

**VILLAGE OF VERNON HILLS  
ORDINANCE 2020-099**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT ALLOWING A  
RESTAURANT WITH A DRIVE THRU PICK UP WINDOW AND CERTAIN OTHER  
APPROVALS FOR SHAKE SHACK, 864 EAST TOWNLINE ROAD IN THE  
VILLAGE OF VERNON HILLS, LAKE COUNTY**

**WHEREAS**, representatives of Shake Shack, in regard to 864 East Townline Road, said property legally described in Exhibit A, has petitioned the Village of Vernon Hills to request approval of a Special Use Permit to allow operation of a restaurant with a drive thru pick up window and to request approval of site and landscape plan revisions; and

**WHEREAS**, upon due notice and after a public hearing held on July 29, 2020 by the Planning and Zoning Commission of the Village of Vernon Hills, and pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, said Planning and Zoning Commission has filed its report concerning said petition as listed above; and

**WHEREAS**, based upon the evidence adduced at said hearings and in their application, the petitioner has entered into the record evidence and findings of fact that address the standards in Section 18.3 of the Zoning Ordinance; and

**WHEREAS**, the Village Board, having considered the Planning and Zoning Commissions report and recommendation at its Committee of the Whole meeting on August 11, 2020, found that sufficient facts were presented which, in its judgment, would justify approving a Special Use Permit for a drive thru pick up window, and granting preliminary and final site landscape plan approvals.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:**

**SECTION I.** Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the Special Use Permit authorizing a restaurant with a drive thru pick up window is hereby granted. Said parcel is legally described in Exhibit A. The approval is subject to the Terms and Conditions of Approval as set forth in Exhibit B.

**SECTION II.** Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, approval of preliminary and final site and landscape plan approvals is hereby granted, subject to the Terms and Conditions of Approval, as set forth in Exhibit B.

**SECTION III.** Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, and the recommendations of the Planning and Zoning Commission, the Terms and Conditions of Approval as set forth in Exhibit B are hereby approved and are made a part of the approvals as listed in the Sections above.

**SECTION IV. SEVERABILITY.** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court

of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION V. REPEAL AND SAVINGS CLAUSE.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

**SECTION VI. SUCCESSORS AND ASSIGNS.** All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of the petitioner and property owner.

**SECTION VII. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**SECTION VII. ORDINANCE NUMBER.** This ordinance shall be known as Ordinance Number 2020-099.

Adopted by roll call vote as follows:

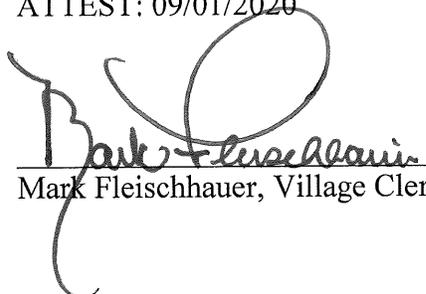
AYES: 5 – Oppenheim, Takaoka, Schultz, Marquardt, Koch

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 – Byrne

  
Thom Koch, President Pro Tem

PASSED: 09/01/2020  
APPROVED: 09/01/2020  
ATTEST: 09/01/2020

  
Mark Fleischhauer, Village Clerk



**Exhibit A**  
**Legal Description**

LEGAL DESCRIPTION

All of Lots 1, 3, 4, and 5 in MELODY FARM SUBDIVISION,  
being a part of the southeast quarter of Section 33 and the  
southwest quarter of Section 34, Township 44 North, Range  
11, East of the Third Principal Meridian, in the Village of  
Vernon Hills, Lake County, Illinois, according to the plat  
thereof recorded November 28, 2016 under File Number  
7350694, in Lake County, Illinois.

**Exhibit B**

**AMENDED**  
**DEVELOPMENT PERMIT**  
**For**  
**Shake Shack**  
**864 East Townline Road**

**Conditions of Approval for the entire Site:**

1. Final approval of plans by the Village Engineer and Landscape Technician prior to issuance of a building permit.
2. General compliance with the site plan and engineering drawings, consisting of nine (9) pages, prepared by Manhard consulting, LTD, dated June 19, 2020.
3. General compliance with the landscape plan, consisting of three (3) pages, prepared by Manhard consulting, LTD, dated June 18, 2020.
4. Existing landscape plantings damaged during construction shall be replaced as a condition of approval of the final certificate of occupancy.
5. Compliance with all ordinances and standards of the Village except as otherwise noted.
6. A cross walk should be marked on the pavement to provide safe access for pedestrians crossing the drive thru lane. The location shall be as directed by the Village Engineer.
7. Directional signs reading "Pick-up for App. Orders Only" shall be placed at appropriate locations on site.