

**MINUTES
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF VERNON HILLS
JANUARY 19, 2010**

IN ATTENDANCE: President Byrne called the meeting to order at 7:55 p.m. The following Trustees were present: Hebda, Koch, Marquardt, Schwartz, Williams. Trustee Schultz was absent.

Also present were Village Manager Allison, Assistant Village Manager Kalmar, Finance Director Nakrin, Chief of Police Fleischhauer, Village Engineer Brown, Public Works Director Laudenslager, Commissioner Atkinson, Attorney Kenny and Village Clerk Pelletier.

1. APPROVAL OF 1/05/2010 COMMITTEE OF THE WHOLE MINUTES.

Motion by Trustee Schwartz, second by Trustee Williams approval of the 1/05/2010 Committee of the Whole Minutes. Roll call vote:

AYES: 5-Marquardt, Schwartz, Williams, Hebda, Koch

NAYS: 0-None

ABSENT AND NOT VOTING: 1-Schultz

Motion carried.

2. JAMES MARTIN ASSOCIATED, INC -CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING REQUESTS FOR REZONING OF A PORTION OF PROPERTY LOCATED AT 59 EAST US HIGHWAY 45 AND A SPECIAL USE PERMIT TO ALLOW FOR THE OPERATION OF LANDSCAPING YARD AND OFFICE ONTO PROPERTY LOCATED AT 29 EAST US HIGHWAY 45.

Assistant Village Manager Kalmar stated representatives of James Martin Associates had appeared before the 1/06/2010 Planning and Zoning Commission to request approval of the rezoning of a portion of their existing property from R-1, Single Family Residential to B-1, General Business and a Special Use Permit to expand their business.

The Commission voted unanimously (5-0) to recommend approval to amend the zoning classification from R-1, Single Family Residential to B-1, General Business for the subject property and the Special Use Permit use 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.

The Special Use Permit shall be 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 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.

- 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

Motion by Trustee Williams, second by Trustee Marquardt approval to direct staff to prepare the necessary ordinance granting approval to rezone a portion of property at 59 East US Highway 45 and grant approval to a Special Use Permit to establish a landscaping office and yard and allow the continuation of the use of two residential units within the former synagogue at 29 East US Highway 45, subject to compliance with conditions as presented. Roll call vote:

AYES: 5-Schwartz, Williams, Hebda, Koch, Marquardt

NAYS: 0-None

ABSENT AND NOT VOTING: 1-Schultz

Motion carried.

3. FIVE GUYS BURGERS & FRIES – CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A FAST FOOD RESTAURANT KNOWN AS FIVE GUYS BURGERS & FRIES WHICH PROVIDES CARRY-OUT SERVICE FOR PROPERTY LOCATED AT 701 N. MILWAUKEE AVENUE, SUITES 128, 132 & 136.

Assistant Village Manager Kalmar stated representatives of Five Guys Enterprises, LLC, appeared before the 1/06/2010 Planning and Zoning Commission to request approval of a Special Use Permit to allow the operation of a fast food restaurant known as Five Guys Burgers & Fries, which would provide a carry-out service at the Rivertree Court Shopping Center, 701 N. Milwaukee Avenue, Suites 128, 132 & 136, units. The trash enclosure area would need to be addressed to accommodate a separate dumpster and grease containers.

The Planning and Zoning Commission voted unanimously (5-0) to recommend approval of a Special Use Permit to allow for the operation of a fast food restaurant known as Five Guys Burgers & Fries which provides carry-out service, subject to the following conditions.

- a) Compliance with plans prepared by Soos & Associates, Inc entitled Presentation Board, consisting of Page A1 and dated August 5, 2009. The plans may be updated to reflect additional conditions required by the Commission or Village Board.
- b) Adequate outdoor storage of trash and food waste within an enclosed area shall be provided for the use. If, in the option of the Building Commissioner, an expansion of the existing enclosure area at the south end of the building to house the dumpster and grease containers for this use is required, the expansion shall be designed to be architecturally consistent with the building and existing enclosures. The Village may require additional landscaping to screen the enclosure or replace plant material adjacent to the existing enclosure that may be lost due to the construction. The expansion of the garbage enclosure shall be completed prior to issuance of any certificate of occupancy.
- c) Receipt of all required licenses from the Village and Lake County Health Department prior to issuance of a certificate of occupancy.
- d) Compliance with the Village Sign Ordinance which would also includes the outdoor umbrellas.

- e) Movement of the outdoor table closest to the corner as identified in the plans to maintain adequate sight distance and pedestrian movements subject to Staff review in terms of site movement and turning.
- f) Compliance with all ordinances and standards of the Village except as may otherwise be provided.

Motion by Trustee Williams, second by Trustee Marquardt approval to direct staff to prepare the necessary ordinance granting approval of a Special Use Permit to allow for the operation of a fast food restaurant known as Five Guys Burgers & Fries, which would provide a carry-out service at 701 North Milwaukee Avenue, subject to compliance with conditions as presented. Roll call vote:

AYES: 5-Schwartz, Williams, Hebda, Koch, Marquardt

NAYS: 0-None

ABSENT AND NOT VOTING: 1-Schultz

Motion carried.

4. GLACIER ICE RINK AGREEMENT.

Finance Director Nakrin stated the Glacier Ventures representative was unable to attend the meeting. Glacier was given three options and they had agreed to seven \$50,000 payments commencing June 1, 2005 through June 1, 2011. In 2007, the due date was moved from June 1st to September 1st in order to accommodate Glacier's cash flow, in which the four \$50,000 payments due in 2005, 2006, 2007 and 2008 were made. Glacier had requested additional relief in their payments and Mr. Nakrin had recommended the agreement be extended one more year with no payment being made in 2009, and a \$55,000 payment being made in 2012, which would represent an approximate 3.25% return on 50,000 compounded annually over three years. Motion by Trustee Schwartz, second by Trustee Marquardt approval to extend the agreement to 2012 as presented. Roll call vote:

AYES: 5-Williams, Hebda, Koch, Marquardt, Schwartz

NAYS: 0-None

ABSENT AND NOT VOTING: 1-Schultz

Motion carried.

5. VHAC FUTURE MAINTENANCE - RESPONSIBILITY AND COSTS.

Public Works Director Laudenslager presented the plan outlining the responsibilities for maintenance of the VHAC in 2010. The VHCYAA would undertake the daily maintenance of the six baseball fields, which would reduce the Landscape Concepts Management contract amount for 2010. The Park District would continue to provide their service and equipment as in the past. The Cougar cost would approximately \$45,000. Topsoil would be replaced each season as needed.

6. METRA PARKING RATE INCREASE

Public Works Director Laudenslager stated Metra had approved the increase of parking fees from \$1.50 to \$1.75 per day for the 680 parking spaces and 7 seven long-term parking spaces at the Vernon Hills Metra Station. Two hundred plus vehicles were parked in the lot on a daily basis. Staff recommended increasing the bi-monthly pass to \$55 effective March/April 2010.

7. **ADJOURNMENT.**

Motion by Trustee Koch, second by Trustee Schwartz approval to adjourn the Committee of the Whole meeting and reconvene the Board meeting. Roll call vote:

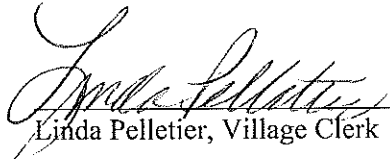
AYES: 5-Hebda, Koch, Marquardt, Schwartz, Williams

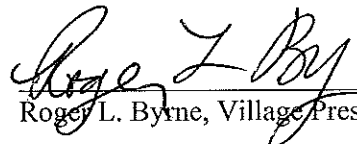
NAYS: 0-None

ABSENT AND NOT VOTING: 1-Schultz

Motion carried.

Meeting adjourned at 8:35 p.m.


Linda Pelletier, Village Clerk


Roger L. Byrne, Village President