as a Residential Planned Unit Development, with a maximum of 2100 dwelling units and to donate to the Village of Vernon Hills ("Village") approximately 350 acres for development as a golf course and other park and open space; and

WHEREAS, the Village on March 3, 1996, March 27, 1996, and April 1, 1996 held public meetings before the Planning and Zoning Commission ("Commission") of the Village, reviewing the proposed Final R.P.U.D. Development Plan, Final Site and Landscape Plan, and Final Plats for the Property; and

WHEREAS, the President and Board of Trustees of the Village of Vernon Hills have received the report and recommendations of the Planning and Zoning Commission, which contains specific findings of fact, pursuant to minutes dated April 2, 1996, a copy of which is attached hereto as Exhibit B, which is by this reference incorporated herein.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:

SECTION 1. Approvals.

1. Final R.P.U.D. Development Plan approval is hereby granted with respect to the property for a Final R.P.U.D. Development Plan as prepared by Alan Kracower & Associates, dated April 9, 1996, a copy of which is attached hereto as Exhibit C, which is by this reference incorporated herein, subject to the conditions set forth in Section 2.

2. Final Site Plan and Landscape Plan approval for plans as prepared by Alan Kracower & Associates dated April 9, 1996, as attached hereto as Exhibit D, is hereby granted to pods 1 through 3, 5, 6, and 8 through 18 as noted on the R.P.U.D. Plan dated April 9, 1996, subject to the conditions set forth in Section 2. For each of the remaining pods as noted on the Final R.P.U.D. Development Plan dated April 9, 1996, a Final Site Plan and Landscape Plan, prepared to the requirements of Chapter 20(A) of the Zoning Ordinance must be submitted and approved by the Village pursuant to the Regulations thereunder.

3. Final Plats of Subdivision, are hereby approved, for the overall Plats of Subdivision, as prepared by Spaceco, Inc., dated April 9, 1996, copies of which are attached hereto as Exhibit E, which is by this reference incorporated herein, subject to the conditions set forth in Section 2.

4. Final Plats of Resubdivision are hereby approved in accordance with the Final Plats of Resubdivision for the property, as prepared by Spaceco, Inc., for pods 1 through 3, 5, 6 and 8 through 18, as dated April 9, 1996, copies of said plats are attached hereto as Exhibit F, which is by this reference incorporated herein, subject to the conditions set forth in Section 2. Prior to recordation of the Plats, any changes required to conform the Plats to Final Engineering approval shall be made, and the subsequently revised and dated Plats shall be approved by subsequent Resolution of the Board of Trustees. For all remaining pods, Final Plats of Resubdivision shall be submitted and approved in conformance with Village Ordinances.

SECTION 2. Conditions. The the approvals set forth in Section 1, are expressly made subject to the following conditions:

1. Approval of R.P.U.D. Development Plan. Approval is conditioned upon the following:

- (a) Providing to the Village an accurate legal description of the Property verified by a survey.
- (b) Approval of final engineering.
- (c) Conformance with comments raised by the Village of Vernon Hills in the technical review comments, attached hereto as Exhibit G, hereby incorporated herein.
- (d) Exterior lighting shall be approved at the time of final approval of the individual pods. Decorative light fixtures will be used. This approval shall be subject to approval by the Board of Trustees. Streetlight fixtures throughout the Property shall be uniform.
- (e) Architectural approval as required by Section 20(A) of the Village Code shall be as follows:
 - (i) Architectural Plans for the single-family pods which are not custom home pods, shall be submitted and approved by the Village at the time of request for development permit approval.
 - (ii) Architectural Plans for the single-family pods which are custom home pods shall be approved by an architectural review committee which shall be formed by the developer. If these pods are sold to a production developer architectural approval pursuant to (i) is required. Any home builders selling from a model shall require that model to be approved by the Village.
 - (iii) Vehicular access to the park adjacent to Pod 9 will be provided.
 - (iv) Architectural Plans for the multi-family pods shall be approved at the time of final site plan approval for the individual pods. No approval is granted at this time.
 - (v) The Village may, in granting architectural approval for any pod, create and enforce monotony standards.
 - (vi) See Paragraph 2 for landscape requirements.

- (vii) The architectural and home construction standards set forth in Paragraph 7 shall apply here.
- (f) Any change in the type of dwelling unit as set forth on the Final R.P.U.D. Development Plan within a pod shall require approval by the Village at the time Final Site Plan approval is sought for that pod.
- (g) The number of units set forth in the Final R.P.U.D. Development Plan, with respect to any multi-family pod, shall be considered the maximum number of dwelling units which may be developed within such pod, subject to all conditions set forth hereon, and subject to the required Final Site Plan approval for each pod.
- (h) Minimum building setbacks shall be in accordance with the Village Zoning Ordinance, and the Ordinance Granting Preliminary Approval, as applicable, except for the lots listed on Exhibit H attached hereto, whereby for those lots, the setback will be allowed to include the outlot areas. All setbacks will be shown on the Plats of Resubdivision.

2. Landscape Plan Approval Conditions. Approval of the Landscape Plans dated April 9, 1996 shall be subject to the following:

- (a) Conformance with the Village landscape architects, James Dowden & Associates, comments and such other comments as have been provided by Village staff as are contained in Exhibit G.
- (b) Automatic mechanical irrigation equipment will be constructed for the major road landscape entrance treatments on Gregg's Parkway, and shall be done by Zale, and the landscape entrance treatment for all pods, which shall be done by the Pod Developer.
- (c) Developer, or its successors and assigns, will guaranty all trees that are installed along the parkways along Gregg's Parkway and Huntington Drive extension for a period of five (5) years. All trees shall be required to be established for a period of five (5) years. If a tree dies and is replaced within the first five (5) year period, a replacement tree must also be guaranteed to be established for five (5) subsequent years from the date of replacement. The Village arborist will assist Zale in the review and cataloging of these trees.

- (d) No approval is hereby given for the individual pod monument signs at this time. The monument signs will be submitted and approved at the time of architectural approval and upon development approval for each pod. Monument signs shall be required to be placed within outlots which will be deeded to a homeowners association to be formed by Zale, or in locations otherwise approved by the Village.
- (e) Landscape Plan approval is conditioned upon subsequent approval of the type of fence and landscape treatment installed by the Developer along Butterfield Road. This approval shall be required to be received by the Village Board.
- (f) The Developer will draft and submit for Village approval a set of landscape maintenance standards for the common area landscaping located throughout the project. Once approved, these standards shall be considered a condition of this approval and subsequent development permit approvals for any construction throughout the project. Further, these standards shall become part of the covenants for the overall project.
- (g) At the time of development permit review and approval of the individual pods, minimum standards for landscaping requirements for single-family detached home lots shall be approved. At a minimum, for all single-family production home lots (except for patio homes), the Developer shall be required to place two (2) trees on each lot, which trees shall be planted prior to issuance of a certificate of occupancy. For all golf course lots, an average of two (2) trees per lot shall be placed within ten (10') feet of the rear lot line, which shall be planted prior to issuance of a certificate of occupancy. For custom home pods, the Architectural Review Committee to be formed by Zale shall review the individual landscape plans, approve them and mandate a maximum time for which landscaping must be installed. The time for landscaping to be installed on custom home lots shall be part of the covenants recorded against those properties.
- (h) No fences shall be allowed, except for patio:
 - (i) privacy fences and dog runs as provided for within the Village Zoning Ordinance; and

- (ii) as otherwise approved by the Village along Butterfield Road, the Railroad, and the Commercial Parcels.

This should also become part of the covenants which are being created and recorded against the property.

- (i) The sides of the road along the extension of Huntington Drive, an entrance treatment at Huntington Drive and Butterfield Road, and the sides of the road along Lakeview Parkway, shall be landscaped in a manner similar to Gregg's Parkway. Plans shall be submitted for approval by the Village Board prior to construction.

3. Final Plats of Subdivision and Resubdivision Approval Conditions. Approval of the overall Final Plats of Subdivision and Resubdivision are conditioned on:

- (a) The approval of final engineering and compliance with conditions contained in the technical review comments in Exhibit G from Village staff to Zale. These will include all issues regarding plats, easements, and covenants.
- (b) The covenants being submitted for approval prior to a development permit being issued for any portions of the site.
- (c) Any outlots required for monument signs pursuant to paragraph 2, above, shall be shown on the Plats of Resubdivision prior to recordation.

4. Other Governmental Entity Approvals. The approvals granted herein are subject to the following:

- (a) Any approvals by Lake County as required in the Lake County Land Management Resource Agreement, the Lake County Water and Sewer Agreement, and the Lake County Road Agreement, which are hereby incorporated by reference.
- (b) A water shed development permit to be issued by the Stormwater Management Agency of Lake County.

- (c) The permit issued by the Army Corps of Engineers, No. 199500115, dated February 5, 1995, the terms and conditions of which are incorporated by reference.
- (d) Department of Water Resource approvals as to flood plain and dam construction.

5. Development Permit. While the Village has, by this Ordinance, granted Final R.P.U.D. Development Plan approval, Final Plat approval as to the overall Plats of Subdivision, and Final approval of Plats of Resubdivision as to pods 1 through 3, 5, 6, and 8 through 18, no building permit and/or land development permit is hereby granted for any portion of the Property. Prior to construction of public improvements within any pod (including but not limited to storm sewer, sanitary sewer, water lines, road surface, curb, gutters, sidewalks) and construction of any model home or other dwelling unit, a development permit for such pod must be issued by the Village of Vernon Hills. In order to request a development permit, the following items must be submitted for review and approval by the Village:

- (a) Final Site Plan for the Pod for which a development permit is sought, except to the extent approved in Section I, Paragraph 2;
- (b) Final Landscape Plan for the pod for which a development permit is sought, except to the extent approved in Section I, Paragraph 2;
- (c) Sufficient engineering plans for construction of the improvements thereon for the Pod for which a development permit is sought;
- (d) Architectural plans, elevations and material samples for the dwelling units to be constructed on said pod, if applicable;
- (e) Any declarations and covenants which may be required for the Pod in question.

The Village will review said documents within two (2) weeks of submittal and comments will be sent back to the person requesting a development permit. A development permit request will be set for a public meeting before the Planning and Zoning Commission as soon as all materials set forth herein are submitted and reviewed to the satisfaction of the staff of the Village of Vernon Hills. The Planning and Zoning Commission will either recommend approval for development permit, or will indicate what changes are required. The Development Permit Request will then be forwarded to the Village Board for their review and approval. The Village Board will thereafter pass a resolution granting a development permit for the pod for which the

request was received. Prior to issuance of the development permit, the following must be submitted to the Village:

- (a) Performance security in the form requested by the Village to guaranty construction of the public improvements;
- (b) Insurance as required by the Village Development Ordinance; and
- (c) Proof of ownership of the pod in question.

6. Incorporation of Prior Documents. The Resolution approving Preliminary Plan of Development for Gregg's Landing contained in Resolution No. 95-07, is by reference, incorporated herein. The Ordinance amending and granting Preliminary Plan approval, Ordinance No. 96-30 is hereby incorporated by reference. The conditions contained therein, except where amended by this Ordinance, shall also control the development of the Property. The Development Agreement between the Village and Zale, dated April 2, 1996 is also incorporated herein and shall supplement the conditions herein and is attached hereto as Exhibit I. Failure to comply with the terms contained therein shall be considered to be a default of the terms of this Resolution, allowing the Village to instigate proceedings to revoke this approval or to compel compliance.

7. Architectural and Home Construction Standards. All residential units constructed on the Property shall comply with the following:

- (a) Each single-family detached residential unit shall be constructed with a full basement unless precluded by a high water table.
- (b) Each residential unit shall have, at a minimum, a two-car garage, and two additional parking spaces immediately adjacent to the unit. This requirement shall not apply to multi-family residential units classified as R-2 Use Group type dwelling units with shared garages.
- (c) Face brick of a minimum of four inches (4") nominal thickness (typical), or the equivalent natural material, shall be installed on all sides of the first floor of each residential unit, unless specifically varied at the time of development permit approval by resolution of the Village Board.
- (d) Face brick or equivalent natural materials shall be installed on all sides of any chimney.

- (e) Face brick, cedar siding or equivalent quality material approved by the Village, shall be installed on all sides of the second floor of each residential unit.
- (f) Roof shingles shall be random tab, laminated architectural shingles of 265 pounds (25 year minimum warranty), or heavier material. Shingles are not required for flat roof buildings constructed as multi-family, Use Group R-2 dwelling units.
- (g) If the home to be constructed is a single-family detached home, the minimal habitable area for the home shall be set forth as follows:
 - (i) In pods with a minimum lot size of up to 11,999 square foot lot; minimum habitable area of home - 2,150 square feet;
 - (ii) In pods with a minimum lot size of a minimum of 12,000 square feet to 14,999 square foot; minimum habitable area of single-family detached home - 2,300 square feet; and
 - (iii) In pods with a minimum lot size of 15,000 square feet or greater; minimum habitable area of single-family home - 2,600 square feet.

All numbers are net of basement areas.

- (h) For all other dwelling unit types the minimum residential unit size shall be as follows:
 - (i) For two-family attached and single-family attached (townhomes) residential units, the then current standards of the Village Zoning Ordinance shall control.
 - (ii) For multi-family dwelling units, classified as R-2 Use Group, as constructed with shared parking garages, the minimum unit size as set forth in the Annexation Agreement shall control.
- (i) The maximum floor area ratio for all single-family residential units (except patio homes) are as follows:
 - (i) For all lots not adjacent to the golf course, or public open space - .36 F.A.R.;

- (ii) For all lots adjacent to the golf course or public open space
- .4 F.A.R.;

NOTE: Adjacent is where a rear or side lot line, for a distance of a minimum of 40 feet is on the boundary of golf course or public open space parcels.

8. Covenants and Declarations. The Developer shall be responsible for creation of a homeowners association to maintain common areas, all landscaping along Gregg's Parkway and Butterfield Road (including any fencing), and any detention areas which are not constructed on Village Lands. Submission, review and approval, by the Village, of the Declarations shall be a condition of issuance of a building permit for any dwelling unit.

SECTION 3. Execution. That the President and the Village Clerk and all necessary and appropriate officers of the Village be and the same are hereby authorized to execute:

1. The Final R.P.U.D. Plan;
2. The Final Site Plans approved hereby;
3. The Final Landscape Plans approved hereby;
4. The Final Plats of Subdivision of the overall property approved hereby; and
5. The Final Resubdivision Plats approved hereby.

SECTION 4. Findings of Fact. The findings of fact reported by the Planning and Zoning Commission in Exhibit B are expressly adopted, except as modified herein by the approvals granted hereby, by the President and Board of Trustees and incorporated herein by reference as set forth in full.

SECTION 5. Compliance and Annexation Agreement. Except as noted herein, or caused by the approval of all of the heretofore listed plans, the Annexation Agreement for the property dated November 15, 1988, and the Amendment to the Annexation Agreement, dated April 2, 1996, shall control. Where in conflict with said Annexation Agreements, this Resolution and the Development Agreement, between the Village and Zale dated April 2, 1996, shall supersede the Annexation Agreement and Amendment.

SECTION 6. County Ordinances. The Village has approved and executed a Land Resource Management Agreement covering the property, dated June 13, 1995. Where this Resolution is in conflict with the Land and Resource Management Agreement, that Agreement shall control.

SECTION 7. Severability. In the event that any section, clause, provision or part of this Resolution shall be bound and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part shall remain in full force and effect. If any part of this Resolution is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid application shall remain in effect.

SECTION 8. Golf Course Development. The approvals contained herein are conditioned upon execution by the Village of an Agreement with a qualified golf course developer.

SECTION 9. Repeal and Savings Clause. All ordinances and resolutions or parts of ordinances and resolutions in conflict hereto 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 prior to the effective date of this Resolution.

SECTION 10. Effective Date. This Resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 11. Resolution Number. This Resolution shall be known as Resolution No. 96-06.

Adopted by Roll Call Vote as follows:

Ayes: Cashman, Emery, Henley, Hook Koch, and Hebda

Nayes: None

Absent: None

Not Voting: None

Passed: April 9, 1996

Approved: April 9, 1996

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VILLAGE OF VERNON HILLS

By: *Roger L. Byrd*
Village President

ATTEST:

By: *Kathleen A. Rupp*
Village Clerk