

**MINUTES
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF VERNON HILLS
NOVEMBER 5, 2008**

IN ATTENDANCE: President Byrne called the meeting to order at 7:45 p.m. The following Trustees were present: Hebda, Koch, Marquardt, Schultz, Schwartz and Williams.

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

1. APPROVAL OF 10/07/2008 & 10/21/2008 COMMITTEE OF THE WHOLE MINUTES.

Motion by Trustee Hebda, second by Trustee Marquardt approval of the 10/07/2008 & 10/21/2008 Committee of the Whole Minutes. (Trustee Koch left the meeting at 7:46 p.m.) Roll call vote:

Ayes: 5-Marquardt, Schultz, Schwartz, Williams, Hebda

Nays: 0-None

Absent and not voting: 1-Koch

Motion carried.

2. PHOSPHORUS AND ALGAE - TREATMENT OF GREGG'S LANDING PONDS.

Public Works Director Laudenslager presented photos of various ponds throughout the Gregg's Landing Subdivision where algae had formed due to the phosphorus content in the soil. The cost to eradicate the ponds throughout Gregg's Landing would be approximately \$25,000-\$30,000 per year. Staff recommended creating an ordinance banning the use of phosphorus fertilizers. (Trustee Koch returned at 7:52 p.m.) President Byrne questioned the capability of enforcing such an ordinance. Village Engineer Brown stated the phosphorus was imbedded throughout the soil due to the fertilization of farm crops on the former farmlands. Manager Allison recommended educating the residents to use non-phosphorus fertilizers. The Committee directed staff to prepare an ordinance regarding the ban of phosphorus fertilizers.

3. CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING THE PROPOSED AMENDMENTS TO THE PUD AND DEVELOPMENT AGREEMENT BY VHTC, LLC FOR VERNON HILLS TOWN CENTER.

Assistant Manager Kalmar stated representatives of VHTC, LLC appeared before the 10/29/2008 Planning and Zoning Commission to request amendments to the PUD and development agreement as follows:

1. Allow placement and operation of a hotel as an alternative use on Lot 1 of the Vernon Hills Town Center Subdivision.
2. To increase the total number of condominium (residential) units allowed on the project site by five (5) additional units to a maximum of 85 units within the mixed-use building commonly known as the Heritage Building.
3. To allow a reduction in the parking ratio for the Heritage Building from 1.6 to 1.52 spaces for each unit and from 1.2 to 1.15 indoor spaces per unit.

The Planning and Zoning Commission recommendations were as follows:

- A. The Commission voted 3-2 to recommend approval to amend the Special Use Permit as set forth in Ordinance 2007-31 for the Vernon Hills Town Center PUD to allow the placement and operation of a hotel as an alternative use on Lot 1 of the Vernon Hills Town Center Subdivision, subject to the Conditions of Approval as listed below.
- B. The Commission voted 5-0 to recommend approval to increase in the total number of condominium (residential) units allowed on the project site by five (5) additional units, thereby increasing the total maximum of number of units to 85 within the mixed use building commonly known as the Heritage Building, subject to the Conditions of Approval as listed below.
- C. The Commission voted 5-0 to recommend approval of reduction in the parking ratio for the Heritage Building from 1.6 to 1.52 spaces for each unit and from 1.2 to 1.15 indoor spaces per unit, subject to the Conditions of Approval as followed:

Conditions of Approval

- 1. Review and approval of the final site and landscaping plans and building elevation for the hotel building by the Planning and Zoning Commission and Village Board shall be required prior to issuance of a building permit. This review may include possible variations for parking ratio requirements and building height.
- 2. For the Heritage Building, if, in the opinion of the Village Manager, the elevation has significantly changed due to the increase in the number of dwelling units per floor, the Planning and Zoning Commission and Village Board shall be required to review and approve said elevation changes prior to issuance of a building permit.
- 3. Compliance with all previous conditions as set forth in Ordinance 2007-31 and the Development Permit.

Trustee Koch stated the hotel use would be best for the School Districts' EAV. Developer John Thomas hoped to have construction out of the ground by Spring 2009. Motion by Trustee Williams, second by Trustee Marquardt to direct staff to prepare the necessary ordinance granting approval to the three items listed above, subject to compliance with the Conditions of Approval. Roll call vote:

Ayes: 6-Schultz, Schwartz, Williams, Hebda, Koch, Marquardt

Nays: 0-None

Absent and not voting: 0-None

Motion carried.

4. CONSIDERATION OF REPORT AND RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING THE PROPOSED REZONING OF THE DARBY/VOLE INC. PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MILWAUKEE AVENUE (ROUTE 21) AND US ROUTE 45.

Assistant Village Manager Kalmar stated the petitioner had appeared before the 10/22/2008 Planning and Commission to request approval to rezone the 5.75-acre property located at southwest corner of Routes 45 & 21 to B-1, General Business. The property was located within the TIF Redevelopment Area and consisted of four parcels including multi-tenant retail buildings. The property annexed in 1993 was not rezoned to B-1 Business from the R-1 classification due to non-conformity. The Planning and Zoning Commission voted unanimously 4-0 to recommend approval to amend the zoning classification from R-1 Single Family Residential to B-1 General Business. Motion by Trustee Hebda, second by Trustee Koch to direct staff to prepare the necessary ordinance granting approvals to the amend the zoning classification from R-1 Single Family Residential to B-1 General Business

for the Darby/Vole Inc. property subject to compliance with all Village ordinances and standards.

Roll call vote:

Ayes: 6-Schwartz, Williams, Hebda, Koch, Marquardt, Schultz

Nays: 0-None

Absent and not voting: 0-None

Motion carried.

5. REVIEW OF THE PROPOSAL FOR A RETAIL MARKET STUDY AND STORE STRATEGY ANALYSIS TO BE PERFORMED BY MELANIPHY & ASSOCIATES, INC.

Manager Allison stated with the economic conditions staff requested contracting with Melaniphy and Associates to perform a Retail Market Study and Store Strategy Analysis. The study would focus on strengthening and expanding the Village's retail base and identifying development and redevelopment opportunities within the Village. Mr. John Melaniphy stated the proposal could be completed within 6-8 weeks. The Village would appoint an ad-hoc committee to work with Melaniphy. Motion by Trustee Schultz, second by Marquardt to direct staff to prepare the necessary resolution authorizing the Village Manager to sign the proposal in an amount not to exceed \$25,000.

Roll call vote:

Ayes: 6-Williams, Hebda, Koch, Marquardt, Schultz, Schwartz

Nays: 0-None

Absent and not voting: 0-None

Motion carried.

6. APPLE ORCHARD SQUARE – CONCEPT PRESENTATION FOR PHILLY CHEESE STREAK EXPRESS – 1101 SOUTH MILWAUKEE AVENUE.

Assistant Village Manager stated Vladislav Kostic was present for his concept plan for a fast food, carryout style restaurant to be located at the Apple Orchard Square shopping center, which would require a special use permit. The site had appropriate parking. Family members had several restaurants in the Chicago area. Trustee Hebda stated the location across from CLC was appropriate. President Byrne questioned if the exhaust fumes would be a concern to the neighbors. The consensus of the Committee was to have the petitioner appear before the Planning and Zoning Commission for consideration of a special use permit for a fast food/carry out restaurant.

7. CONSIDERATION AMENDING ORDINANCE 2008-026 LIMITING THE NUMBER OF CLASS "A" LICENSE. (CLOSING OF BEST HUNAN AND PEPE'S RESTAURANT.)

Village Manager Allison stated the Liquor and License Commission met and revoked the Class "A" Liquor License for Best Hunan and accepted the returned license from Pepe's Restaurant. Motion by Trustee Schultz, second by Trustee Koch to direct staff to prepare the necessary ordinance for Board approval. Roll call vote:

Ayes: 6-Hebda, Koch, Marquardt, Schultz, Schwartz, Williams

Nays: 0-None

Absent and not voting: 0-None

Motion carried.

Motion by Trustee Schwartz, second by Trustee Koch to recess the Committee of the Whole to Closed Session for discussion of Personnel-Sec. 2(c)(1) and Land Disposition-Sec. 2(c) (6) as allowed under the Open Meetings Act. Roll call vote:

Ayes: 6-Koch, Marquardt, Schultz, Schwartz, Williams, Hebda

Nays: 0-None

Absent and not voting: 0-None

Motion carried.

The Committee of the Whole recessed at 8:55 p.m. and reconvened at 9:50 p.m.

8. **SENIOR HOUSING AT ATRIUM AND PHILLIP ROAD.**

Manager Allison stated Pathway Development needed to move forward in applying for tax credits for the purposed senior housing at Atrium and recommended letters of intent be approved for the independent, supportive senior facilities and rezoning. Motion by Trustee Hebda, second by Trustee Marquardt to direct staff to prepare the necessary letters for Pathway Development to move forward on the Independent Senior Housing, the Supportive Senior Housing and the rezoning of the property.

Roll call vote:

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

Nays: 0-None

Present: 1-Schultz

Absent and not voting: 0-None

Motion carried.

Motion by Trustee Williams, second by Trustee Hebda approve to direct staff to prepare the bid specifications for the sale of the property. Roll call vote:

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

Nays: 0-None

Present: 1-Schultz

Absent and not voting: 0-None

Motion carried.

9. **ADJOURNMENT.**

Motion by Trustee Schultz, second by Trustee Hebda approval to adjourn the Committee of the Whole meeting.

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

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

Meeting adjourned at 9:55 p.m.

Linda Pelletier, Village Clerk

Roger L. Byrne, Village President