

VILLAGE OF VOLO
REZONING and PLANNED UNIT DEVELOPMENT ORDINANCE
(Four Oaks Property)

WHEREAS, HARRIS BANK PALATINE, N.A., not personally, but solely as Trustee under a Trust Agreement dated January 2, 1996, and known as Trust No.6641, HARRIS BANK PALATINE N.A., not personally, but solely as Trustee under a Trust Agreement dated September 26, 1996, and known as Trust No.6734, HARRIS BANK PALATINE, N.A., not personally, but solely as Trustee under a Trust Agreement dated December 1, 1997, and known as Trust No. 6843, Four Oaks L.L.C., Daniel Trust, Wade Trust, Shannon Trust, W.S. Trust and Light Trust (hereinafter collectively referred to as the "OWNERS") of the property (the "SUBJECT PROPERTY") hereinafter described on Exhibit A attached hereto and made a part hereof, have petitioned the Village of Volo (the "Village") for Annexation and Rezoning to MU-III Mixed Use District and for Planned Unit Development ("PUD") approval subject to provisions of an Annexation Agreement; and

WHEREAS, a public hearing has been held before the Plan Commission of the Village after proper notice pursuant to law; and

WHEREAS, the annexation and rezoning of the SUBJECT PROPERTY as a PUD is in the best interests of the Village and consistent with the general intentions of the Mixed Use District; and

WHEREAS, the SUBJECT PROPERTY is under unified control, and is more than two acres in area; and

WHEREAS, the rezoning of the SUBJECT PROPERTY and said PUD are compatible with surrounding uses and will not be detrimental to surrounding properties; and

WHEREAS, adequate provision has been made for parking and ingress and egress so as to minimize traffic congestion and promote public way.

WHEREAS, the Owners have requested and the Plan Commission has made the recommendation that the development of the SUBJECT PROPERTY proceed pursuant to either 1) a Primary Conditional Use Permit or 2) an Alternate Conditional Use Permit.

WHEREAS, the Plan Commission has made its recommendations to the President and Board of Trustees; and

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Volo, Lake County, Illinois that:

SECTION 1. The Corporate Authorities find the facts stated in the preamble to this ordinance are true.

SECTION 2. The SUBJECT PROPERTY, commonly known as the Four Oaks property and legally described in Exhibit A, be and the same is hereby rezoned to the MU-III Mixed Use District classification with PUD approval in accordance with the Zoning Ordinance of the Village as amended and subject to the election of the Owners to development of the SUBJECT PROPERTY pursuant to the provisions of an Annexation Agreement heretofore approved by the Village and either the Primary Conditional Use Permit attached hereto and made a part hereof as Exhibit 1 or the Alternate Conditional Use Permit attached hereto and made a part hereof as Exhibit 2.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law. This ordinance shall be published in pamphlet form.

Passed this 15th day of October, 1998 by roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Yvonne Crow	<u>X</u>	_____	_____	_____
Trustee Delmar Maassel	<u>X</u>	_____	_____	_____
Trustee William Grams	<u>X</u>	_____	_____	_____
Trustee Eric Nielsen	<u>X</u>	_____	_____	_____
Trustee Arthur Hill	<u>X</u>	_____	_____	_____
Trustee Naomi Wick	<u>X</u>	_____	_____	_____
President Burnell C. Russell	_____	_____	_____	_____

APPROVED THIS 15th DAY OF OCTOBER, 1998:

Burnell C Russell
President Burnell C. Russell

(SEAL)

ATTEST: LaVerne Drake
Village Clerk LaVerne Drake

Published: October 14, 1998

**EXHIBIT A
LEGAL DESCRIPTION**

The East half of the South East Quarter of Section 22, Township 45 North, Range 9, East of the Third Principal Meridian (except the North 208.71 feet of the West 208.71 feet of said East Half of the South East Quarter Section and also except William Tonyan's Nippersink Acres, being a Subdivision in the East Half of the South East Quarter of Section 22, Township 45 North, Range 9, East of the Third Principal Meridian), in Lake County, Illinois.

PINS: 05-22-400-011, 05-22400-011-0010 and 05-22-400-011-0011

AND ALSO

Parcel 1: The North 158.4 feet of the South 323.4 feet of the West half of the South West Quarter of the North West Quarter of the South East Quarter of Section 22, Township 45 North, Range 9, East of the Third Principal Meridian, in Lake County, Illinois.

Parcel 2: The East 330 feet of the North West Quarter of the South East Quarter of Section 22, Township 45 North, Range 9, East of the Third Principal Meridian, in Lake County, Illinois.

Parcel 3: The East Half of the North West Quarter of the South East Quarter of Section 22, Township 45 North, Range 9, East of the Third Principal Meridian (except the East 330 feet thereof), in Lake County, Illinois.

Parcel 4: The East Half of the South West Quarter of the North West Quarter of the South East Quarter of Section 22, Township 45 North, Range 9, East of the Third Principal Meridian, in Lake County, Illinois.

PINS: 05-22-400-006 (Affects Parcel 1), 05-22-400-010 (Affects Parcel 2) and 05-22-400-009 (Affects Parcels 3 and 4)

AND ALSO

Lot 18 and the southeasterly 60 feet of Lot 17, all in the Third Addition to Fisher's Subdivision, being a subdivision of part of the Southwest Quarter of Section 23 and part of the Northwest Quarter of Section 26, all in Township 45 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded December 21, 1965, as Document No. 1289430, in Lake County, Illinois.

PIN: 05-23-304-009

EXHIBIT 1

PRIMARY CONDITIONAL USE PERMIT

Upon the receipt of a written election from the Owners to the Village (and only upon receipt of such written election) whereby the Owners elect to develop the SUBJECT PROPERTY pursuant to this Primary Conditional Use Permit the Village of Volo hereby grants a conditional use permit to the Owners of the SUBJECT PROPERTY to develop the SUBJECT PROPERTY in conformance with the Preliminary Plat and the Preliminary Engineering prepared by Gewalt Hamilton dated June 5, 1998, as follows:

- 1) One hundred ten (110) dwelling units in duplex buildings (or a lesser number at the option of the Owners) on the portion of the SUBJECT PROPERTY designated "Attached Residences" on the Preliminary Plat with the lot areas and configurations substantially as shown on said Preliminary Plat dated June 5, 1998 and with no further Planned Unit Development approval required; and
- 2) One hundred fifty one (151) detached single family residences (or a lesser number at the option of the Owners) on the portion of the SUBJECT PROPERTY designated "Detached Residences" on said Preliminary Plat with the lot areas and configurations substantially as shown on said Preliminary Plat dated June 5, 1998 and with no further Planned Unit Development approval required; and
- 3) The Village hereby grants any and all variances, waivers and/or permits required by or from the Village's ordinances, regulations and/or procedures, as may be necessary or desirable, in the reasonable discretion of the Owners, to allow the development of the Subject Property in substantial accordance with the Preliminary Plat, Preliminary Engineering, the Annexation Agreement and this Primary Conditional Use Permit.

EXHIBIT 2

ALTERNATE CONDITIONAL USE PERMIT

Upon the receipt of a written election from the Owners to the Village (any only upon receipt of such written election), whereby the Owners elect to develop the SUBJECT PROPERTY pursuant to this Alternate Conditional Use Permit, the Village of Volo hereby grants a conditional use permit to the OWNERS to develop the SUBJECT PROPERTY as follows:

- 1) Two hundred ninety five (295) apartment dwelling units, (or a lesser number at the option of OWNERS) substantially in the location designated on the Alternate Land Use Plan dated August 27, 1998 as "Apartments" and provided that final engineering for 295 apartments can be designed in compliance with the ordinances of the Village as limited and/or modified by the terms and conditions of the Annexation Agreement with no further Planned Unit Development approval required; and
- 2) Eighty (80) townhouse dwelling units (or a lesser number at option of OWNERS) substantially in the location designated on the Alternate Land Use Plan dated August 27, 1998 as "Attached Residential" with no further Planned Unit Development approval required ; and
- 3) Eighty-two (82) detached single family dwelling units (or a lesser number at the option of OWNERS) substantially in the location designated on the Alternate Land Use Plan dated August 27, 1998 as "Detached Residential"; with no further Planned Unit Development approval required; and
- 4) a commercial development subject to the further approval by the Village of a Planned Unit Development Ordinance in accordance with the ordinances of the Village as limited and/or modified by the terms of the Annexation Agreement for the SUBJECT PROPERTY, substantially in the location designated "Commercial" on the Alternate Land Use Plan dated August 27, 1998, with the following uses permitted by right by the granting of this Conditional Use Permit on the commercial portion of the SUBJECT PROPERTY:

Advertising Agency
Advertising Display Construction
Agricultural implement sales, service
Agricultural Supplier's Storage and Service
Center
Antique Sales

Appliances, Sales, Repair or Service
Archery Range, Indoor
Art Gallery, Commercial
Art Supply Store
Automobile Parking Garage or Lot, but
 only in conjunction with a permitted use
Automobile sale, supplies and service
Bakery, Retail
Bank
Barber Shop
Beauty Shop
Bicycle Sales or Repair
Boat sales, storage, service and rental
Boatworks, custom building and repair only
Book Store
Bowling Alley
Building material sales provided storage is
 indoors.
Business Machine Repair, Servicing, Sales
Business Park as herein defined
Camera Shop
Carpet and rug cleaning plant
Catalog Sales Office or Mail-Order Store
Catering Service
Child Care Facility
Cigar, Cigarette, Tobacco Store
Cleaning and Dyeing, Retail with all
 Cleaning and Processing Off-Site
Clothes Pressing and Repair Shop
Clothing Store
Coin-Operated Amusement Devices
Contractor's Equipment Storage, Indoor
Contractor's Equipment Storage, yard
Currency Exchange
Dairy Products Sales
Day Care Center
Department Store
Detective Agency
Dressmaker's Shop
Drug Store
Dry cleaning and dyeing plant
Dry Goods Store, Retail
Employee Food Service Facility
Employment Office
Engineering Office
Exterminating and fumigating shop
Fish Market, Retail
Floor Covering Sales
Florist Sales
Food locker
Fruit and Vegetable Market, Retail
Fuel: oil, coal, wood sales
Funeral Home, Mortuary
Furnace and Water Heater Sales,

Display, Repair Service
Furniture Repair & Sales
Furniture Sales
Garden center
Gas, butane and propane sales
Gift shop
Greenhouse, non-retail
Greenhouse and/or nursery center
Grocery Store or Supermarket
Hardware Store, Retail
Health Club or Gymnasium
Health Food Store
Hearing Aid Sales
Hobby Shop
Home for the Aged
Hospital
Hotel/Resort
Ice Cream Shop
Insurance Office
Interior Decorators
Jewelry, Sales
Laundry, Retail
Leather Goods Sales
Library, Municipal Building
Liquor Store
Loan Agency, Money
Locksmith
Lumber, retail sales
Machinery storage yard
Magazine and News Store
Mail Order House
Marina
Meat Market, Retail
Medical Clinic
Mental Health Clinic
Motion Picture Theater, Enclosed
Motorcycle Sales, Service
Music, Musical Instrument, and Records,
Sales and Service
Nursery, Non-Retail
Nursing Home or Convalescent Home
Office Equipment and Supplies,
Retail Sales and Service
Offices
Ornamental iron work shop
Paint and Wallpaper Sales
Pawn Shop
Pet Shop
Photography Studio
Picture Frame Sales and Service
Planned Unit Development
Plumbing Supplies and Fixture Sales, Retail
Radio and TV Sales or Repair
Real Estate Office

Real Estate Project Sales Office Temporary,
Subject to Village Board Approval
Rental of Equipment and Supplies,
Restaurant, Other than fast food
Restaurant, Fast Food
Savings and Loan Association
Schools
Seminary, Theological
Septic tank sales, service
Shoe Repair Shop
Shopping Centers with any one store
under 15,000 sq. ft.
Shopping Centers with any one store
over 15,000 sq. ft.
Sign Shop
Signs (subject to Village Sign Ordinance)
Skating rink, ice or roller
Ski or toboggan club, polo club
Souvenir, Curio Sales
Sporting Goods, Sales
Stationery, Retail Sales
Tailor
Tavern, Night Club
Taxidermist
Ticket Office
Toy Store
Travel Agency
Truck sales, repair
Truck, trailer rental
Upholstery Shop
Utility service yard or garage
Veterinary clinic
Warehouse
Warehouse, ancillary to permitted or
Special Use
Watch, Clock, Sales and Repair Shop
Water Softening Equipment Sales, Service
Wholesaling and Storage of Goods
or Materials

- 5) In connection with the development approval for the "commercial" portion of the SUBJECT PROPERTY, a roadway shall be required providing access from the residential portion of the SUBJECT PROPERTY through the commercial portion of the SUBJECT PROPERTY to the frontage road of Route 12 located as mutually agreed upon by OWNERS and the VILLAGE provided such location shall minimize as much as possible impact upon the development of the commercial portion.
- 6) The development of the SUBJECT PROPERTY shall be in compliance with the bulk standards set forth in Exhibit I to the Annexation Agreement.