

**VILLAGE OF VERNON HILLS  
MINUTES OF THE COMMITTEE OF THE WHOLE MEETING  
SEPTEMBER 5, 2023**

President Byrne called the meeting to order at 7:37 p.m.

IN ATTENDANCE: Trustees Forster, Schenk, Oppenheim, Koch and President Byrne via telephone. Trustees Marquardt and Takaoka were absent. A quorum was established.

Also present were: Village Manager Timony, Assistant Village Manager Petrillo, Director of Community Development Jennings, Chief Kreis, Finance Director Lyons, Public Works Director Venatta, Village Attorney Ferolo, and Recording Secretary Koehl.

President Byrne called for a motion to appoint Trustee Koch as Chairman Pro Tem for the duration of the Committee of the Whole meeting.

Motion by Trustee Oppenheim, second by Trustee Forster, to appoint Trustee Koch as Chairman Pro Tem for the duration of the meeting.

Roll call vote:

AYES: 5 –Forster, Schenk, Oppenheim, Koch, Byrne

NAYS: 0 – None

ABSENT AND NOT VOTING: 2 – Marquardt, Takaoka

Motion carried.

**1. APPROVAL OF THE COMMITTEE OF THE WHOLE MEETING MINUTES OF  
AUGUST 15, 2023**

Motion by Trustee Schenk, second by Trustee Oppenheim, to approve the Committee of the Whole meeting minutes of August 15, 2023.

Roll call vote:

AYES: 4 –Schenk, Oppenheim, Forster, Koch

NAYS: 0 – None

ABSENT AND NOT VOTING: 3 – Marquardt, Takaoka, Byrne

ABSTAIN: 0 - None

Motion carried.

**2. TACO BELL SIGN VARIATIONS, 700 MILWAUKEE AVENUE UNIT 148**

The conversion of the existing KFC at 700 Milwaukee Avenue, Unit 148 (outlot at Hawthorn Hills Square shopping center) was recently approved at the August 15<sup>th</sup> meeting. At the time of special use approval, the sign variation petition had been continued in order for the petitioner to submit a revised sign package. The Planning & Zoning Commission had expressed concerns at the first hearing date in July that the sign variations as originally presented were beyond the scope of the variations approved for nearby businesses. The Commission requested that the petitioner consider revisions that would result in a sign package more similar to the adjacent McDonald's.

Taco Bell's sign company revised the sign drawings as requested, eliminating the need for variations with the exception of the west elevation and monument sign. The west elevation requires a variation as the logo is not associated with identification text and exceeds the square footage for a logo that is not in line with text. The monument sign requires a variation because the logo is taller than the lettering and wider than two letters.

There was Board consensus to direct Staff to prepare an Ordinance and bring to a future Village Board meeting for approval.

### **3. PICKLEMALL SPECIAL USE AND ASSOCIATED APPEARANCE APPROVAL PICKLEMALL (TOWNLINe COMMONS) 555 TOWNLINe ROAD UNIT 1**

GW Properties, the owner of the westernmost parcel of Townline Commons (former Toys R Us), is under contract with a prospective tenant. The business, PickleMall, is an indoor pickleball facility that recently opened its first location in Tempe, Arizona, and plans to open 50 locations throughout the United States in the next two years.

The Committee of the Whole discussed the concept at its meeting on August 15th. The Committee was generally in favor of the concept proceeding to the formal zoning entitlement process. The Planning & Zoning Commission held a public hearing regarding the Special Use Petition and associated building appearance changes on August 23rd. The Commission recommended approval of the petition with the following conditions:

1. That the parking lot be resurfaced prior to the opening of the business; and
2. That bicycle racks be added to the east of the entrance.

The exterior modifications proposed in conjunction with the special use petition were updated slightly following the previous Committee of the Whole discussion. The new appearance package includes painting of the existing mansard feature as a backdrop for the sign, a gradient style paint scheme for the front columns, and a new lighter paint color for the façade.

The business has also applied for a Business and Use Conversion Certificate as discussed at the original Committee of the Whole meeting. The approval of the certificate would be incorporated into the Special Use ordinance.

There was Board consensus to direct Staff to prepare an ordinance approving both items for review and approval at a future Board meeting.

### **4. CONCEPT REVIEW YARD HOUSE, 950 MILWAUKEE AVENUE**

Sam Whitebread, VP, Development & Tennant Coordination, Daniel Grove, Senior Project Manager at Kimley-Horn and Assoc. and Joe Mayer of Kimley-Horn who is representing The Darden Restaurant Group appeared before the Board and gave a presentation. They are proposing to construct and operate a Yard House restaurant at 950 N. Milwaukee Avenue. The subject property is the southernmost of the three Milwaukee Avenue outlots at Hawthorn Mall. There are approximately 80 Yard House restaurants nationwide, with two other locations in the Chicago area (Glenview and Lombard).

Consultants working on behalf of Darden are requesting concept review of the development. Notable features of the concept plan submittal include:

- The building is to be located at the south end of the property, with a beer garden facing the “Main Street” area of Hawthorn Row.
- The building would be approximately 8,600 sq. ft. with an additional 2,200 sq. ft. of space in the beer garden.
- The trash enclosure would be located along Milwaukee Avenue, similar to the Melody Farm development.
- Approximately 3,700 guests per week are projected. The plans note that 290 interior and 80 patio seats are proposed, with a total of 135 parking stalls to be located in the lot.
- The restaurant would be open 11am-11pm Sunday through Thursday and 11am – 12am on Friday and Saturday.

### **Staff Comments**

Staff suggests that the Committee discuss the following with the petitioner:

1. On a preliminary review, setback variations are necessary to locate the building as shown on the site plan. The Melody Farm structures across Milwaukee Avenue received similar setback variations as part of the PUD approval. If the Committee is not supportive of the setbacks as shown, the petitioner could modify the plans in the future submittal for Planning & Zoning Commission review.
2. The concept elevations indicate that the primary exterior material will be a dark red thin brick (to blend with the Domaine and Hawthorn Row). The building will also feature an accent wall of white brick in the beer garden area, dark gray cement fiber board, and an wall segment of medium gray EIFS on the east elevation. The service area screen wall on the Milwaukee Avenue elevation will be constructed using a light colored Unilock product with a smooth finish. Should the Committee have any concerns with the proposed concept elevations, the petitioner could consider modifications prior to the formal submittal and review by the Planning & Zoning Commission.

There was discussion regarding the setback allowances and following the discussion, there was consensus by the Board to direct Staff to work with the petitioner to complete Technical Review prior to submitting a special use application to amend the mall PUD.

### **5. AMENDMENTS TO CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, PROPERTY MAINTENANCE CODE**

In preparation for the fall and winter, Staff is proposing amendments to the Property Maintenance Code to ensure adequate indoor heating requirements. The Village received complaints in the spring regarding lack of heat in a professionally managed community, and within an office building. The outdoor temperature increased immediately after the complaints were received, but the review of the complaint raised a question regarding the verbiage of the current code.

The model code utilized by the Village and many other municipalities is the International Property Maintenance Code. The code is written to require a heat supply of 68°F in dwelling units, with an exception to require a minimum of 65°F if the outdoor temperature drops below 0°F. The section allows each municipality to insert the heating season dates. Most towns in this area require heat starting on September 1 or October 1, running through April 30 or May 31.

The Village previously has not inserted a date range, but has enforced an indoor heating requirement by practice/policy from October 15 to May 15. The Village also previously amended the model code to increase the minimum indoor air temperature to 70°F.

At this time, Staff is recommending a date range of October 1 to May 31. This would be an extension of the heating season by roughly four weeks (two weeks earlier and two weeks later than the current policy). In a review of the heating requirements in other municipalities, Staff observed the following:

- Lincolnshire requires heat September 15 to June 1 (September 1 in work spaces)
- Libertyville requires heat September 1 to May 31
- Mundelein requires heat October 1 to April 30
- Gurnee requires heat October 1 to April 30

The following local amendments to the property maintenance code have been drafted for the purpose of this discussion:

**(m) Section 602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, shall supply heat to the occupants thereof during the period from October 1 to May 31. Said heat supply shall maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. If the outside temperate is below 0°F (-18°C), the indoor temperature shall be maintained at not less than 65°F (18°C). In unoccupied buildings, the owner or operator shall maintain a room temperature sufficient to prevent water and waste lines from freezing unless the plumbing system has been otherwise protected by an approved method.

**(n) Section 602.4 Occupiable spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 31 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied. (Exceptions remain the same.)

It should be noted that an additional amendment (subsection L) would correct a reference to the plumbing code in a section unrelated to the indoor heating requirements.

There was discussion and the Board directed Staff to prepare an ordinance amending the property maintenance code to bring to a future meeting.

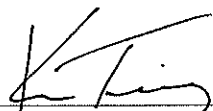
## 6. ADJOURNMENT


Motion by Trustee Schenk, second by Trustee Oppenheim, to adjourn the Committee of the Whole meeting with no further action by the Board.

Voice vote:  
All in Favor.  
Motion carried.

Meeting adjourned at 8:43 p.m.

Approved this 19<sup>th</sup> day of September, 2023

  
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Kevin Timony, Village Clerk

  
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Roger L. Byrne, Village President