

**MINUTES**  
**COMMITTEE OF THE WHOLE MEETING**  
**VILLAGE OF VERNON HILLS**  
**August 3, 2010**

IN ATTENDANCE: Village President Byrne called the meeting to order at 8:04 p.m. The following Trustees were present: President Byrne, Trustees Koch, Marquardt, Schultz, Schwartz, Williams. Trustee Hebda was absent.

Also present were Village Manager Allison, Assistant Village Manager Kalmar, Public Works Director Brown, Building Commissioner Atkinson, Attorney Kenny and Recording Secretary Fischbach

**1. APPROVAL OF 7/20/2010 COMMITTEE OF THE WHOLE MINUTES.**

Motion by Trustee Marquardt, second by Trustee Williams to approve the 7/20/2010 Committee of the Whole Minutes.

Roll call vote:

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

NAYS: 0 None

ABSENT AND NOT VOTING: 1 - Hebda

Motion carried.

**2. MARIANO'S FRESH MARKET – CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING REQUESTS VARIOUS APPROVALS RELATED TO THE PROPOSED DEVELOPMENT OF MARIANO'S FRESH MARKET IN THE SHOPPES OF GREGG'S LANDING LOCATED AT SOUTHWEST CORNER OF MILWAUKEE AVENUE (ROUTE 21) AND GREGG'S PARKWAY.**

Mr. Kalmar indicated that Matt Knopf from Bradford Real Estate and Dan Farrell from Roundy's appeared before the Planning and Zoning Commission at its July 21, 2010 meeting to request approval to amend the approved Special Use Permit for the Planned Unit Development to permit the resubdivision of Lots 6 and 7 to create seven (7) lots, the expansion of the retail commercial center to allow a grocery store (Mariano's Fresh Market) and certain variations including but not limited signage and required parking and loading for the use. As well as preliminary and final approval of the site and landscaping plans, architectural elevations including signage and approval of the amended Plat of Re-subdivision for Lots 6 & 7.

The request was in regards to their plans for a new 70,000 square foot Mariano's Fresh Market to be located on approximately 6 acres directly north of Lowe's in the Shoppe's of Gregg's Landing. Roundy's is the parent company. The Commission voted 5-0 to recommend approval to amend the approved Special Use Permit for the Planned Unit Development to permit the resubdivision of Lots 6 and 7 to create seven (7) lots, the expansion of the retail commercial center to allow a grocery store (Mariano's Fresh Market) and certain variations including but not limited to required parking and loading for the use subject to the conditions as set forth below:

### List of Variances

1. To allow a reduction in the number of parking spaces on Lot 6 (Mariano's) from 354 spaces as required by the Annexation Agreement/Zoning Ordinance to 286 spaces and a reduction in the parking stall size on Lot 6 from 9'x 20' to 9'6" x 18". Ten of these spaces will be occupied by cart corrals
2. To allow a reduction in the number of loading spaces on Lot 6 (Mariano's) from 4 spaces as required by the Annexation Agreement/Zoning Ordinance to 2 spaces.
3. To allow the sign on the north elevation to be a maximum of 135 sq ft which exceed the maximum allowable size of 75 sq ft.

### General Compliance with the following plans:

1. Master Site Plan prepared by SHA (Schroeder & Holt Architects) with a date of July 21, 2010 and consisting of 2 pages (front sheet and colored site master plan).
2. Final Plat of Resubdivision of The Shoppes of Gregg's Landing prepared by V3 Consultants with a revised date of 6/11/10 and consisting of 1 page.
3. Landscaping Plans prepared by Hitchcock Design Group with a revised date of 7/14/10 and consisting of 2 pages (L1.00 thru 1.01).
4. Photometric Plans prepared by WLS Lighting Systems with a date of 6/8/10 and consisting of 1 page.
5. Architectural Plans, color elevations and material descriptions and colors prepared by SHA (Schroeder & Holt Architects) consisting of concept elevations for New Grocery Store (Mariano's Fresh Market) with a date of July 7, 2010 and consisting of 1 page.
6. Concept Signage Plan prepared by SHA (Schroeder & Holt Architects) consisting of color elevations for the wall signs and sign panels on the existing monument signs with a date of July 7, 2010 and consisting of 1 page.

### Conditions of Approval for the entire Site:

1. Final approval of plans by the Village Engineer and Landscape Architect
2. The Village Attorney shall review and approve the revisions to the REA Documents for the project prior to recordation of the Plat of Subdivision.
3. Unless otherwise stated herein, all signage shall comply with the Village's sign ordinance, being Chapter 19 of the Code of Ordinances
4. Direct access from the lots adjacent to the entry drive magazines (being Lots 7 & 9) and Gregg's Parkway (being Lots 7, 9 & 10) shall be prohibited.
5. The building materials for the Mariano's property (new Lot 6) shall comply with the materials samples boards prepared by SHA and dated July \_\_\_\_, 2010.
6. Where applicable, the petitioner/Roundy's shall use of "goose-neck" type lighting on the exterior elevations of the building and to illuminate the wall mounted signs. The petitioner will provide cut-sheet details on each of the lights shown on the plans.
7. For any vacant lot and new building(s), the Planning & Zoning Commission and Village Board shall review and approve all site, landscaping and architectural plans.
8. Signage for the Cart Return Pens shall be informational and shall not contain the store name or advertising.

9. The lighting standard for all properties within the development shall comply with the Village's standard 25 foot poles, shoe-box style fixtures with 400W bulbs. The proposed photometric plan shall be amended to comply with these proposed standards.
10. The landscape plans for the property shall be modified to include bike racks. The number and locations of these racks will be reviewed and approved by the Village Landscape Architect.
11. When warrants are met allowing for installation of a Traffic signal on Gregg's Parkway, the property owners for the individual lots shall pay for a proportionate share of the cost for the signal and related installation costs. The cost of said improvements will be shared pursuant to Ordinances 2007-25 and 2007-55. This cost will not exceed 50% of the cost and will be shared with the owner of the parcel north of Gregg's Parkway.
12. The REA Document shall specify that the berm located along the west property line shall be maintained in a manor free from trash or other debris. This maintenance activity shall occur on a weekly basis or when directed by the Village.
13. No parking spaces on site shall be converted to compact car size spaces so as to increase the total number of parking spaces without review and approval by the Village Board.
14. Compliance with the comments in the Landscape section of this report.
15. Compliance with all ordinance and standards of the Village except as otherwise noted.
16. Recognition of the extended warranty on the landscaping.
17. Recommendation that Roundy's provides operational statement for delivers that entry by truck would be limited to the extent practicable from Milwaukee Avenue
18. Petitioner agrees that landscaped island would be irrigated.
19. Work with the Village regarding the specifications for the requisite and appropriate size of the landscape islands.
20. To the extent reasonably practicable the Petitioner agrees to limit delivers to 7:00AM.

Chet Lis appeared before the COW to express support for the project. He also asked that the Board not granted toe variation to increase the size of the sign.

On a Motion by Trustee Williams, second by Trustee Koch, it is recommended that the staff be directed to prepare the necessary ordinance granting approval amend the approved Special Use Permit for the Planned Unit Development to permit the re-subdivision of Lots 6 and 7 to create seven (7) lots, the expansion of the retail commercial center to allow a grocery store (Mariano's Fresh Market) and certain variations including but not limited to signage and required parking and loading for the use and preliminary and final approval of the site and landscaping plans, architectural elevations including signage and approval of the amended Plat of Re-subdivision for Lots 6 & 7. Said motion shall be subject to compliance with conditions as set forth above

Roll call vote:

AYES: 6 - Koch, Marquardt, Schultz, Williams, Koch, Byrne

NAYS: 0 None

ABSENT AND NOT VOTING: 1 - Hebda

Motion carried.

### **3. PATHWAY DEVELOPMENT, LLC – CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING REQUESTS FOR APPROVAL OF A SPECIAL USE PERMIT TO**

**ALLOW A PUD ALONG WITH CERTAIN VARIATIONS FOR PROPERTY  
COMMONLY KNOWN AS LOT 4 IN THE DEERPATH ATRIUM SUBDIVISION**

Mr. Kalmar indicated that Robert Helle from Pathway Development, LLC appeared before the Planning and Zoning Commission at its July 21, 2010 meeting to request approval of a Special Use Permit for the Planned Unit Development to permit the resubdivision of Lot 4 in the Deerpath Atrium Subdivision to create a two lot subdivision. Approval of certain variations including but not limited to minimum lot size and width and building setbacks and separations on the new lots. Preliminary and final approval of the Plat of re-subdivision for Lot 4 known as Victory Centre Subdivision.

The Commission voted 5-0 to recommend approval of a Special Use Permit for the Planned Unit Development to permit the resubdivision of Lot 4 in the Deerpath Atrium Subdivision to create a two lot subdivision subject to the following conditions:

Conditions of Approval:

1. General Compliance with the Plat of Subdivision - Victory Centre prepared by Mackie Consultants, LLC consisting 2 pages with a date of July 1, 2010.
2. Final approval of the Plat of Subdivision by the Village Engineer.
3. With the Village acquiring Atrium Drive and its dedication as a public road, approval from the property owners association of changes to Atrium Drive adjacent to Lot 4 will not be required as previously set forth in Ordinance 2009-013.
4. As may be required by the Village Attorney, the petitioner shall prepare covenants or similar agreements that address the sharing of the parking lot by the two lots and maintenance of the parking lot and stormwater management easement. The Village Attorney shall review and approve said covenants or similar agreements prior to recording of the plat of subdivision.
5. The following variations are granted:
  - a. A reduction in the Minimum Lot Size and Width as set forth on the final plat of subdivision. It is recognized that once the building is constructed, the property line may have to be adjusted to match the as-built conditions on the property. If there is an encroachment by the building requiring adjustment of the property line, a plat of correction or other corrective document, the petitioner shall prepare the necessary document for the Village review, approval and recordable prior to issuance of a final certificate of occupancy for the building.
  - b. A reduction of the Minimum Building Setbacks and Separation to eliminate 30 foot setback from the side property line and a 30 feet minimum separation between all buildings along the common property line as long as the building remains in the configuration as set forth in Ordinance 2009-013.
7. Compliance with all conditions in Ordinance 2009-013 and 2010-030
8. Compliance with all ordinance and standards of the Village except as otherwise noted.
9. The Reciprocal Easement Agreement address crossing access & parking and common area/parking lot/stormwater detention maintenance and operation requirements shall be recorded.

Motion by Trustee Koch, second by Trustee Marquardt to direct staff to prepare the necessary ordinance approving the project granting approval of a Special Use Permit for the Planned Unit Development to permit the resubdivision of Lot 4 in the Deerpath Atrium Subdivision to create a two lot subdivision. Approval of certain variations including but not limited to minimum lot size and width and building setbacks and separations on the new lots. Preliminary and final approval of the Plat of re-subdivision for Lot 4 known as Victory Centre Subdivision. Said motion shall be subject to compliance with conditions as set forth above.

Roll call vote:

AYES: 1 - Koch, Marquardt, Schwartz, Williams, Byrne

NAYS: 0 - None

PRESENT: 1 - Schultz

ABSENT AND NOT VOTING: 1 -Hebda

Motion carried.

#### **4. COMPUSA - SALE TAX SHARING REQUEST**

Representatives from Shorewood Development Group, LLC, and Oxford Development have proposed to purchase the former Circuit City property in a joint venture to locate a CompUSA into the space. To aid in bringing CompUSA to the site they have requested financial assistance from the Village in the form of sharing sales tax revenue to assist with the development and interior build out of the property. The Developer and CompUSA anticipate \$20 million in annual sales and is requesting financial assistance in the form a 50/50 split sales tax revenues up to \$518,000 over a period of nine years. The Village would receive \$10,000 in sales tax revenue per year over the period of the agreement. The Board agreed to discuss the request in further detail with the Developer but expressed concern about entering into these types of agreements. Trustees Schultz, Marquardt and Koch, agreed to work with Staff and the Petitioner in meetings with the parties to review the related request.

#### **5. CONSIDERATION OF A TEXT AMENDMENT TO THE VILLAGES CODE OF ORDINANCES, CHAPTER 10, ARTICLE VI, SECTION 10-198(E), ALLOWING THE TEMPORARY OUTDOOR DISPLAY OF LANDSCAPE MATERIALS IN PARKING LOTS OF RETAIL BUSINESS.**

Building Commissioner Atkinson presented an amendment to Chapter 10, Article VI, Section 10-198(e) allowing outdoor display areas to be located in parking lots. This allowance would be granted on a limited basis in accordance with specific requirements and conditions.

Motion by Trustee Marquardt, second by Trustee Schultz to direct staff to prepare the necessary ordinance approving the amendment to Chapter 10, Article VI, Section 10-198(e) allowing outdoor display areas to be located in parking lots.

Roll call vote:

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

NAYS: 0 None

ABSENT AND NOT VOTING: 1 -Hebda

Motion carried.

#### **5. POLICY CONSIDERATION- ALGAE CONTROL OF LAKES AND PONDS**

Village Engineer Brown indicated that it is the beginning of algae season and residents have been calling about algae treatment for various ponds and lakes. The majority of the calls are related to Harvey Lake and the Pebble Beach pond. The current condition reflects the presence of algae around the perimeter of the ponds and pockets of algae at Harvey Lake. Blooms will continue and without rain, conditions will decline. The Village owns Lake Charles and Harvey Lake and maintains 6 other ponds outside of Gregg's Landing. White Deer Run has 23 ponds within the limits of the golf course. Algae and weed control is estimated at \$1500 per pond and \$3500 per lake. To address all lakes and ponds, an estimated annual budget of \$50,000 would be required. After approximately eight to ten years, the biomass that drops to the pond bottom should be removed.

Mr. Brown offered several options for maintaining the ponds and requested direction in determining the best course of action for the Village. Potential policies include a cost participation program with HOA's, Village and White Deer Run; a cost participation program with homeowners similar to Adopt-a-Pond program; treat the same ponds as previous years, but prioritize treatment based on need and the last option is leave the algae as is and not treat it. The current budget for treating the ponds is \$5,000. The highest priority would be at Centennial Crossing pond at the NW corner of Route 45 and Fairway Drive followed by Harvey Lake and Lake Charles.

A suggestion was made to combine some of the options and present them to the homeowners and obtain feedback. Mr. Brown indicated that the prosperous ban imposed has been somewhat successful, but noted that the area is fertile farm land and phosphorus is prevalent in the soils and will continue to be a recurring problem.

The Board directed Mr. Brown to talk to the homeowners to see if they would like to participate and try to come up with a viable option for algae control that would benefit the resident as well and the Village. Additional funds would not be available.

**6. ADJOURN THE COMMITTEE OF THE WHOLE**

Motion by Trustee Schultz, second by Trustee Williams to adjourn the Committee of the Whole meeting Roll call vote:


AYES: 5 Schultz, Schwartz, Koch, Williams, Marquardt

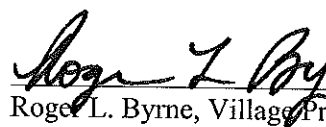
NAYS: 0 None

ABSENT AND NOT VOTING: 1 Hebda

Motion carried.

Meeting adjourned at 8:55 p.m.

  
Michael C. Allison, Village Manager/Clerk

  
Roger L. Byrne, Village President

MSA/LLF

*Approved this 17<sup>th</sup> day of August 2010*