

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2010-014

AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO
ALLOW THE OPERATION OF A FAST FOOD RESTAURANT WITH CARRY OUT
SERVICE KNOWN AS FIVE GUYS BURGERS & FRIES FOR PROPERTY
LOCATED AT 701 NORTH MILWAUKEE AVENUE, UNITS 128, 132 & 136 IN THE
VILLAGE OF VERNON HILLS, LAKE COUNTY.

THE 3RD DAY OF FEBRUARY 2010

Published in pamphlet form by the
Authority of the President and Board
Of Trustees of the Village of Vernon
Hills, Lake County, Illinois, this 4th
Day of February 2010

ORDINANCE NO. 2010-014

**AN ORDINANCE GRANTING APPROVAL
OF A SPECIAL USE PERMIT TO ALLOW
THE OPERATION OF A FAST FOOD
RESTAURANT WITH CARRY OUT SERVICE
KNOWN AS FIVE GUYS BURGERS & FRIES
FOR PROPERTY LOCATED AT 701 NORTH
MILWAUKEE AVENUE, UNITS 128, 132 &
136 IN THE VILLAGE OF VERNON HILLS,
LAKE COUNTY.**

WHEREAS, Tom Reid from Soos & Associates, Inc, representing of Five Guys Enterprises, LLC, in regard to 701 N. Milwaukee Avenue, Suites 128, 132 & 136, units, being in the Rivertree Court Shopping Center, said property legally described in Exhibit A, has petitioned the Village of Vernon Hills to grant approval of a special use permit to allow the operation of a fast food restaurant which provides carry-out service.

WHEREAS, said approval will allow for the operation of Five Guys Burgers & Fries at the proposed location; and

WHEREAS, upon due notice and after public hearings held January 6, 2010 by the Planning and Zoning Commission of the Village of Vernon Hills, pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, said Planning and Zoning Commission has filed its report concerning said petition and recommended approval of the special use permit to allow the operation of a fast food restaurant known as Five Guys Burgers & Fries which provides for carry-out service at the proposed location, subject to certain conditions; 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 addresses the conditions in Section 18.3.

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 to allow the operation of a fast food restaurant known as Five Guys Burgers & Fries which provides for carry-out service at the proposed location as described in Exhibit A, is hereby granted, 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, said plans being attached

in Exhibit B. 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.

SECTION II. 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.

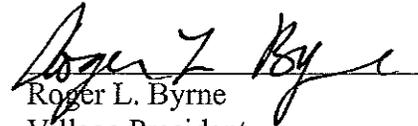
SECTION III. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective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

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

SECTION V. ORDINANCE NUMBER. This ordinance shall be known as
Ordinance Number 2010-014.

Adopted by roll call vote as follows:

AYES: 6-Koch, Marquardt, Schultz, Schwartz, Williams, Hebda
NAYS: 0-None
ABSENT AND NOT VOTING: 0-None


Roger L. Byrne
Village President

PASSED: 2/03/2010
APPROVED: 2/03/2010
PUBLISHED IN PAMPHLET FORM: 2/04/2010

ATTEST:

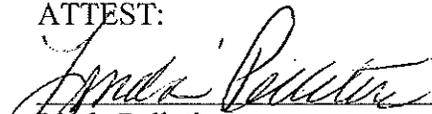

Linda Pelletier
Village Clerk



EXHIBIT A
Legal Description

EXHIBIT B
Plans dated August 5, 2009

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

CERTIFICATE

I, LINDA PELLETIER, CERTIFY THAT I AM THE DULY APPOINTED AND ACTING VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON FEBRUARY, 2010, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE 2010-014, AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A FAST FOOD RESTAURANT WITH CARRY OUT SERVICE KNOWN AS FIVE GUYS BURGERS & FRIES FOR PROPERTY LOCATED AT 701 NORTH MILWAUKEE AVENUE, UNITS 128, 132 & 136 IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.

THE PAMPHLET FOR ORDINANCE NO. 2010-014, INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF WAS PREPARED, AND A COPY OF SUCH ORDINANCE WAS POSTED IN THE VILLAGE HALL, COMMENCING FEBRUARY 4, 2010 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE VILLAGE CLERK.

DATED IN VERNON HILLS, ILLINOIS, THIS 4TH DAY OF FEBRUARY 2010.

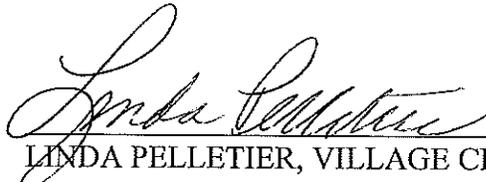

LINDA PELLETIER, VILLAGE CLERK



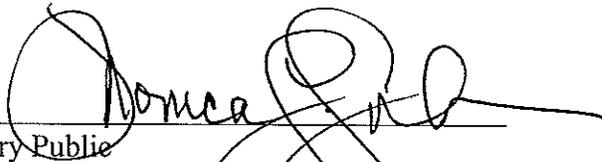
AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, LINDA PELLETIER, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, SHE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2010-014, AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A FAST FOOD RESTAURANT WITH CARRY OUT SERVICE KNOWN AS FIVE GUYS BURGERS & FRIES FOR PROPERTY LOCATED AT 701 NORTH MILWAUKEE AVENUE, UNITS 128, 132 & 136 IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.


LINDA PELLETIER, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before
Me this 17 day of February, 2010


Notary Public

