

**AGENDA**  
**COMMITTEE OF THE WHOLE MEETING**  
**Village Hall – Board Room**  
**Tuesday, May 28, 2019**  
**Following Regular Village Board Meeting**

*Reasonable accommodations / auxiliary aids will be provided to enable persons with disabilities to effectively participate in any public meetings of the Board. Please contact the Village Administrative Office (847.883.8600) 48 hours in advance if you need special accommodations to attend. The Committee of the Whole will not proceed past 10:30 p.m. unless there is a consensus of the majority of the Trustees to do so. Citizens wishing to address the Board on agenda items may speak when the agenda item is open, prior to Board discussion.*

**CALL TO ORDER**

**1.0 ROLL CALL**

**2.0 APPROVAL OF MINUTES**

- 2.1 Acceptance of the May 13, 2019 Special Committee of the Whole Meeting Minutes
- 2.2 Acceptance of the May 13, 2019 Committee of the Whole Meeting Minutes

**3.0 ITEMS OF GENERAL BUSINESS**

**3.1 Planning, Zoning and Land Use**

- 3.11 Preliminary Evaluation of a Request for a Special Use Permit to Establish and Operate a Banquet Hall (XO Restaurant and Banquet Hall, Iryna Kiyan)
- 3.12 Consideration of Approval of a Building Permit Fee Waiver Per Section 5-3-2(A) Not For Profit Fees of the Lincolnshire Village Code (Vernon Area Public Library)
- 3.13 Consideration of an Ordinance Amending Title 12 (Signs) of the Lincolnshire Village Code – Permanent Wall and Ground Sign Requirements in the Proposed Commercial Sign District Created via a Merger of Downtown and Corridor Commercial Sign District; Revisions to the Illumination Requirements in the Commercial Sign District; and Revisions to Ground Sign Approval Requirements in all Sign District (Village of Lincolnshire)
- 3.14 Continued Consideration of Branding Initiative and Direction to Staff (Village of Lincolnshire)

**3.2 Finance and Administration**

**3.3 Public Works**

**3.4 Public Safety**

- 3.41 Consideration of an Amendment to Section 3-3-2-6 of Title 3-3, Liquor Control, for the Creation and Issuance of Village Liquor License for XO Restaurant & Banquet Hall, Inc. Class “B” Restaurant Full Liquor License and Class “N” Banquet Liquor License for (XO Restaurant & Banquet Hall – 250 Marriott Drive)

3.42 Report Regarding Lincolnshire Police Department Social Media  
Communication Categories (Village of Lincolnshire)

3.5 Parks and Recreation

3.6 Judiciary and Personnel

4.0 **UNFINISHED BUSINESS**

5.0 **NEW BUSINESS**

6.0 **EXECUTIVE SESSION**

7.0 **ADJOURNMENT**



**MINUTES**  
**SPECIAL COMMITTEE OF THE WHOLE MEETING**  
**Town Meeting**  
**Monday, May 13, 2019**

Present:

Mayor Brandt	Trustee Harms Muth
Trustee Grujanac	<del>Trustee Hancock</del>
<del>Trustee McDonough</del>	Trustee Servi
Trustee Leider	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Chief of Police Leonas	Finance Director/Village Treasurer Peterson
Public Works Director Woodbury	Assistant Village Manager/Community &
Assistant Public Works Director/Village	Economic Development Director Gilbertson
Engineer Dittrich	Planning & Development Manager Zozulya

**CALL TO ORDER**

**1.0 ROLL CALL**

Mayor Brandt called the meeting to order at 7:00 p.m., and Village Clerk Mastandrea called the Roll.

**PLEDGE OF ALLEGIANCE**

**2.0 ITEMS OF GENERAL BUSINESS**

**2.1 Town Meeting**

Mayor Brandt introduced the Town Hall meeting noting it is an annual meeting held in May and is an opportunity for the residents to come ask questions or give comments/recommendations to the Board.

Village Manager Burke noted the Town Hall meeting has been posted in the weekly Village Enews and on the website. The only comments staff received was regarding storm water management and asking what the meeting entailed.

**2.11 Presentation: Goals & Accomplishments**

Village Manager Burke provided a presentation highlighting 2018 accomplishments, and goals for the coming years for each department.

**2.12 Public Comments/Questions**

Mayor Brandt opened up the meeting to public comments/questions.

**A. Lincolnshire Drive Flooding**

Mr. Karnig Kerkonian, resident of 77 Lincolnshire Drive, noted

concern regarding access to his home during heavy rain and pumps going constantly when it rains. Mr. Kerkonian stated residents would like help to alleviate the issue. Mr. Kerkonian stated the Village is putting money into improvements such as the Pocket Park and believes funds should be spent on other needs.

Mayor Brandt stated she has been on the Board for over 20 years and is aware of the issues on Lincolnshire Drive and surrounding areas. Mayor Brandt noted there has been higher rainfalls, and the estimates show this will continue. Mayor Brandt noted the Pocket Park was built with Park Development funds which cannot be used for expenditures such as flooding or storm water management. Mayor Brandt stated a project was done for Lincolnshire Creek stabilization a few years ago, and there was a plan to try and go in to all the properties on Lincolnshire Drive to perform bank stabilization. Unfortunately, not all the owners, at the time, agreed to let the Village come on their properties to perform the stabilization. In order for the stabilization to be done, there needs to be consensus from the property owners.

Public Works Director Woodbury noted he can identify with the concerns of the residents on Lincolnshire Drive. Public Works is aware of the issues and takes them seriously noting many staff hours are focused on fighting localized flooding. Public Works Director Woodbury stated there is \$150,000 drainage study planned for 2019; there is approximately \$2,000,000,000 storm sewer capital planning, over a 10-year period to make sure the future projects address these concerns. Assistant Public Works Director/Village Engineer Dittrich stated when talking about localized flooding, there are more frequent, higher intensity rain events taking place which are overwhelming the storm sewers in place. The drainage study will provide new standards for the storm sewers based on these rain events.

## **B. Tree Limb Chipping Service**

Mr. George Jackson, resident of 101 Surrey Lane stated several years ago the Village provided a service for tree limb chipping and requested this service be brought back. Public Works Director Woodbury noted this service was eliminated in 2008, when the downturn in the economy took place.

Village Manager Burke suggested cutting up the branches and putting them in landscape bags. Mr. Jackson stated some of the limbs he has on his lot are too big to fit into the landscape bags. Public Works Director Woodbury noted this is not a program staff can accommodate and is not included in the current budget.

Mr. Jackson asked that the tree limb chipping project be put on next years' budget discussions.

### **C. Dog Parks**

Ms. Nancy Goldstein, resident of 21 Oxford asked the Board to consider putting in a dog park and possibly using North Park in the winter for this activity.

Mayor Brandt stated the Park Board would make the recommendation on whether or not to pursue a dog park, then the Village Board would ultimately make the decision. Mayor Brandt noted previous Boards decided not to allow dogs in the parks due to the potential of being bitten and cleanup issues. This is an issue the Board can discuss further and refer it to the Park Board.

Trustee Grujanac stated there has been discussions at the Park Board regarding a potential dog park, but there seems to be issues that come up each time to prevent the Village pursuing this type of project.

### **D. Flooding Issues Continued**

Mr. Michael Bencks, resident of 55 Wiltshire Drive noted concern regarding flooding in the area of his home. Mr. Bencks noted issues have been reported by the Village since 2014 that do not seem to have been addressed. Mr. Bencks stated the water ponds on the street and in his yard so traffic ends up going through his yard. Mr. Bencks stated he wanted to put a boulder in his yard to prevent traffic from driving through it during flooding but was told it was against code even though some of the houses across the street have them. Public Works Director Woodbury stated the boulders across the street were grandfathered in and would not be allowed under current regulations. Mr. Bencks stated the flooding has become a health and safety issue due to mosquitos in the summer and ice in the winter. Village Manager Burke noted one of the studies Mr. Bencks referred to was specific to the berm along the Des Plaines River, and the other was a long term hazard mitigation plan. Village Manager Burke stated the agenda item being discussed at the meeting tonight is to study the Village system-wide and all components of the storm water system. The result of the study would be to set goals for a long-term solution.

Mayor Brandt provided the timeline of approving the study and asked Assistant Public Works Director/Village Engineer Dittrich how long it would take for the study to happen. Assistant Public Works Director/Village Engineer Dittrich stated staff anticipates the study taking place throughout the summer and fall with a final report back to the Village Board next year late-winter. A Public Meeting will take place to discuss the results of the study, and an initial meeting will take place as an open house to compile all issues.

Trustee Grujanac suggested staff mail invitations to the meeting to

residents with known flooding.

Mayor Brandt stated staff still intends to continue educating residents on the bank stabilization since this will help with the flooding. Mayor Brandt asked when a meeting could be planned for the stabilization issue. Assistant Public Works Director/Village Engineer Dittrich stated they would work with the contractor and get something set up in the next few months.

Mayor Brandt asked if the study and work as a result of the study would be a multi-year implementation. Assistant Public Works Director/Village Engineer Dittrich stated he fully expects the result of the study to produce more projects than the Village has money to fund. The Village will have to prioritize projects, obtain funding, and budget the projects over multiple years.

Mr. Bencks stated his opinion is this is a health and safety issue, so the Village should be allowed to go onto all the properties for the bank stabilization. Assistant Public Works Director/Village Engineer Dittrich stated the Village has no rights in the back of the properties where the berm is located. Village Manager Burke stated the Village has no prescriptive rights along the berm; no easement and no authority is granted to the Village to be there or perform work. Village Manager Burke stated the Village also has to consider putting employees in a position where they may be unsafe due to the way in which the berm has been maintained. Mr. Bencks suggested using best practices from other communities and applying what works to Lincolnshire. Village Manager Burke stated the Des Plaines River watershed extends all the way across the Wisconsin border to Racine, and the Indian Creek watershed extends past Lake Zurich, so this is not a simple design solution that Lincolnshire can apply.

Ms. Christina Seabord, resident at 64 Lincolnshire Drive noted concern regarding health and safety from the flooding with her children trying to get to the bus and going through unhealthy conditions. Mr. Eric Seabord stated he wants to see progress being done, and noted concern regarding possibly losing their home.

Ms. Kendra Davidson, resident at 50 Lincolnshire Drive stated the idea of a dog park is a great idea and suggested using the vacant land across from her house for this activity. Ms. Davidson noted the water on her property and the property across from her home is a concern. She noted she has brought this concern up to staff since she moved into the home in 2016. Ms. Davidson suggested using permanent pumps as a solution. Assistant Public Works Director/Village Engineer Dittrich stated most of the homes on Lincolnshire Drive are in the floodway and 100-year flood plain. At this point, to install a pump station as suggested, is something the Village will have to consider during the Village-wide study. Assistant

Public Works Director/Village Engineer Dittrich stated everyone who lives on Lincolnshire Drive is in the floodway so the elevation cannot be changed, and to try to design something to completely eliminate the water that comes when there is a 100-year flood is a challenge. Mr. Bill Davidson noted further concern regarding the amount of time and money being spent on the study when the flooding is due to the storm drain system which he feels needs immediate action. Ms. Davidson noted further concern regarding the storm drain system and her lot taking the water for all the houses on her grid. Mayor Brandt stated the Board knows there are flooding issues and will discuss what can be done in the short-term to help.

Ms. Teri Morris, resident of 75 Cumberland Drive provided pictures of her street showing standing water that she stated has been there for at least 7 months. Ms. Morris noted the storm sewers in her area do not work and noted concern that the safety of the residents does not seem to be a Village priority. Village Manager Burke noted there is a project identified related to the Cumberland drainage situation. Assistant Public Works Director/Village Engineer Dittrich noted the drain at the curve currently drains through the back yards of 77 and 79 Cumberland then over to Lincolnshire Drive. There is a project to run new storm sewer down Cumberland to Witshire that the Village is trying to pair with a watermain improvement so that the road is not torn up twice. Mayor Brandt stated this project will be looked at in the budget for 2020.

Ms. Maria Grabowska, resident of 69 Lincolnshire Drive noted concern with flooding in her area and the pump running constantly. Ms. Grabowska stated she moved from Lake Zurich where there were flooding issues as well and suggested the Village work with other towns with known flooding issues for solutions.

Ms. Morris asked staff what the residents of Cumberland Drive should do about the ice through the winter since the Cumberland project would not be started until at least 2020. Village Manager Burke stated Public Works deploys salt regularly during snow events and additional salt on Cumberland Drive and other areas where there is known ice buildup. Assistant Public Works Director/Village Engineer Dittrich noted one of the challenges staff had on Cumberland Drive was residents discharging sump pumps to the front of their homes which need to go to the rear of the homes. Assistant Public Works Director/Village Engineer Dittrich noted another challenge over the past winter was due to the various freeze/thaw events.

Ms. April Neumann, resident of 68 Cumberland Drive stated she has not had water problems until this year and noted concern with the sewer system that needs to be addressed immediately.

Mr. Bencks asked about the Cumberland Drive project being moved

up and noted concern with how the projects are being addressed. Village Manager Burke provided information regarding the Capital Plan process and how projects are determined based on different criteria of the plan.

Mayor Brandt provided information regarding taxes, how the Village is run and how the Board has not raised Village taxes for the past several years.

Village Manager Burke noted there were two houses on Lincolnshire Drive that were brought up in discussions and stated per the National Flood Insurance Program, the two homes had repetitive loss within five years in which damage accounted for more than 50% of the home value. As a result, these homeowners could not rebuild/refinish the damage from the flooding events without raising the elevation of the properties. The property owners will receive the maximum flood insurance payout but cannot go back into the homes unless the homes are elevated. Staff is working with Stormwater Management Commission of Lake County as well as the state for a potential buyout of these two properties; the money will come from the Federal Government to buyout the properties. If this happens, the properties will be demolished and the Village will maintain them as open space in perpetuity. Village Manager Burke noted the suggestion that these properties be a dog park is not something that can easily happen either since there are specific requirements the Village will need to comply with regarding the floodplain properties.

Mayor Brandt suggested residents who would like further information or have other concerns should contact Assistant Village Manager/Community & Economic Development Director Ben Gilbertson.

### **3.0 ADJOURNMENT**

Trustee Leider moved and Trustee Harms Muth seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 8:36 p.m.

Respectfully submitted,

**VILLAGE OF LINCOLNSHIRE**

Barbara Mastandrea  
Village Clerk



**MINUTES  
COMMITTEE OF THE WHOLE MEETING  
Monday, May 13, 2019**

Present:

Mayor Brandt	Trustee Harms Muth
Trustee Grujanac	<del>Trustee Hancock</del>
Trustee Leider	Trustee Pantelis
Trustee Raizin	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Finance Director/Treasurer Peterson	Public Works Director Woodbury
<del>Chief of Police Leonas</del>	Assistant Village Manager/Community & Economic Development Director Gilbertson
Assistant Public Works Director/Village Engineer Dittrich	Planning & Development Manager Zozulya

**ROLL CALL**

Mayor Brandt called the meeting to order at 9:01 p.m., and Village Clerk Mastandrea called the Roll.

**2.0 APPROVAL OF MINUTES**

**2.1 Acceptance of the April 17, 2019 Special Committee of the Whole Meeting Minutes**

The minutes of the April 17, 2019 Special Committee of the Whole Meeting were approved as submitted.

**2.2 Acceptance of the April 22, 2019 Committee of the Whole Meeting Minutes**

The minutes of the April 22, 2019 Committee of the Whole Meeting were approved as submitted.

**3.0 ITEMS OF GENERAL BUSINESS**

**3.1 Planning, Zoning and Land Use**

**3.11 Preliminary Evaluation of a Petition for a Major Amendment to the Rivershire Planned Unit Development (PUD) to Install a Yard Fence Along Riverside Road (Rivershire Homeowners Association #2)**

Assistant Village Manager/Community & Economic Development (CED) Director Gilbertson provided a summary of the preliminary evaluation of a petition for a Major Amendment to the Rivershire Planned Unit Development to replace a yard fence along Riverside Road. The proposed fence is intended to replace the original 6'-tall

fence, which fell into disrepair over the years and was further damaged due to construction associated with the Lincolnshire Trails subdivision and required improvements to Riverside Road.

Assistant Village Manager/CED Director Gilbertson played a video depicting the current conditions without the fence and proposed fence location.

Mayor Brandt noted in the past the Board has granted relief for taller fences in higher traffic areas. Assistant Village Manager/CED Director Gilbertson noted the Homeowners Association has been working with Taylor Morrison; the developer for Lincolnshire Trails, and has offered to offset some of the cost of the fence.

Mr. Dave Weiner, Property Manager for the Rivershire Development provided a brief summary of the application for the proposed fence.

Trustee Leider asked if there were any breaks in the fence to allow for emergency purposes. Mr. Dave Miller with Aronson Fence Co., stated there are no breaks planned in the fence but they can accommodate this request. Mr. Weiner stated there were openings in the other fence that were never used and due to the ditch, it would be difficult for any emergency vehicle to get through. Mr. Weiner provided photos of the proposed fence showing openings to see through in a security situation.

Trustee Raizin expressed concern for the proposed height of the fence noting she understood the need for the fence but suggested reinstalling a 6' fence. Mr. Miller stated his opinion is the grading in the area warrants the higher fence.

It was the consensus of the Board to refer this to the Architectural Review Board for review and recommendation.

**3.12 Preliminary Evaluation of a Request for a Special Use Permit to Establish and Operate a Banquet Hall (Iryna Kiyon, XO Restaurant and Banquet Hall)**

Mayor Brandt noted item 3.12 was tabled. Village Attorney Simon stated a motion needs to be made to table the agenda item.

Trustee Grujanac moved and Trustee Harms Muth seconded the motion to table a preliminary evaluation of a request for a Special Use Permit to establish and operate a banquet hall (Iryna Kiyon, XO Restaurant and Banquet Hall until the May 28, 2019 Committee of the Whole meeting. The roll call vote was as follows: AYES: Trustees Grujanac, Leider, Pantelis, Raizin, and Harms Muth. NAYS: None. ABSENT: Trustee Hancock. ABSTAIN: None. Mayor Brandt declared the motion carried.

**3.13 Consideration of an Ordinance Amending Title 12 (Signs) of the Lincolnshire Village Code – Permanent Wall and Ground Sign Requirements in the Proposed Commercial Sign District Created via Merger of Downtown and Corridor Commercial Sign Districts; Revisions to Illumination Requirements in the Commercial Sign District; and Revisions to Ground Sign Approval Requirements in All Sign Districts (Village of Lincolnshire)**

Trustee Harms Muth moved and Trustee Grujanac seconded the motion to table consideration of an Ordinance amending Title 12 (Signs) of the Lincolnshire Village Code – permanent wall and ground sign requirements in the proposed commercial sign district created via merger of downtown and corridor commercial sign districts; revisions to illumination requirements in the commercial sign district; and revisions to ground sign approval requirements in all sign districts until the May 28, 2019 Committee of the Whole meeting. The roll call vote was as follows: AYES: Trustees Grujanac, Leider, Pantelis, Raizin, and Harms Muth. NAYS: None. ABSENT: Trustee Hancock. ABSTAIN: None. Mayor Brandt declared the motion carried.

3.2 Finance and Administration

**3.21 Consideration of Proposed Village of Lincolnshire Grant Policy and Village of Lincolnshire Whistleblower Policy (Village of Lincolnshire)**

Finance Director/Treasurer Peterson provided a summary of the proposed Grant Policy and Whistleblower Policy.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.3 Public Works

**3.31 Report on All-Natural Hazard Mitigation Plan (ANHMP) and Storm Water Management (Village of Lincolnshire)**

Assistant Public Works Director/Village Engineer Dittrich provided a report on All-Natural Hazard Mitigation Plan (ANHMP) and storm water management.

Village Manager noted they will be sending out invitations to individuals that served on the original committee when going through the drainage plan.

**3.32 Consideration of a Professional Service Contract with Christopher B. Burke Engineering, Ltd. for Village-wide Drainage Study at a Cost not to Exceed \$149,832.00 (Village of Lincolnshire)**

Assistant Public Works Director/Village Engineer Dittrich provided a

summary of a professional service contract with Christopher B. Burke Engineering, Ltd. For village-wide drainage study at a cost not to exceed \$149,832 which was mentioned in the Town Hall meeting. Assistant Public Works Director/Village Engineer Dittrich noted they have received several visits from residents in the recent past and have informed them of the study. The Village will need to take the study and come up with priorities as a result of the study.

Trustee Harms Muth asked how we keep on task with the work that comes out of the study. Assistant Public Works Director/Village Engineer Dittrich noted once a contract is approved, the contractor will provide a schedule.

Trustee Leider noted his opinion is that it will be important to get a high-level work plan to move things along and ensure things are progressing to schedule.

Trustee Grujanac asked if the study would investigate some of the issues brought up at the Town Hall meeting on Cumberland and Lincolnshire Drive. Assistant Public Works Director/Village Engineer Dittrich will relay this to the contractor; these are known locations.

Trustee Harms Muth noted how important she feels this be a priority to move forward. Assistant Public Works Director/Village Engineer Dittrich agreed that this is top priority for the Village. Trustee Leider suggested getting progress timelines in the short and long term.

The Trustees were in agreement to educate the residents on what can be done until the study is complete and work can get done. A conversation regarding communicating and ways of educating residents followed.

Village Manager Burke noted a clearer timeline can be created with what staff's obligations are to present at the next Village Board meeting.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

**3.33 Consideration of Approval of a Contract for the Construction of the Village's 2019 Emergency Water Interconnection with Martam Construction Inc., of Elgin, Illinois in an Amount not to Exceed \$249,983.00 (Village of Lincolnshire)**

Assistant Public Works Director/Village Engineer Dittrich provided a summary of a contract for the construction of the Village's 2019 emergency water interconnection with Martam Construction Inc., of Elgin, Illinois in an amount not to exceed \$249,983.00.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

**3.34 Consideration of Approval of a Professional Services Agreement with CIORBA Group, Ltd. For Phase 3 – Construction Observation Services for the Village’s 2019 Emergency Water Interconnection Project in an Amount not to Exceed \$30,795.00 (Village of Lincolnshire)**

Assistant Public Works Director/Village Engineer Dittrich provided a summary of a professional services agreement with CIORBA Group, Ltd. For Phase 3 – construction observation services for the Village’s 2019 emergency water interconnection project in an amount not to exceed \$30,795.00.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

**3.35 Consideration of an Intergovernmental Agreement with the Village of Buffalo Grove for an Alternative Water Supply Connection (Village of Lincolnshire)**

Assistant Public Works Director/Village Engineer Dittrich provided a summary of an Intergovernmental Agreement with the Village of Buffalo Grove for an alternative water supply connection. Buffalo Grove is bringing it to their Board on May 20<sup>th</sup>.

Village Attorney Simon stated the intergovernmental agreement is reciprocal in that the Village of Lincolnshire can provide water to the Village of Buffalo Grove should the need arise.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

**3.36 Receipt of Presentation Regarding Food Scrap Composting Options in the Village of Lincolnshire (Village of Lincolnshire & Go Green Illinois)**

Public Works Director Woodbury provided a presentation regarding food scrap composting options in the Village of Lincolnshire. Go Green representatives have communicated the desire for the Village of Lincolnshire to implement food scrap composting as part of its current waste hauler program.

Simrata Keshav of Go Green Illinois (Vernon Hills/Lincolnshire) provided a presentation regarding food scarp composting.

Public Works Director Woodbury updated the Board on the current contract for waste hauling with Waste Management and provided three

options for food scrap. Public Works Director Woodbury noted Waste Management feels it would make more sense to pursue this type of change at contract negotiations in 2021 to start in 2022 or amend the current contract.

Public Works Director Woodbury noted another potential option would be for staff to work with Lake County and SWALCO to offer a sale of backyard composting bins and have residents manage their own composting.

Mayor Brandt noted some residents are already doing this themselves and suggested any program would need clear instructions for residents to follow.

Trustee Pantelis asked if Go Green would be working with area schools other than Sprague. Ms. Keshav stated Go Green started with Sprague, and once they get a composting plan in place with them, they would be moving to the other schools.

Ms. Keshav expressed concern regarding waiting to implement this with Waste Management until the contract is renewed. Public Works Director Woodbury stated in talking with other municipalities that do this, it is not utilized enough to substantiate an increase in residents waste hauling fees, and thought the best way to do this would be for the residents to do this themselves in the near term.

A conversation regarding implementing a food composting program in Lincolnshire and potentially increasing waste hauling rates followed.

It was noted that food composting currently cannot be mixed in with yard waste.

Public Works Director Woodbury stated staff would bring this back up during contract negotiations with Waste Management.

It was the consensus of the Board to not mandate a food composting program but to continue to educate the residents.

**3.37 Consideration of Village of Lincolnshire and Lincolnshire Morningstar Rotary Club Request to Use Village Streets for Annual Fourth of July Parade and 5K Race and Granting a Waiver of The Village Street Usage Policy Cash Bond Requirement (Village of Lincolnshire/Lincolnshire Morningstar Rotary Club)**

Public Works Director Woodbury provided a summary of a request for Morningstar Rotary Club to use village streets for annual Fourth of July parade and 5K race and granting a waiver of the Village Street Usage Policy cash bond requirement.

Village Manager Burke provided history of LSA and how Lincolnshire Morningstar Rotary Club got involved with the race and sharing in the costs.

It was the consensus of the Board to place this item on the Consent Agenda for approval with noted changes at the next Regular Village Board Meeting.

3.4 Public Safety

**3.41 Consideration of an Amendment to Section 3-3-2-6 of Title 3-3, Liquor Control, for the Creation and Issuance of Village Liquor License for XO Restaurant & Banquet Hall, Inc. Class “B” Restaurant Full Liquor License and Class “N” Banquet Liquor License for (XO Restaurant & Banquet Hall – 250 Marriott Drive)**

Trustee Grujanac moved and Trustee Leider seconded the motion to table an Amendment to Section 3-3-2-6 of Title 3-3, Liquor Control, for the creation and issuance of Village Liquor License for XO Restaurant & Banquet Hall, Inc. Class “B” Restaurant Full Liquor License and Class “N” Banquet Liquor License for (XO Restaurant & Banquet Hall – 250 Marriott Drive) until the May 28, 2019 Committee of the Whole meeting. The roll call vote was as follows: AYES: Trustees Grujanac, Leider, Pantelis, Raizin, and Harms Muth. NAYS: None. ABSENT: Trustee Hancock. ABSTAIN: None. Mayor Brandt declared the motion carried.

3.5 Parks and Recreation

3.6 Judiciary and Personnel

**4.0 UNFINISHED BUSINESS**

**5.0 NEW BUSINESS**

**6.0 EXECUTIVE SESSION**

**7.0 ADJOURNMENT**

Trustee Grujanac moved and Trustee Harms Muth seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 10:08 p.m.

Respectfully submitted,  
**VILLAGE OF LINCOLNSHIRE**

Barbara Mastandrea  
Village Clerk

**REQUEST FOR BOARD ACTION  
Committee of the Whole  
May 28, 2019**

**Subject:** XO Restaurant & Banquet Hall - 250 Marriott Drive

**Action Requested:** Preliminary Evaluation of a Request for a Special Use Permit to Establish and Operate a Banquet Hall

**Petitioner:** XO Restaurant and Banquet Hall (Iryna Kiyan)

**Originated By/Contact:** Tonya Zozulya, Planning & Development Manager

**Referred To:** Zoning Board

**Background:**

- Petitioner XO Restaurant & Banquet Hall (XO), represented by Ms. Iryna Kiyan, owner of and prospective tenant at 250 Marriott Drive, seeks preliminary evaluation of her request for a Special Use permit to establish and operate a banquet hall in the existing building at 250 Marriott Drive. The request is supported by the property owner, National Retail Properties.
- The 3.4-acre property is located along Milwaukee Avenue in the Lincolnshire Corporate Center, as shown in Figure 1 to the right and on the attached Location Map (see Document 1).
- In 1995, the property was developed with a 9,190-square foot, one-story commercial building restaurant use in the O/Ia Office-Industrial zoning subdistrict. The building has housed several different restaurants over the years, including Aspen Grille, Carlucci's, Dolce, and Sullivan's Steakhouse.



**Proposal Summary & Staff Comments:**Proposed Use, Hours of Operation, and Parking

- XO proposes to relocate its existing restaurant and banquet hall business from Wheeling to the subject location to operate restaurant and banquet uses with a 50%-50% split between the two uses, making them two principal uses (see Document 2). The petitioner proposes to operate both a full-service restaurant open to the general public and a banquet hall for special events, including, but not limited to, family gatherings, corporate meetings, weddings, holiday parties, and birthday celebrations. The restaurant will be closed to the general public during banquet functions.
- Per Code Section 6-8-5, restaurants without a drive-through in the O/Ia Office-Industrial subdistrict are permitted “by right” (without a Special Use permit). However, banquet halls are considered assembly uses and are permitted by Special Use only.
- In addition to banquet halls, examples of assembly uses include, but are not limited to, religious institutions, conference centers, and hotel meeting rooms. The maximum assembly use cap in the O/I district is 150,000 square feet. Existing assembly uses in the O/I district include: Willow Creek Church (46,907 square feet); Noah’s Event Venue (10,288 square feet); SpringHill Suites Hotel meeting room (260 square feet); and Staybridge Suites Hotel meeting room (250 square feet). With the addition of XO, the total building area occupied by assembly uses in the O/I district will be 66,895 square feet, leaving 83,105 square feet for future assembly uses.
- The petitioner will be required to provide responses to required Special Use standards prior to the Zoning Board public hearing as it relates to the requested Special Use permit for a banquet facility.
- The proposed hours of operation for the restaurant are 12 p.m. to 2 a.m. Wednesday through Saturday and 11 a.m. to 12 a.m. on Sunday. The proposed banquet hall hours are 9 a.m. to 2 a.m. Monday through Sunday per reservations.
- XO plans to have a maximum of 23 staff onsite. The property has 127 parking spaces (121 regular and 6 ADA-accessible) and the business anticipates accommodating a maximum of 307 people at any given time. The onsite parking is sufficient based on restaurant and banquet hall code-required parking ratios.
  - For the banquet use, XO will need to provide 77 spaces (1 space per 4 persons at maximum anticipated occupancy (307 guests)).
  - For the restaurant use, XO will need to provide 111 spaces (12 spaces per every 1,000 square feet of gross leasable space (9,190 square feet)).
- Additional parking is available near Walker Brothers and SpringHill Suites and could be utilized with appropriate parking agreements between property owners should the parking demand exceed XO’s parking availability. The petitioner must provide a parking management plan for those circumstances prior to the Zoning Board public hearing. Based on the building area and the number of exits, the space is authorized for up to 370 guests at any given time, per the Building Code. All existing drive aisles and internal site circulation are proposed to remain the same.

- No site plan or exterior modifications are planned by the petitioner currently. If the petitioner proposes to install new ground signs associated with the property or to structurally alter the existing ground signs, they would be required to present their sign plans to the ARB for review and final approval, provided the Village Board approves a proposed Sign Code change requiring ARB reviews for new and structurally altered ground sign applications (the proposed changes to the Sign Code are also on the agenda for the May 28, 2019 Committee of the Whole meeting. Code-compliant signs are currently reviewed and approved by staff only for non-PUD properties).
- Per Code Section 6-14-11, a Special Use permit becomes null and void if improvements are not substantially underway within three years of Village approvals, unless a one-time extension is granted (note: this extension does not require an additional public hearing).

#### Live Music/Bands

- Live indoor music and/or bands are proposed on Friday (7 p.m. to 2 a.m.), Saturday (8 p.m. to 2 a.m.) and Sunday (11 a.m. to 12 a.m.).
- **Given reported music-related noise concerns in XO's Wheeling location from adjacent residential developments and the proximity of the proposed Lincolnshire location to the SpringHill Suites Hotel (approximately 450' west of the subject property), staff recommends a stipulation be placed within XO's Special Use ordinance to prohibit outdoor live music/bands outdoors altogether, and to limit the hours of indoor live music/bands to 10 p.m. daily, which will be more restrictive than two existing Special Use permits for banquet venues. The Special Use permit for Loft 21 limits outdoor music to no later than 9 p.m. Sunday – Thursday and 12 a.m. on Friday and Saturday. The Noah's Event Venue Special Use permit limits outdoor music to no later than 9 p.m. daily, and no later than 11 p.m. Friday and Saturday, and Sundays preceding a Monday on which falls a State or Federal holiday.**

#### Liquor License

- The petitioner indicated to staff they will only move forward with the operation of the Special Use if they can successfully obtain liquor licenses for the restaurant and banquet uses. Therefore, **staff recommends that any Special Use approvals be contingent upon receipt of the appropriate restaurant and banquet liquor licenses.**
- XO applied for a Lincolnshire restaurant liquor license in April 2019, at which time the Village's Liquor Commissioner was unwilling to recommend to the Village Board that an additional Class C – Restaurant liquor license be created due to issues with the liquor license application and XO's current operations in Wheeling. The Village Board will also consider this matter at the May 28, 2019 Committee of the Whole meeting.
- The petitioner provided the attached Wheeling Police Department logs regarding XO's Wheeling location for a period between 2015 and April 9, 2019. The logs detail liquor license violations (which included alcohol service during the liquor license revocation when no alcohol was allowed to be served); regular noise complaints from an adjacent residential townhome development; and an injury resulting from an XO patron being overserved. The petitioner also provided a security plan outlining measures for building security enhancements in Lincolnshire and overcoming issues experienced at their Wheeling location.

**Approval Process:**

At Preliminary Evaluation, the petitioner must have submitted a complete application, but the level of detail described in the plans presented for review is not the same level required for final approval. The petitioner is expected to develop more detailed plans after Preliminary Evaluation, as necessary, to prepare for the public hearing, respond to comments from the Village Board, Zoning Board and/or Architectural Review Board, and to demonstrate compliance with zoning, building, and subdivision codes.

1. The purpose of the Preliminary Evaluation, at the Village Board, is for the Board to express questions, note concerns, provide direction, and request desired changes or further information, resulting in three possible actions by the petitioner:
  - a. Based on Village Board feedback, the petitioner decides to move to the next step in the approval process.
  - b. Based on Village Board feedback, the petitioner requests to return to the Board for another Preliminary Evaluation with changes or additional information.
  - c. Based on Village Board feedback, the petitioner decides not to proceed to the next step in the approval process or return for another Preliminary Evaluation, resulting in the withdrawal of their application.
  
2. The purpose of the Zoning Board review is to hold a Public Hearing to evaluate whether the application meets the standards for a special use permit and to provide a recommendation to the Village Board.
  
3. The purpose of the Village Board review is to consider the Zoning Board recommendation and to make a final decision regarding the petitioner's request.

**Recommendation:**

Preliminary evaluation with feedback to the petitioner and staff regarding the Special Use permit request.

**Reports and Documents Attached:**

- Document 1: Location Map, prepared by staff.
- Document 2: Petitioner's cover letter and presentation packet, with the cover letter dated May 3, 2019.

<b>Meeting History</b>	
Committee of the Whole – Preliminary Evaluation	May 28, 2019



Map created on May 2, 2019.

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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

XO Restaurant & Banquet Hall  
1057-1063 E. Lake Cook Rd.  
Wheeling, IL 60090

May 3, 2019

Mayor Elizabeth Brandt  
and Village Trustees  
1 Olde Half Day Road  
Lincolnshire, IL 60069

RE: Special Use Permit for XO Restaurant & Banquet Hall

Dear Mayor Brandt and Village Trustee:

We are writing to request a Special Use permit to operate a banquet venue in the Village of Lincolnshire. In March 2019, our corporation, XO Restaurant & Banquet Hall, Inc. ("XO"), signed a lease agreement with National Retail Properties, LP, the owner of the property, to lease a building located 250 Marriott Drive. XO is currently owned and operated by Irina Kiyan. XO's ownership history is as follows:

**9/23/2002** – Vera Kagan opened Café Riga Company (IL Secretary of State File # 62447648) and sold 90% of shares to Vadym Pobyegaev.

**2003** - Vera Kagan sold her 10% of her remaining shares to Kerill Sokolinsky.

**2005** – Kerill Sokolinsky sold his 10% share to Lyudmila Vaygilevich, resulting in 90% share to Vadym Pobyegaev and 10% Lyudmila Vaygilevich.

**2006** - Vadym Pobyegaev and Lyudmila Vaygilevich become 50/50 shareholders.

At some point, Café Riga Company files a DBA to do business as XO Restaurant.

**2013** – Lyudmila Vaygilevich sold her shares to 50% to Vadym Iskakov, resulting in 50% shares to Vadym Pobyegaev and Vadym Iskakov.

**6/25/13** - Vadym Pobyegaev and Vadym Iskakov opened XO Restaurant and Banquet Hall, Inc. (IL Secretary of State File # 68991617) to make their partnership official.

**9/1/2015** - Vadym Iskakov sells his shares in XO Restaurant and Banquet Hall, Inc. to Vadym Pobyegaev, making Vadym Pobyegaev 100% shareholder.

**10/1/15** - Vadym Pobyegaev sells 30% of his shares in XO Restaurant and Banquet Hall, Inc. to Iryna Kiyan.

**1/9/18** – Vadym Pobyegaev sells all but 5% of his shares in XO Restaurant and Banquet Hall, Inc. to Iryna Kiyan, making Iryna Kiyan 95% owner.

**4/29/19** – Vadym Pobyegaev sells his remaining shares to Iryan Kiyani, making Iryan Kiyani 100% owner of XO Restaurant and Banquet Hall, Inc. Vadym Pobyegaev will no longer be involved in the management of XO, but will be employed as a cook.

XO is a full-service restaurant with food service, which is open to the public. In addition to being a restaurant, XO is currently operating in Wheeling as a banquet hall. Its banquet events include special events, family gatherings, weddings, Christmas and New Year parties, christening and baptism celebrations, Bar and Bat Mitzvahs, birthday celebrations, corporate meetings, events, and holiday parties. XO will not have any outdoor music. XO's live band/music hours are on Fridays from 7 p.m. to 2 a.m., on Saturdays from 8 p.m. to 2 a.m. and on Sundays from 11 a.m. to 12 a.m. During the private events or banquets, the restaurant will be closed to the general public. XO's hours of operation for the Lincolnshire location are as follows:

- a) Restaurant hours (Wednesday through Sunday if no banquets/private parties are booked):
  - Wednesday - 12pm-2am.
  - Thursday - 12pm-2am
  - Friday - 12pm-2am
  - Saturday - 12pm-2am
  - Sunday – 11am-12am
  
- b) Banquet hours:
  - Monday-Sunday - 9am-2am (these hours are available for banquet/private party bookings)

We anticipate on holding banquet functions on Fridays, Saturdays and Sundays. We plan to use the "restaurant dining" and "private dining" areas shown on the floor plan for the banquet use. The use will be 50% restaurant and 50% banquet.

In 2015, Iryna Kiyani became part owner of XO and since that time, XO had no incidences of violence, disorderly conduct or complaints from its commercial and residential neighbors. Iryna Kiyani is also the liquor license holder for XO in Wheeling. Please see attached Wheeling Police Department call summary. XO is currently located in a strip mall with other businesses on both sides and backs up to a residential neighborhood. XO's lease with its current landlord is expiring next year and as a result, we are relocating to Lincolnshire. XO's currently comprised of 23 staff members, which include one executive chef, two sous chefs, four line cooks, one senior bartender, two staff bartenders, two head servers, ten staff servers, and one security guard. The premises currently consists of 121 regular and 6 handicapped parking spaces and we anticipate on having a maximum of 307 people attend banquet events. We plan on completely remodeling the interior of the building to give it a modern and fresh look. Please see attached plan and photo of the proposed interior.

We are looking forward to building out new facility and moving to Lincolnshire where we fully intend on being a good neighbor and a responsible small business owner. Should you have any questions or require additional information, please contact us at your convenience. We look forward to the next steps in the process. Thank you in advance for your time and consideration.

Mayor Elizabeth Brandt  
and Village Trustees  
May 3, 2019  
Page 2

Sincerely,

*s/Irina Kiyan*

Irina Kiyan  
XO Restaurant & Banquet Hall, Inc.  
847-924-5337

Enclosure(s)



One Olde Half Day Road  
Lincolnshire, IL 60069  
847.883.8600  
www.lincolnshireil.gov



# PLANNING & ZONING APPLICATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

Application Number: N/A (amended application)

PROPERTY ADDRESS: 250 Marriott Dr.

PIN #(s): 15-22-202-019

APPLICANT NAME: XO Restaurant & Banquet Hall Inc.  
(Iryna Kivun)

## APPLICATION REQUEST(S) Please check all that apply

- |   |   |
|---|---|
| <input type="checkbox"/> <b>Amendment</b>                         | <input type="checkbox"/> <b>Appeal of Administrative Decision</b> |
| <input type="checkbox"/> Text*                                    | <input type="checkbox"/> <b>Annexation*</b>                       |
| <input type="checkbox"/> Annexation Agreement                     | <input type="checkbox"/> <b>Rezoning*</b>                         |
| <input type="checkbox"/> Other                                    | <input type="checkbox"/> <b>Subdivision*</b>                      |
| <input type="checkbox"/> <b>Architectural Review Board (ARB)*</b> | <input type="checkbox"/> <b>Variance*</b>                         |
| <input type="checkbox"/> New Structure/Development                |   |
| <input type="checkbox"/> Modification to Structure/Development    |   |
| <input type="checkbox"/> New Signage                              |   |
| <input type="checkbox"/> Modification to Signage                  |   |
| <input checked="" type="checkbox"/> <b>Special Use*</b>           |   |
| <input checked="" type="checkbox"/> New Special Use/PUD           |   |
| <input type="checkbox"/> Major Amendment to Special Use/PUD       |   |
| <input type="checkbox"/> Minor Amendment to Special Use/PUD       |   |

\* Refer to the applicable **Information Packet** for additional information and required materials.

## DESCRIPTION OF REQUEST(S):

The Applicant is requesting a special use for a banquet hall (assembly use) to be operated in conjunction with a restaurant.

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Attach additional pages if necessary

**APPLICANT INFORMATION**

**Applicant Information**

Name: XO Restaurant & Banquet Hall Inc. (Iryna Kiyan) Company: XO Restaurant & Banquet Hall Inc.  
Address: 1081 Valley Stream Dr. Telephone: ( 847 ) 924-5337  
Wheeling, IL 60090 Fax: ( )  
Email Address: irishak1977@gmail.com

**Primary Contact Information** *(if different than Applicant Info)*

Name: Iryna Kiyan Company: XO Restaurant & Banquet Hall Inc.  
Address: 1081 Valley Stream Dr. Telephone: ( 847 ) 924-5337  
Wheeling, IL 60090 Fax: ( )  
Email Address: irishak1977@gmail.com

**Property Owner Information** *(if a Trust, see attached Beneficiary Disclosure Form)*

Name: National Retail Properties, LP Company: National Retail Properties, LP  
Address: 450 S. Orange Ave., Suite 900 Telephone: ( 407 ) 650-3679  
Orlando, FL 32801 Fax: ( )  
Email Address: jill.fussell@nnnreit.com

**REPRESENTATIVES INFORMATION**

**Attorney**

Name: William O'Donaghue / Richard A. Toth Company: Daley and Georges, Ltd.  
Address: 20 S. Clark St., Suite 400 Telephone: ( 312 ) 726-8797  
Chicago, IL 60618 Fax: ( 312 ) 726-8819  
wo'donaghue@daleygeorges.com / rtoth@daleygeorges.com

**Architect/Land Planner**

Name: Not applicable (existing development) Company: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: ( )  
\_\_\_\_\_ Fax: ( )

**Engineer/Land Surveyor**

Name: Not applicable (existing development) Company: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: ( )  
\_\_\_\_\_ Fax: ( )

**Landscape Architect**

Name: Not applicable (existing development) Company: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: ( )  
\_\_\_\_\_ Fax: ( )

**Other:** Not applicable (existing development)

Name: \_\_\_\_\_ Company: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: ( )  
\_\_\_\_\_ Fax: ( )

**REQUIRED MATERIALS**

The materials identified below must be included with the Application, *incomplete submittals will not be accepted*. Prior to submitting an Application Packet, a pre-application meeting with the Planning Staff is recommended.

- Letter of Request:** The Applicant must provide a letter to the attention of the Mayor and Village Board of Trustees, with this application, which describes the request(s) and outlines the reason(s) for the request(s).
- Legal Description:** The legal description of all subject properties must be submitted in (1) an accurate and legible 8½" x 11" paper format, and (2) an electronic duplicate in Microsoft Word format.
- Plat of Survey:** An accurate Plat of Survey prepared by a registered land surveyor or professional engineer. The Plat of Survey must include all information required by the Illinois Survey Manual.
- Application Fee(s):** See page 4 of this Application.
- Cash Advance Account Deposit:** See page 4 of this Application Available upon request.
- Accompanying Documents Identified in Information Packet (if necessary)** Not applicable.

**APPLICANT/OWNER ACKNOWLEDGEMENTS**

The Applicant(s) and Owner(s) do hereby certify, acknowledge, and affirm that:

1. I (We) have carefully and fully read this application, and all of the statements contained in this Application Packet are true.
2. I (We) fully understand and agree to comply with the terms and provisions outlined in this application and the Lincolnshire Village Code.
3. I (We) agree to pay all applicable filing fees and assume responsibility for the payment of all reimbursable expenses associated with the processing of this application and request(s).

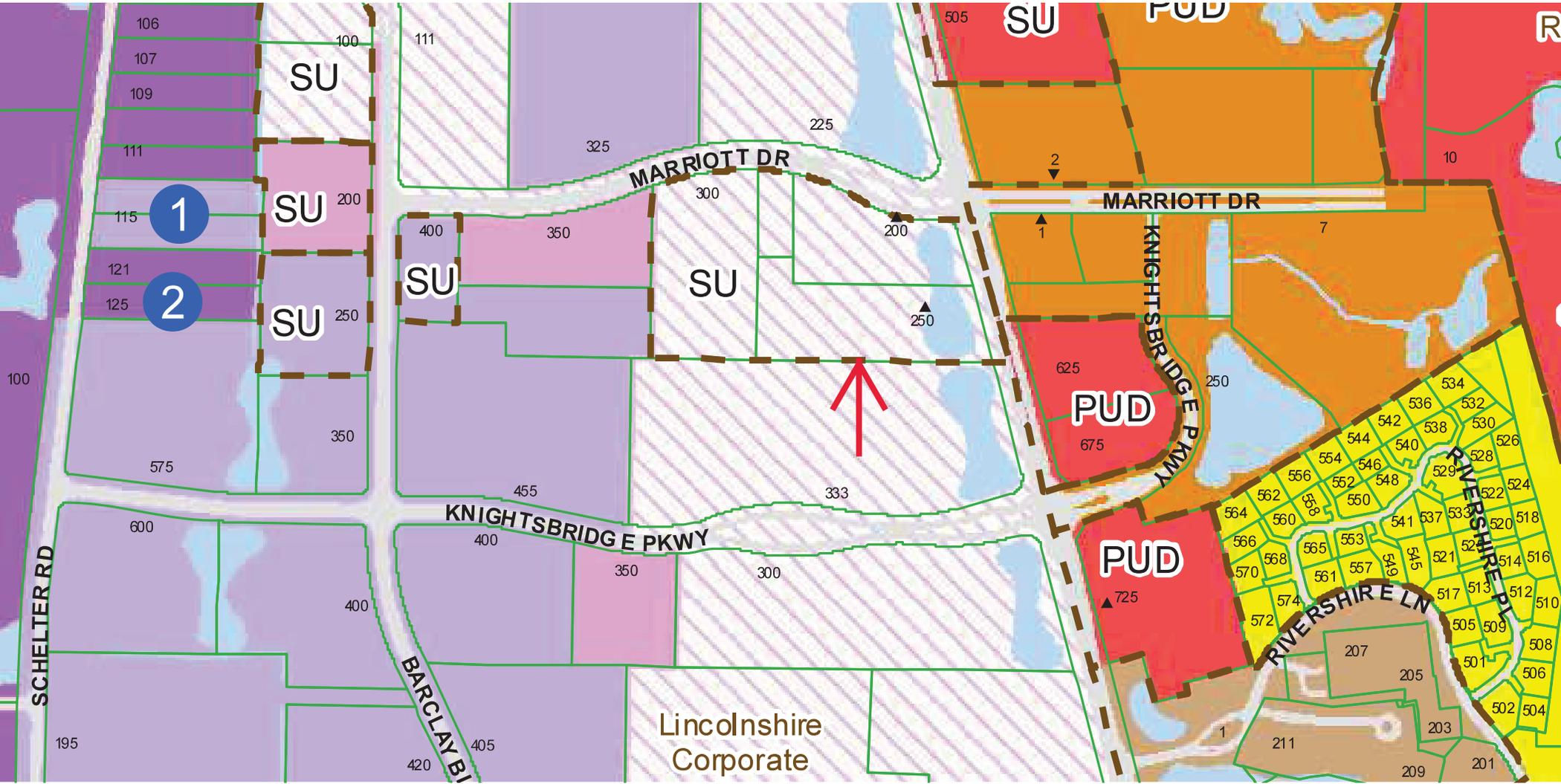
K. [Signature]  
Signature of Applicant  
04/05/2019  
Date

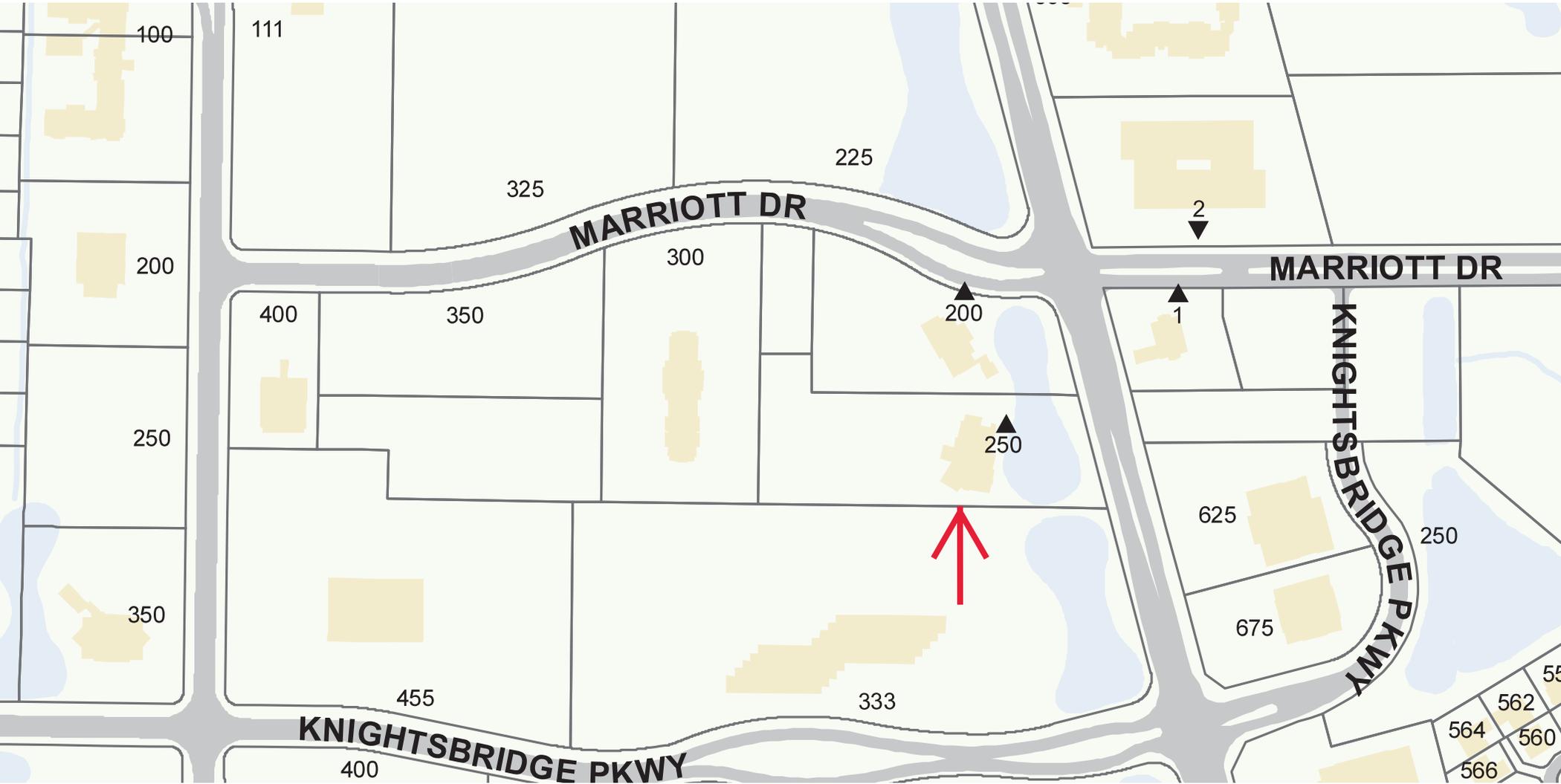
\*see below  
Signature of Property Owner  
April 11, 2019  
Date

NATIONAL RETAIL PROPERTIES, LP, <sup>REC'S</sup>  
a Delaware limited partnership  
By: NNN GP Corp., a Delaware corporation  
as general partner  
By: [Signature]  
Name: Paul E. Bayer  
Title: Executive Vice President

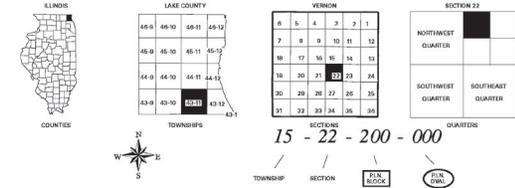
**LEGAL DESCRIPTION**

LOT 2 IN LINCOLNSHIRE CORPORATE CENTER, UNIT 2 THIRD RESUBDIVISION (ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 30, 1995 AS DOCUMENT NO. 3741150), BEING A RESUBDIVISION OF LOTS 1 AND 2 IN LINCOLNSHIRE CORPORATE CENTER, UNIT 2 FIRST RESUBDIVISION (ACCORDING TO THE PLAT THEREOF RECORDED APRIL 17, 1990 AS DOCUMENT NO. 2896728) AND A RESUBDIVISION OF PART OF LOT 1 IN LINCOLNSHIRE CORPORATE CENTER, UNIT 2 SECOND RESUBDIVISION (ACCORDING TO THE PLAT THEREOF RECORDED APRIL 17, 1990 AS DOCUMENT NO. 2896729), BEING PART OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.





THE AREA SHOWN IS THE  
 NORTHWEST 1/4 OF THE NORTHEAST 1/4  
 OF SECTION 22  
 TOWNSHIP 43 NORTH, RANGE 11 EAST



TAX CODES

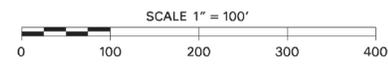
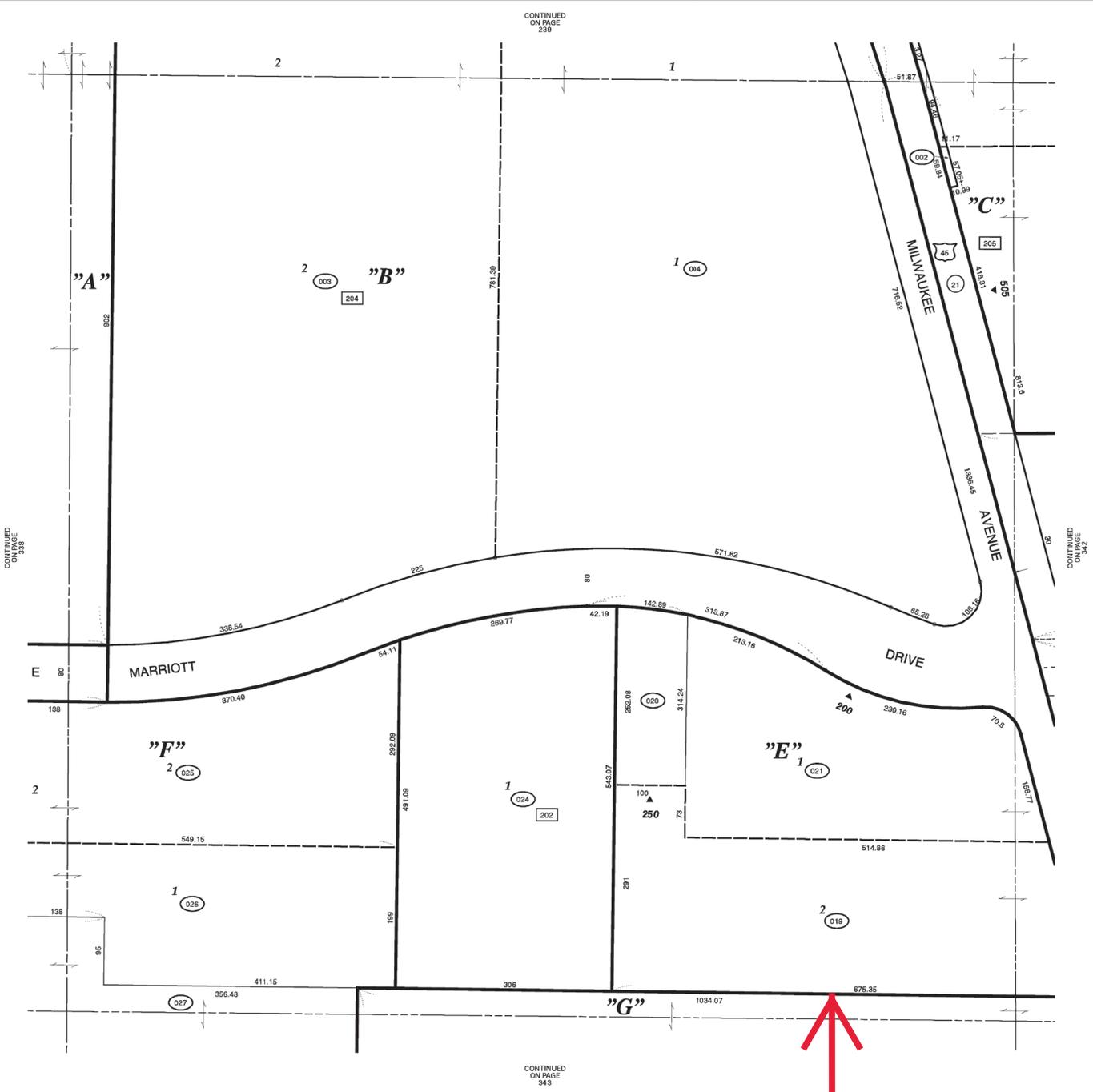
TAXCODE 16-23  
 ELEMENTARY SCHOOL DISTRICT 103  
 HIGH SCHOOL DISTRICT 125  
 COLLEGE OF LAKE COUNTY  
 VERNON AREA PUBLIC LIBRARY DISTRICT  
 LINCOLNSHIRE-RIVERWOODS FIRE PROTECTION DISTRICT  
 VILLAGE OF LINCOLNSHIRE

SUBDIVISION AND CONDOMINIUM  
 LOCATION INDEX

LOCATION	SUBDIVISION NAME
"A"	PART OF LINCOLNSHIRE CORPORATE CENTER 9TH RESUBDIVISION
"B"	PART OF LINCOLNSHIRE CORPORATE CENTER UNIT 2 SUBDIVISION
"C"	PART OF INDIAN CREEK RESUBDIVISION
"E"	PART OF LINCOLNSHIRE CORPORATE CENTER UNIT 2 - 3RD RESUBDIVISION
"F"	PART OF LINCOLNSHIRE CORPORATE CENTER 10TH RESUBDIVISION
"G"	PART OF LINCOLNSHIRE CORPORATE CENTER 12TH RESUBDIVISION

MAP REPRESENTATION

SECTION LINE	---	SUBDIVISION	—
QUARTER SECTION LINE	---	LOT LINES	---
QUARTER QUARTER LINE	---	ROAD CENTERLINE	---
QUARTER QUARTER QUARTER LINE	---	ROAD RIGHT-OF-WAY	---
PARCEL BOUNDARY	---	PRIVATE PROPERTY ROAD (INGRESS AND EGRESS)	---
WATER BODY	~~~~~	TAX CODE	███
REFERENCE LINE	---	MEANDER LINE	---



PREPARED BY: LAKE COUNTY GIS/MAPPING DIVISION  
 REVISED 18 NORTH COUNTY STREET  
 WAUKEGAN, ILLINOIS 60085  
 2013 (847) 377-2373

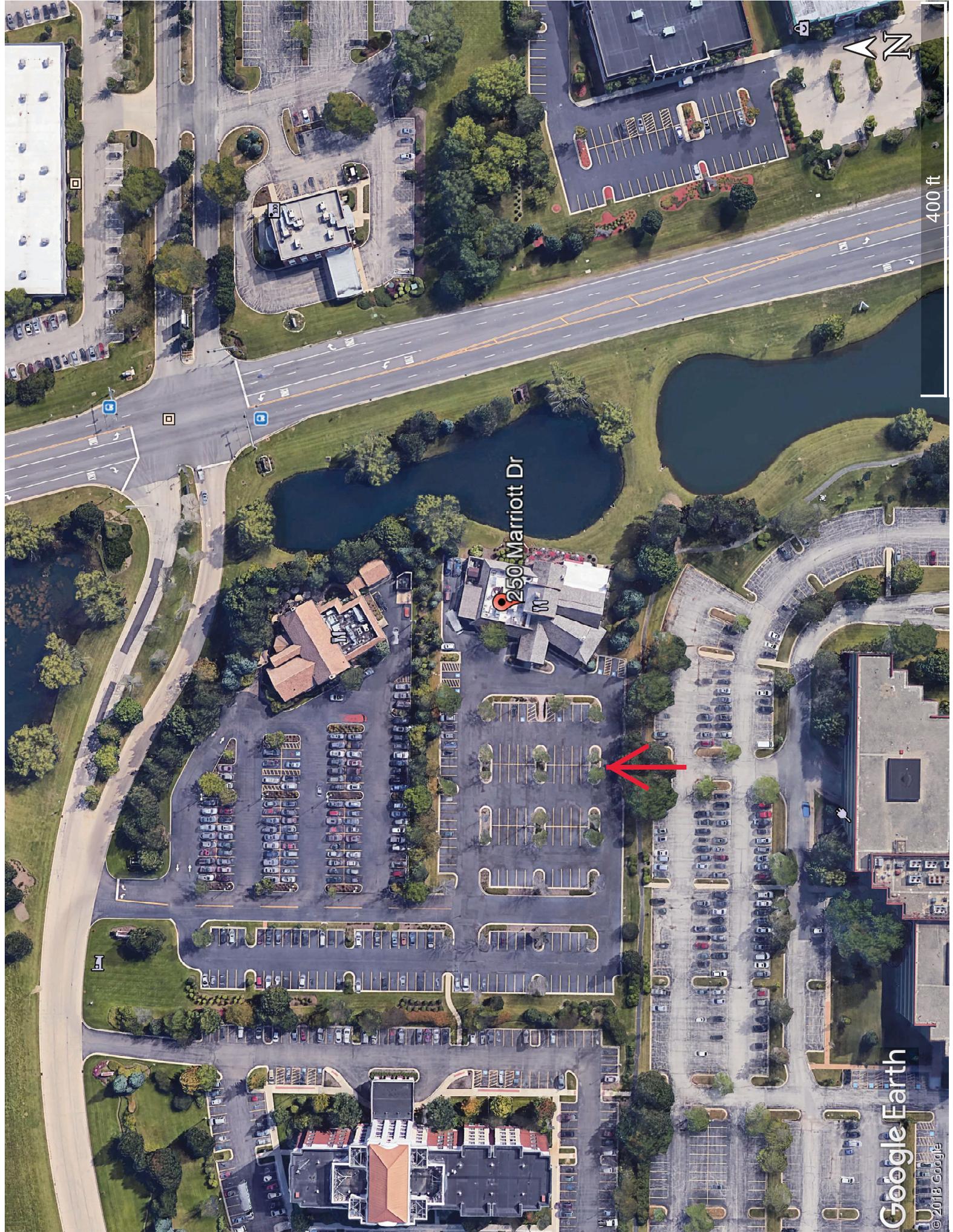


Map created on May 2, 2019

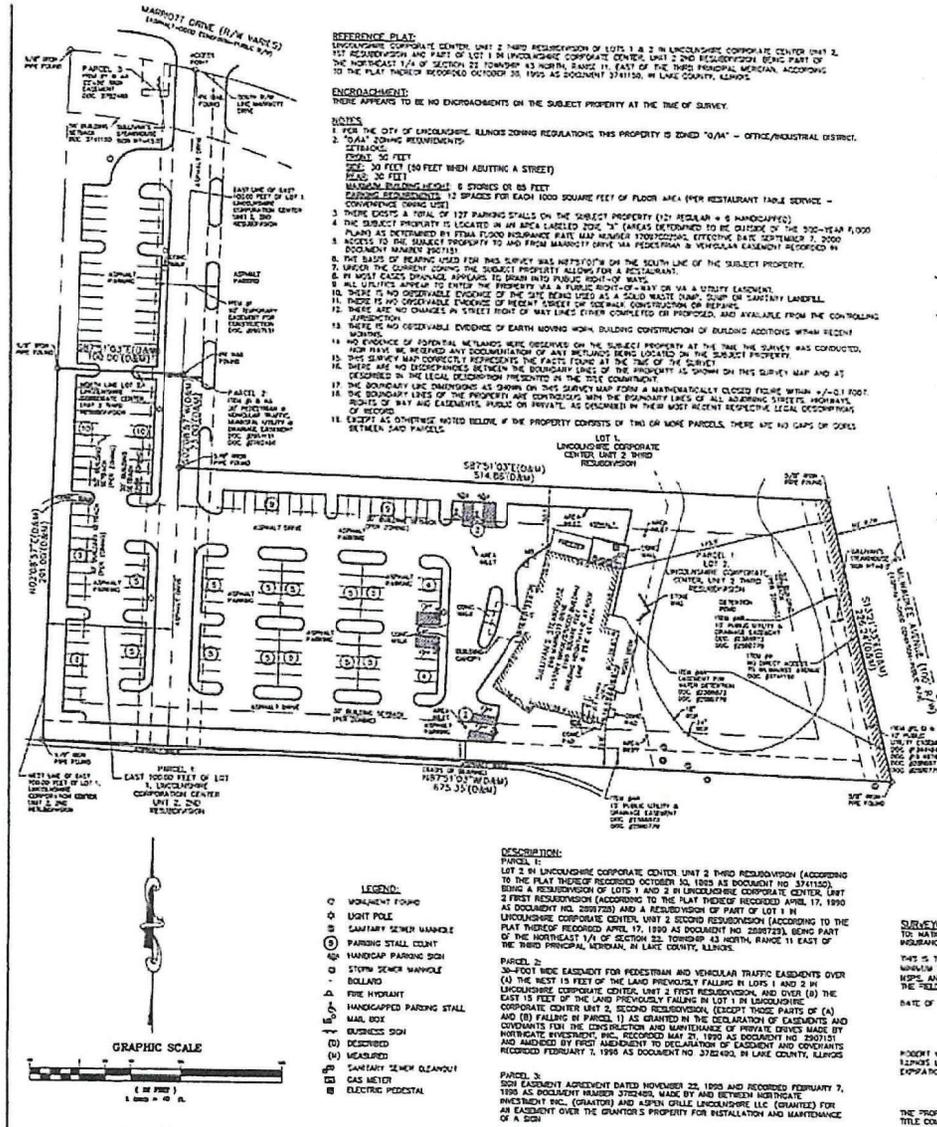
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400 ft



**REFERENCE PLAT:**  
 UNINCORPORATED CENTER UNIT 2 2ND RESUBDIVISION OF LOTS 1 & 2 IN UNINCORPORATED CORPORATE CENTER UNIT 2, 1ST RESUBDIVISION AND PART OF LOT 1 IN UNINCORPORATED CORPORATE CENTER UNIT 2 2ND RESUBDIVISION BEING PART OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1995 AS DOCUMENT 374150, IN LAKE COUNTY, ILLINOIS.

**ENCROACHMENT:**  
 THERE APPEARS TO BE NO ENCROACHMENTS ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.

**NOTES:**  
 1. FOR THE CITY OF UNINCORPORATED, ZONING REGULATIONS THIS PROPERTY IS ZONED "U/A" - OFFICE/INDUSTRIAL DISTRICT.  
 2. "U/A" ZONING REQUIREMENTS:  
 (A) 30 FEET (30 FEET WHEN ADJUTING A STREET)  
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 (Z) 30 FEET (30 FEET)

**ENCROACHMENT:**  
 THERE APPEARS TO BE NO ENCROACHMENTS ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.

**NOTES:**  
 1. FOR THE CITY OF UNINCORPORATED, ZONING REGULATIONS THIS PROPERTY IS ZONED "U/A" - OFFICE/INDUSTRIAL DISTRICT.  
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 (Y) 30 FEET (30 FEET)  
 (Z) 30 FEET (30 FEET)

**SURVEY REFERENCE:**  
 TITLE COMMITMENT NUMBER 2000 99901084 NOT DATED DECEMBER 15, 2011  
 PROJECT # JONES  
 2500 MARRIOTT DRIVE, UNINCORPORATED, ILLINOIS

1. OWNERSHIP BY THE VILLAGE OF UNINCORPORATED ALTA 14, 1981 AS DOCUMENT NUMBER 212943 (AFFECTS THE SUBJECT PROPERTY AND IS BLANKET IN NATURE)  
 2. CONTRACT DOCUMENTS AND CONDITIONS CONTAINED IN THE INSTRUMENT MADE BY CHICAGO AND NORTHWEST, INC. DATED APRIL 22, 1989 AND RECORDED JUNE 12, 1989 AS DOCUMENT NUMBER 193008 (AFFECTS THE SUBJECT PROPERTY AND IS BLANKET IN NATURE)  
 3. CONTRACT, SPECIFICATIONS, EASEMENTS AND PROVISIONS CONTAINED IN THE DECLARATION OF PROJECTIVE EASEMENTS FOR UNINCORPORATED CORPORATE CENTER UNIT 2 MADE BY INTERSTATE WESTFIELD, INC. RECORDED MAY 21, 1990 AS DOCUMENT NUMBER 2000 99901084 (AFFECTS THE SUBJECT PROPERTY AND IS BLANKET IN NATURE)  
 4. CONTRACT, SPECIFICATIONS, EASEMENTS AND PROVISIONS CONTAINED IN THE DECLARATION OF PROJECTIVE EASEMENTS FOR UNINCORPORATED CORPORATE CENTER UNIT 2 MADE BY INTERSTATE WESTFIELD, INC. RECORDED MAY 21, 1990 AS DOCUMENT NUMBER 2000 99901084 (AFFECTS THE SUBJECT PROPERTY AND IS BLANKET IN NATURE)  
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**UTILITY NOTE:**  
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPARE ALL SUCH UTILITIES IN THE AREA. EXCEPT BY NOTICE ON ADJACENT, THE SURVEYOR MAKES NO GUARANTEE THAT THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

CALL J.U.L.I.E.  
 ONLY UTILITY LOCATE INFORMATION FOR EXCAVATIONS BEFORE EXCAVATING  
 1-300-892-0123

**DESIGN SURVEYS, LLC**  
 707 N. MARY STREET  
 COOPER, KANSAS 66205  
 PH. (603) 596-2666  
 FAX (913) 686-4430

"ALTA/ACSM LAND TITLE SURVEY"  
 PREPARED FOR:

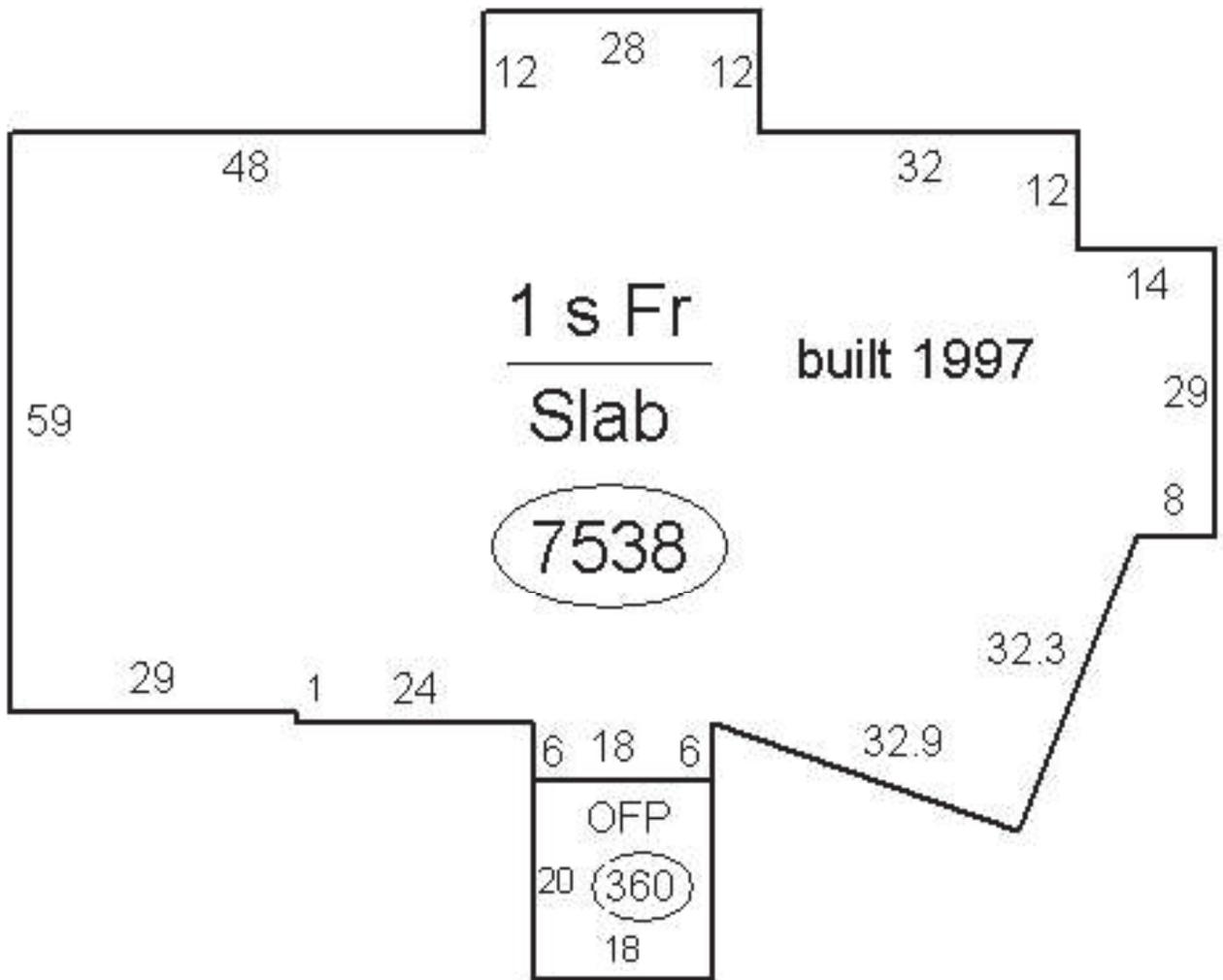
**THE MATTHEWS COMPANY**  
 National ALTA Survey Management

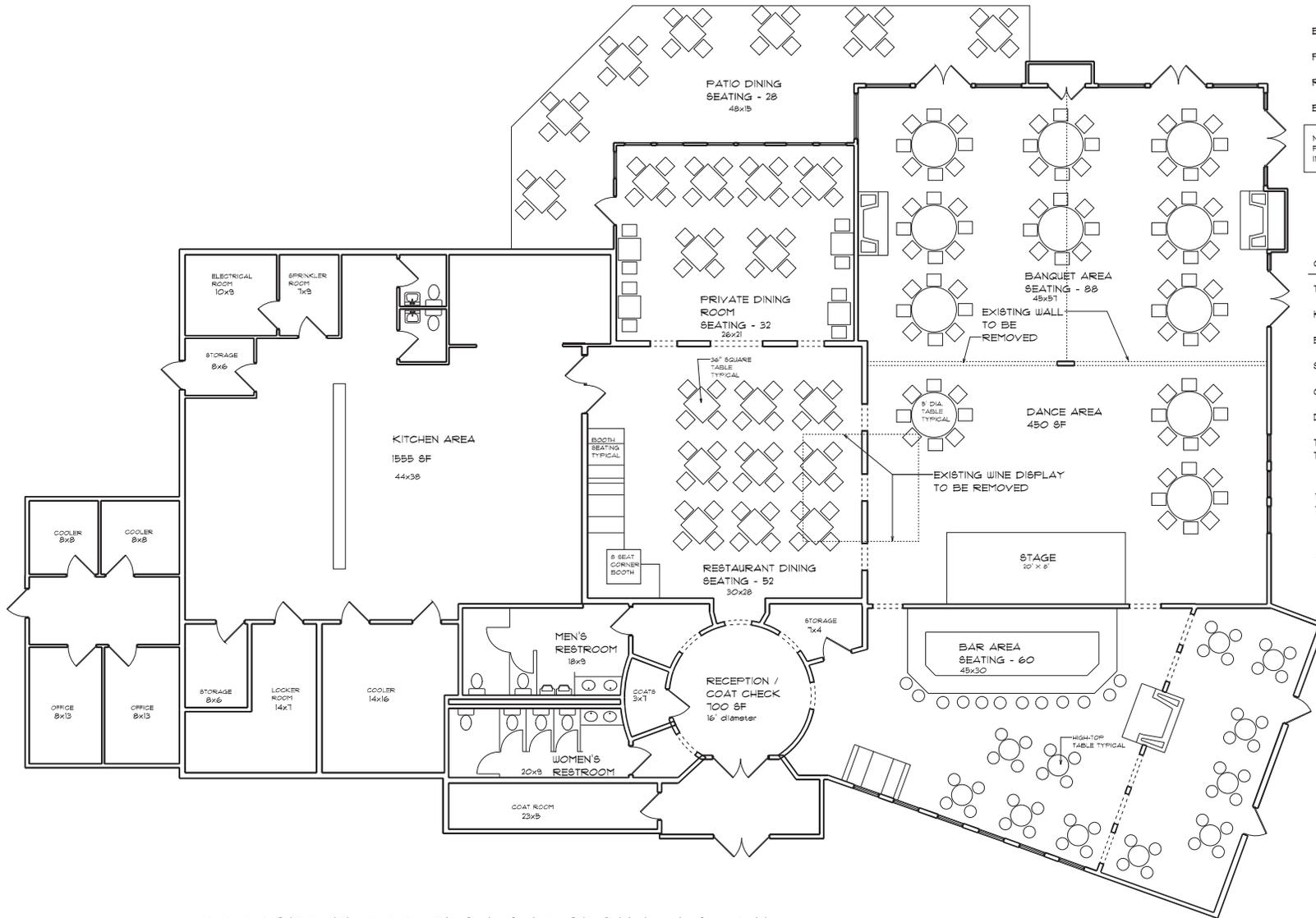
1722 Hubbard Drive, Suite 101118, Houston, Texas, TX 77058	DATE: 12/21/11	BY: JAH
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1722 Hubbard Drive, Suite 101118, Houston, Texas, TX 77058	DATE: 12/21/11	BY: JAH

**NATIONAL RETAIL PROPERTIES, INC.**

250 MARRIOTT DRIVE  
 UNINCORPORATED, ILLINOIS  
 (SULLIVANS STEAKHOUSE)

SCALE: 1" = 40'  
 DATE: 12/21/11  
 DRAWN BY: JAH  
 CHECKED BY: JAH





BANQUET AREA - 2,600 SF  
 PRIVATE DINING AREA - 600 SF  
 RESTAURANT DINING AREA - 810 SF  
 BAR AREA - 1,400 SF

NOTE: BANQUET AREA WILL BE USED FOR RESTAURANT SEATING WHEN NOT IN USE FOR A FUNCTION

OCCUPANCY CALCULATION  
 TOTAL DINING/BAR SEATING - 260  
 KITCHEN (200 GROSS) - 12  
 BACK BAR (200 GROSS) - 1  
 STORAGE (300 GROSS) - 1  
 OFFICE (100 GROSS) - 3  
 DANCE AREA (15 GROSS) - 30  
 TOTAL POSTED OCCUPANCY - 301 PERSONS  
 TOTAL ALLOWED - 413 PERSONS

TOTAL EXISTING PARKING - 121  
 TOTAL ADA COMPLIANT PARKING - 6

TOTAL CAPACITY OF EXISTING EXITS - 1,421 PPL

**PROPOSED FLOOR PLAN AND SEATING LAYOUT**

SCALE 3/16" = 1'-0"

NOTE: CONSTRUCTION IS EXISTING UNLESS NOTED OTHERWISE  
 EXISTING KITCHEN LAYOUT TO REMAIN, EXISTING UTILITIES ARE ADEQUATE AND WILL REMAIN.

XO RESTAURANT AND BANQUET HALL  
 INTERIOR RENOVATIONS / SEATING LAYOUT  
 250 MARIOTT DRIVE LINCOLNSHIRE IL

SHAWN FURNELL, ARCHITECT  
 1607 NORTH AVE. ROUND LAKE BEACH ILLINOIS 60015  
 PHONE: 847.583.2710 FAX: 847.770.3611  
 SHAWN@SFAARCHITECT.COM



# **SECURITY PLAN**

## **XO Restaurant**

250 Marriott Dr.  
Lincolnshire, IL 60069

# SECURITY PLAN

## **Goals:**

- To create a safe and secure environment within and immediately outside of the restaurant for all patrons, guests, employees and surrounding neighbors.
- To provide the highest level of control, safety, and quality stay for all arriving and departing guests/patrons of the restaurant.
- To mitigate any noise or inappropriate conduct directed at the immediate neighbors by patrons and guests upon entry or departure from the restaurant.
- To diffuse all situations as they occur, but also establish preventative measures to minimize the number of potential situations. The restaurant security staff will provide a strong presence detect and prevent any possible issues.
- To maintain a trained restaurant staff responsible and accountable for looking after the security and well-being of our guests.

## **Introduction:**

A strategy of prevention will be adopted to minimize the impact of additional pedestrian and vehicular traffic to the community while ensuring economic growth remains possible. A zero tolerance policy will be enacted and enforced against narcotics and contraband prohibited by law. Further, restaurant policy violations by guests and patrons will also be enforced with this same policy. Restaurant ownership and management will fully disclose and cooperate with law enforcement personnel, and other Village agencies as issues arise.

## **RESTAURANT SECURITY STAFF**

### **Entire Restaurant**

#### **Security Supervisor**

##### **Tasks:**

- Directly coordinate with Restaurant's General Manager about restaurant issues as they arise, and work on immediate resolution of said issues.
- Responsible for all security and safety of the entire restaurant premises, and proper training of support security staff hired. Ensure proper compliance of all security staff with restaurant policy, safety procedures, and protocol for enforcement of said rules and procedures.
- Be a liaison between law enforcement personnel and village officials.
- Be the point person for venue events based on security needs and event requirements.
- Maintain a contact information list of all security personnel working each shift. Provide the list to any village entity, as requested. This list will be maintained in restaurant records in an electronic format for easy access by law enforcement personnel, or other village entities.
- Schedule security camera monitoring by the security team.
- Maintain security camera data, and make these recordings accessible to law enforcement personnel as requested.
- Undertake regular rigorous security and safety assessments and reviews and report to Restaurant's General Manager.

### **Front of Restaurant and Entrance**

#### **Valet**

- The valets will assist with monitoring the entrance.
- Coordinates via radio with other security staff to communicate safety threats observed from the immediate exterior of the restaurant as needed.
- Provide security backup for all restaurant areas and as requested/need by other security staff members.

**Hours Worked: Fridays and Saturdays - 7pm-2am**

### **Bar/Lounge and Restaurant**

#### **Security Professional 1**

**Purpose:** Monitors bar/lounge and restaurant areas to ensure quiet and peaceful atmosphere.

##### **Tasks:**

- Monitor bar/lounge and restaurant, their entrances, and the area immediately adjacent to entrances.
- Enforce our zero tolerance policy towards narcotics, contraband, and restaurant violations of policies/procedures.
- Monitor patrons for proper conduct, and prevent situations of public intoxicated belligerence.

- Monitor the courtyard area as necessary.
- Ensure safe ingress and egress of patrons throughout the day.
- Monitors the exterior of the restaurant periodically to prevent loitering, noise, and complaints from our surrounding resident neighbors.
- Greet guests and patrons.

**Hours Worked: Fridays and Saturdays - 7pm-2am**

## STAFF TRAINING

All restaurant staff will:

- Receive regular training on comprehensive emergency response plans.
- Be knowledgeable of all security positions and the requirements each different position entails.
- Be trained to monitor noise levels and to make sure that there is no loud music.
  
- All security staff will be trained to:
- Maintain order within the restaurant in the restaurant and in the immediate property surroundings, and prevent any incidents that might hinder the quiet environment enjoyed by nearby residents and businesses.
  - Keep the guests, employees, and restaurant patrons safe and take preventative steps to resolve issues in an efficient and secure manner.
  - Respond in the event of a drug overdose, natural disaster, bomb threat, or any terrorist act, etc.

All security staff will be required to have and maintain an active CPR certification with the American Red Cross, and will be required to provide evidence of certification, as a requirement of employment. These records will be kept by the restaurant in electronic format during the duration of the restaurant operations or as required, and will be available to any village entity upon request.

Bartenders will be trained to make sure people are not rowdy or inebriated, and to maintain a secure & safe environment.

The restaurant shall maintain a log of all complaints received by adjacent property residents and property owners. This log will be available to law enforcement and any village entity as requested.

### **Uniforms**

All security staff will be easily identifiable by their uniform, formal black business suits. The security staff will be identifiable to guests, patrons, and law enforcement personnel/ emergency services providers.

## **EMERGENCY RESPONSE**

In the event of an emergency, all security staff will assist in the following:

- Ensure safe egress of all patrons/guests.
- Coordinate via radio with the Security Supervisor to ensure appropriate patron behavior and capacity in all areas of the restaurant.
- Coordinate via radio with all security staff to ensure all personnel are aware of incidents or emergency evacuation needs.

## **SECURITY TECHNOLOGY**

The restaurant will use advanced security technologies to facilitate safeguarding the security of guests, visitors, and neighbors, including:

- Integrated surveillance systems
- Advanced lock and access control systems
- Sophisticated asset protection tools
- Dedicated Fire/Life/Safety systems and monitoring

### **Cameras**

The restaurant will always use a digital security camera system integrated with an alarm network. This multiple camera system will provide coverage of all interior areas, including all entrances and exits to the premises. The camera system will be active 24-hours a day. Advanced digital recording will store all data from the cameras and alarm systems. All data will be maintained by the Security Supervisor for no less than 90 days. Security will monitor cameras as scheduled by the Security Supervisor.

### **Communication**

Each security staff member will carry a hand held radio. Surveillance attachments (ear piece/microphone) will be utilized. Management and Security Head Staff of the restaurant will constantly monitor all radio traffic. All security personnel and restaurant management shall be in constant radio contact to ensure proper deployment and support in case of an emergency.

### **Controlled Access**

There will be controlled access to each floor using key access.

## **COORDINATION WITH THE POLICE DEPARTMENT**

All security camera and alarm system data shall be made available to the police department upon demand.

5652

**XO RESTAURANT & BANQUET HALL INC.**

PH. 847-229-1010  
1057 E LAKE COOK RD.  
WHEELING, IL 60090

DATE 04/05/19 70-2277/719

PAY  
TO THE  
ORDER OF

Village of Lincolnshire \$ 1500  
one thousand five hundred no/100 DOLLARS

Security Features  
Included  
Details on Back



Buffalo Grove, Illinois 60089

FOR

fee application

K. Ho

MP

⑈005652⑈ ⑆07192277⑆ 09051818701⑈

**REQUEST FOR BOARD ACTION**  
**Committee of the Whole**  
**May 28, 2019**

**Subject:** Consideration of Requested Fee Waiver for Paving Project

**Action Requested:** Consideration and Discussion of Approval of Building Permit Fee Waiver per Section 5-3-2(A) Not For Profit Fees of Lincolnshire Village Code

**Petitioner:** Vernon Area Public Library

**Originated By/Contact:** Michael Jesse, Building Official

**Referred To:** Village Board

**Background:**

The Vernon Area Public Library (Library) requests a waiver of a \$100 permit fee for a parking lot resurfacing project. The Library's last waiver request from the library was approved by the Village Board in 2014 for a \$4,729 roofing permit.

**Summary:**

The requested waiver of \$100 represents internal permit fees only. There are no out-of-pocket costs for outside consultant inspections. A review of Fee Waiver requests over the past several years indicates the Board has previously approved fee waiver requests from the Library as follows:

<b>Month / Year</b>	<b>Fee Waiver Amount / Project</b>
April 2014	\$4,729 – Roofing permit
February 2013	\$4,314 – Major interior renovations permit
September 2006	\$100 – Pavement sealcoating permit

Staff found no fee waiver requests denied during this period. Staff recommends the current request be considered for approval in light of past practice.

**Recommendation:**

Consideration and Discussion of a request to waive Village fees of \$100, in accordance with Village Code, Section 5-3-2(A) and direct placement on the June 10, 2019 Regular Village Board meeting consent agenda for approval.

**Reports and Documents Attached:**

- Document 1: Letter from Library Head of Operations Stephen Territo, dated May 9, 2019.
- Document 2: Section 5-3-2 (A) of Village Code
- Document 3: Vernon Area Public Library tax exemption letter

<b>Meeting History</b>	
Committee of the Whole	May 28, 2019

# Vernon Area Public Library



May 9, 2019

Village Board of Trustees  
One Olde Half Day Road  
Lincolnshire, IL 60069

Dear Village Board of Trustees,

I'm writing to request a waiver of the Village fees (\$100.00) associated with permit P19-0045SW for Parking Lot Improve Overlay/Resurface at the Vernon Area Public Library.

The Vernon Area Public Library District qualifies as a non-profit organization in the State of Illinois and a majority of the Library's revenue comes from the taxpayers within the community. I've included the Library's certificate of tax exemption issued by the Illinois Department of Revenue for your review.

Please contact me at 224-543-1403 or [sterrito@vapld.info](mailto:sterrito@vapld.info) if you have any questions.

Thank you for considering the waiver.

Sincerely,

Stephen D. Territo  
Head of Library Operations

**CHAPTER 3  
BUILDING FEES AND CHARGES**

**SECTION:**

- 5-3-1: Fees for Permits**
- 5-3-2: Reimbursement of Professional Review Fees**
- 5-3-2A: Not-For-Profit Fees**
- 5-3-3: Additional Fees**
- 5-3-4: Water and Sewer Connection Charges**
- 5-3-4-1: Connection Charges Outside Corporate Limits**

**5-3-1 FEES FOR PERMITS:** The fee for a building permit to construct, alter or repair any building or other structure or its service equipment in the Village shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. (Ord. Amd. 96-1467-51 eff. 12/9/96)

A. Applicants for a building permit shall submit the estimated construction cost of the proposed improvements. The building official shall use the most recent copy of the International Building Code building valuation data report on file for verifying any estimates. The building official may request a verified statement of actual costs upon completion of the work. In the event the actual cost exceeds the estimate, an additional fee based upon such actual costs in accordance with this Section shall be paid.

**5-3-2: REIMBURSEMENT OF PROFESSIONAL REVIEW FEES:** Except as otherwise provided for in this Chapter, Applicants for a building permit shall be required to remain in compliance with Title 1, Chapter 8, Article D, as a condition of receiving a building permit.(Amd. Ord. 07-2981-09, eff. 4/23/07)

**5-3-2A: NOT FOR PROFIT FEES** (Ord. 94-1345-29 eff. 7/11/94)

A. Any charitable organization may file an application with the Village for a waiver of fees imposed by the Village. The application for waiver of fees shall be in writing and shall contain all the information necessary to determine the applicant's eligibility under this Ordinance and identify the fees and amounts which the applicant is requesting to be waived. The Board of Trustees shall review the application and satisfy itself of the sufficiency of the application and eligibility of the applicant at a Committee-of-the Whole meeting, and shall then formally approve or disapprove the application at scheduled regular meeting of the Village Board of Trustees. The application shall be filed with the Village

Clerk at least five (5) days before the date of the Committee-of-the-Whole meeting at which the application is to be considered initially.

There shall be no waiver of fees in excess of \$5,000 per development or project.

**B. DEFINITIONS**

<b>CHARITABLE ORGANIZATION</b>	Shall mean any not for profit corporation, association or foundation organized and operated exclusively for religious purposes, charitable purposes, or for the prevention of cruelty to children or animals.(Amd. Ord. 98-1543-05, eff. 3/9/98)
<b>FEES</b>	Shall mean those fees that would otherwise be required for, or incurred in connection with, planning, zoning and building permits in regard to construction, restoration, replacement, renovation, remodeling, addition or repair of a structure, but not including sewer and water connection fees and fees or charges recovering direct out-of-pocket Village expenses.
<b>OUT-OF-POCKET VILLAGE EXPENSES</b>	Shall mean any costs incurred by the Village for outside services of independent contractors related to the processing of any petitions or permits, including, but not limited to, postage, legal fees, costs of legal notices and the cost of any inspections or analysis required by the Village from outside consultants.

**5-3-3: ADDITIONAL FEES:**

- A. Lake County Sanitary Sewer Fee: Applicants for connection to, or modification of, the Village sanitary sewer system shall pay connection fees as required by the County of Lake. The Building Official shall collect such fee on behalf of the County and transfer such funds to the County on a schedule in accordance with the requirements of the County.
- B. Outside Agency & Consultant Fees: Applicants for Building Permits shall reimburse the Village for all costs incurred by contracted or specialized reviewers necessary to ensure that the application, design, plans and specifications meet the requirements of the Village. The Village reserves the right to request a specialized review for any project submitted. In the event that such a review is required, the Village shall make every effort to inform the applicant of the need for a specialized review that might not typically be required, prior to securing the Consultant / Agency for said review.
- C. Recapture Fees: Applicants shall pay any and all recapture fees prior to issuance of a permit in accordance with the applicable Recapture Agreement. (Amd. Ord. 09-3090-13, eff. 03/23/09)



**Illinois Department of Revenue**

Office of Local Government Services  
Sales Tax Exemption Section, 3-520  
101 W. Jefferson Street  
Springfield, IL 62702  
217 782-8881

January 2, 2015

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VERNON AREA PUBLIC LIBRARY DISTRICT  
300 OLDE HALF DAY ROAD

LINCOLNSHIRE IL 60069

Effective January 1, 2015, we have renewed your governmental exemption from payment of the Retailers' Occupation Tax, the Service Occupation Tax (both state and local), the Use Tax, and the Service Use Tax, as required by Illinois law.

We have issued the following new tax exemption identification number:

E9995-6756-07  
to  
VERNON AREA PUBLIC LIBRARY DISTRICT  
of  
LINCOLNSHIRE, IL

The terms and conditions governing use of your exemption number remain unchanged.

Office of Local Government Services  
Illinois Department of Revenue

**REQUEST FOR BOARD ACTION  
Committee of the Whole  
May 28, 2019**

**Subject:** Sign Code (Title 12) Revisions

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**Action Requested:** Consideration of an Ordinance Amending Title 12 (Signs) of the Lincolnshire Village Code - Permanent Wall and Ground Sign Requirements in the Proposed Commercial Sign District Created via Merger of the Downtown and Corridor Commercial Sign Districts; Revisions to Illumination Requirements in the Commercial Sign District; and Revisions to Ground Sign Approval Requirements in All Sign Districts

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**Petitioner:** Village of Lincolnshire

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**Originated  
By/Contact:** Tonya Zozulya, Planning & Development Manager

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**Background:**

- At the October 22, 2018 Committee of the Whole meeting, during the consideration of comprehensive Sign Code revisions, the Village Board (Board) directed staff to research and evaluate sign dimensions in the Downtown and Corridor Commercial Sign Districts for potential standardization between both districts (see attached Document 1).
- On November 12, 2018, staff presented potential revisions to the Village Board. The Board expressed appreciation for the three-part monument sign design requirements in the Downtown Sign District, but did not reach consensus regarding sign dimensions. Some Board members were interested in larger signs in the Downtown District to match those in the Corridor Commercial Sign District. Other Board members wished to keep current Downtown Sign District dimensions and consider requests for larger signs on a case-by-case basis. At the conclusion of the meeting, the Board referred this matter to the Architectural Review Board (ARB) for consideration and recommendations.
- On December 18, 2018 and February 19, 2019, the Architectural Review Board (ARB) held workshops to discuss permanent wall and ground sign regulations in the Downtown and Corridor Commercial Sign Districts for potential standardization and enhancement. On April 23, 2019, the ARB held a public hearing regarding the proposed code amendments and ultimately forwarded a favorable recommendation to the Board. The three main areas for revisions recommended by the ARB include the following (see attached Document 3 for further information):
  1. Apply current Corridor Commercial Sign District dimensions to the proposed Commercial Sign District (see Chapter 9 summary below for details).
  2. Eliminate the front-lit (channel illumination) restriction so both front-lit/channel and backlit/reverse channel signs are allowed in the proposed Commercial Sign District (see Chapter 9 summary below for details).
  3. Require all code-compliant, brand new ground signs and structural ground sign alterations in all sign districts be reviewed and approved by the Architectural Review Board. Currently, such signs are reviewed and approved by staff (see Chapter 4 below

for details). The ARB expressed a desire to review new ground signs and structural alterations to provide flexibility in sign materials while ensuring the materials are complementary to the building materials and design.

- Attached is a draft ordinance, prepared by the Village Attorney, as well as revised (redlined) Code Chapters 4 (Sign Permit), Chapter 6 (Establishment of Sign Districts), Chapter 8 (Sign Construction and Design: General Standards), Chapter 9 (Sign Construction and Design: Specific Standards by Sign Type), Chapter 12 (Exempt Signs), and Chapter 13 (Temporary Signs) (see attached Document 2).

### **Summary of ARB-Recommended Revisions**

#### Chapter 4 (Sign Permit)

- Revised the sign approval requirements to state all code-compliant, brand new ground signs and structural ground sign alterations in all sign districts are to be reviewed and approved by the Architectural Review Board. Any signs requiring Sign Code variations will follow the current process (a Public Hearing by the ARB and final review/approval by the Village Board).

#### Chapter 6 (Establishment of Sign Districts)

- Eliminated the current Downtown Sign District purpose and revised the current Corridor Commercial Sign District purpose for the proposed Commercial Sign District.
- Updated the Sign District Map to merge the current Downtown and Commercial Corridor Districts into the proposed Commercial Sign District. Commercial Corridor properties will be located along and adjacent to Milwaukee Avenue, as well as the TSJ development and the CDW Center along the Tollway.
- Updated the Sign District Map note to clarify that in addition to the properties located entirely within the Commercial Sign District, properties with frontage along Milwaukee Avenue (bounded by Half Day Road and Aptakisic Road) and with facades oriented towards Milwaukee Avenue are permitted signage per the “Commercial Sign District” requirements.

#### Chapter 8 (Sign Construction and Design: General Standards)

- Clarified the current ground sign landscaping requirements.

#### Chapter 9 (Sign Construction and Design: Specific Standards by Sign Type)

- Below is a table comparing the current Downtown and Commercial Corridor sign requirements by sign type. “Corridor Commercial” will be replaced with “Commercial”, the “Corridor Commercial” dimensions are recommended for the new “Commercial” district. These dimensions will afford larger, more visible signs.

### Wall Signs

Sign District	Illumination	Max Length	Max Face Height (letters & graphics)	Max Letter Height	Max Logo Height
Downtown	Backlit Goosenecks	15'	24"	18"	24"
Recommended (to be renamed from "Corridor Commercial" to "Commercial")					
Corridor Commercial	Backlit Frontlit (with restrictions) Goosenecks	18'	36"	24"	30"

\*Restrictions include: Front-lit signs are allowed only when all three requirements are met: (1) Office use only; (2) Buildings that are 40' or taller; and (3) Signs mounted at 35' above grade or higher.

### Double-Post Ground Signs

Sign District	Illumination	Max Area	Max Structure Area	Max Structure Height	Max Structure Length
Downtown	<u>Single tenant</u> Backlit Goosenecks  <u>Multi-tenant</u> Frontlit Backlit Goosenecks	24 sq.ft.	66 sq.ft.	5.5'	12'
Recommended (to be renamed from "Corridor Commercial" to "Commercial")					
Corridor Commercial	Frontlit Backlit Goosenecks	30 sq.ft.	72 sq.ft.	6'	12'

### Monument Ground Signs

Sign District	Illumination	Design	Max Area	Max Structure Height	Max Structure Length
Downtown (single-tenant)	Backlit Goosenecks	- Base - Main area - Cap	54 sq. ft.	6'	9'
Downtown (multi-tenant)	Frontlit Backlit Goosenecks	- Base - Main area - Cap	67.5 sq. ft.	7.5'	9'
Recommended (to be renamed from "Corridor Commercial" to "Commercial")					
Corridor Commercial (single-tenant)	Frontlit Backlit Goosenecks	N/A	60 sq.ft.	6'	10'
Corridor Commercial (multi-tenant)	Frontlit Backlit Goosenecks	N/A	75 sq.ft.	7.5'	10'

- Eliminated all references to the Downtown and Corridor Commercial Sign Districts. Proposed the same requirements for the Commercial Sign District as the current Corridor Commercial Sign District with removal of the current front-lit/channel restriction for wall signs. For the sake of clarifying and following sign industry illumination terminology, the term "front-lit" will be replaced with "channel" and "backlit/halo" will be replaced with "reverse channel."

- Clarified that only letters and logos be illuminated; a sign band may not be illuminated. This would be consistent with current Village signage approvals.
- Eliminated the current restriction which states any side wall or rear wall sign adjacent to a residential district may not to be illuminated. The current prohibition is in conflict with a recent text amendment that allows any sign outside 120' of a residential dwelling to be illuminated but be turned off no later than 1 a.m. or when the business closes to the public, whichever is earlier and may be turned back on at 6 a.m. or when the business reopens to the public (gas stations and other 24-hour businesses are currently exempt from this requirement). The maximum 0.5 foot candle light intensity at the property line will still apply.

Chapter 12 (Exempt Signs)

- Eliminated all references to the Downtown and Corridor Commercial Sign Districts, replacing them with "Commercial Sign District".

Chapter 13 (Temporary Signs)

- Eliminated all references to the Downtown and Corridor Commercial Sign Districts, replacing them with "Commercial Sign District". The two districts currently have identical requirements for banner and non-banner temporary sign types, which will be carried into the combined Commercial Sign District.

**Recommendation:**

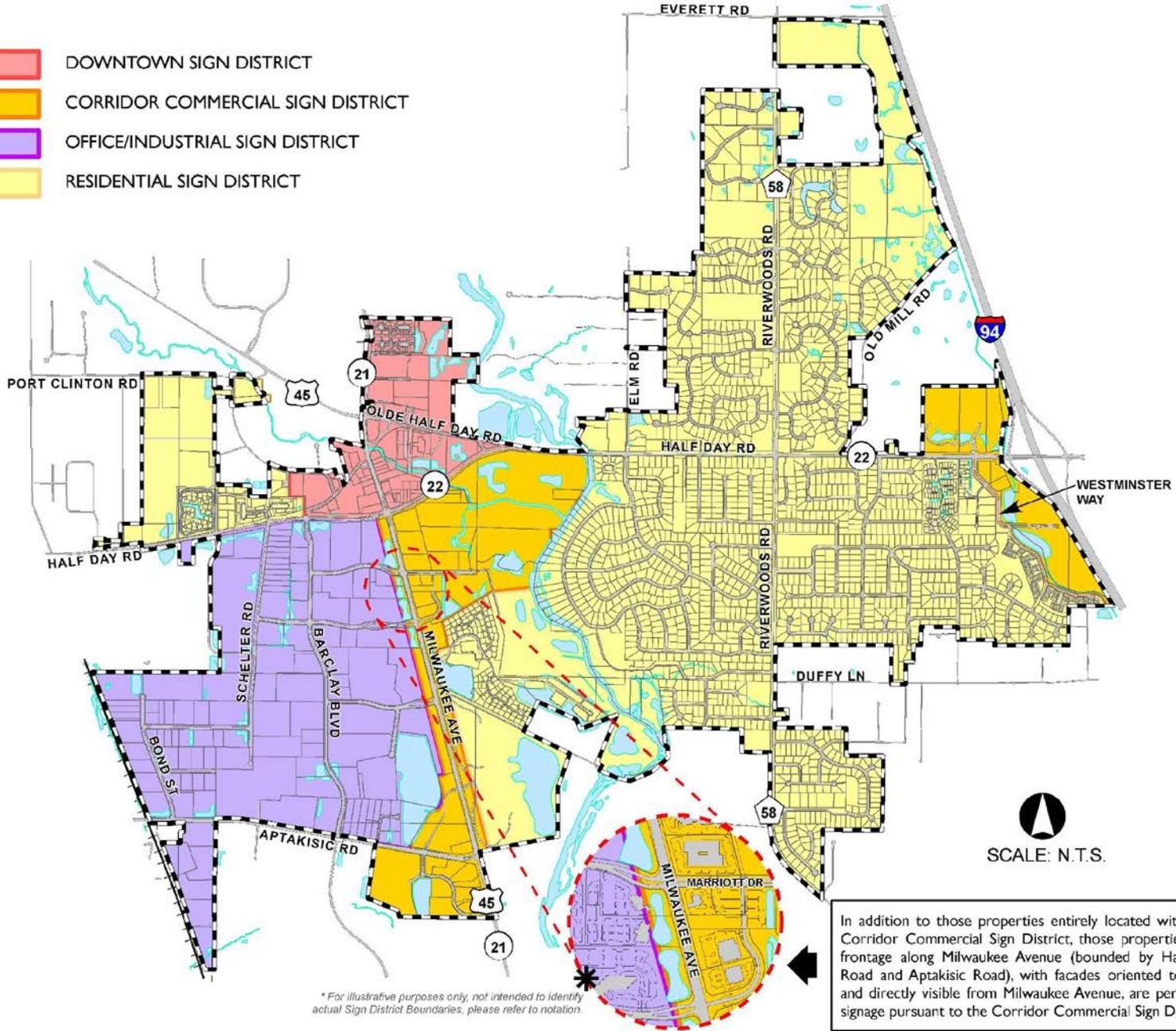
Consideration of an ordinance amending Title 12 (Sign Control) and direct placement on the June 10, 2019 Consent Agenda for approval.

**Reports and Documents Attached:**

- Document 1: Sign District map.
- Document 2: Draft ordinance and redlined text for Chapters 4, 6, 8, 9, 12, and 13, prepared by staff and the Village Attorney.
- Document 3: April 23, 2019 ARB meeting minutes.

<b>Meeting History</b>	
Committee of the Whole	November 12, 2018
Architectural Review Board Workshop (initial)	December 18, 2018
Architectural Review Board Workshop (continued)	February 19, 2019
Architectural Review Board Public Hearing	April 23, 2019
Committee of the Whole (current)	May 28, 2019

- DOWNTOWN SIGN DISTRICT
- CORRIDOR COMMERCIAL SIGN DISTRICT
- OFFICE/INDUSTRIAL SIGN DISTRICT
- RESIDENTIAL SIGN DISTRICT



**VILLAGE OF LINCOLNSHIRE**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 12 (SIGNS)  
OF THE LINCOLNSHIRE VILLAGE CODE**

**WHEREAS**, the Village of Lincolnshire, an Illinois home rule municipal corporation, has the authority to adopt ordinances and promulgate rules and regulations that pertain to its government and affairs, including the coordination and operation of various activities and structures within its boundaries, and to protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Village has express statutory authority to establish and enforce standards for the review of the design of buildings and structures, including signs, 65 ILCS 5/11-13-1(12); and

**WHEREAS**, the Village Board finds it necessary for the promotion and preservation of the public health, safety and welfare of the Village that the design, erection, construction, location and maintenance of all signs be regulated and controlled;

**WHEREAS**, the Village has an important and substantial interest in ensuring the signs erected and displayed in the community are constructed well and maintained in good order to ensure the signs do not deteriorate and consequently have a negative impact on aesthetics and property values; and

**WHEREAS**, Village Board finds that sign clutter makes the community less attractive for commerce and private investment, and dilutes and obscures messages being displayed in the village's non-residential sign districts by creating visual confusion and aesthetic blight; and

**WHEREAS**, the Village Board desires to revise the regulation of signs by combining the Downtown Sign District with the Corridor Commercial Sign District and making corresponding changes throughout the Sign Code; and

**WHEREAS**, the Village Board further desires to make certain changes to the regulations governing the illumination of signs and the application process for ground sign permits;

**WHEREAS**, the Village Board referred to the Architectural Review Board (“ARB”) a petition to research, consider and prepare proposed text amendments to the Sign Code; and

**WHEREAS**, following due publication of notice in the April 6, 2019 Daily Herald, a public hearing concerning the proposed amendments to the sign districts, the regulation of sign illumination and the application process for ground sign permits in the Sign Code of the Village was convened by the ARB on April 23, 2019; and

**WHEREAS**, following deliberation and consideration on the evidence and testimony elicited during the public hearings and the recommendation of the ARB, the Village Board desires for the Sign Code to be amended as proposed by Staff; and

**WHEREAS**, the Village hereby finds that it is in the best interest of the Village and the public to amend its Sign Code to promote the highest and best use of the land in the Village and to achieve various other goals promoting the economic health and welfare of the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village Of Lincolnshire, Lake County, Illinois, in exercise of its home rule powers, as follows:

SECTION ONE: The findings contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance as though fully set forth herein. The findings of the Architectural Review Board of the Village of Lincolnshire, Lake County, Illinois, are herein incorporated by reference as the findings of this Board to the same effect as if fully recited herein at length. All references in the ARB’s findings are made the references of the Mayor and Board of Trustees of the Village of Lincolnshire.

SECTION TWO: Title 12, Chapters 4, 6, 8, 9, 12 and 13 are hereby amended in the manner described in Group Exhibit A, attached hereto and incorporated as though fully recited herein. The changes are shown as additions described with underlines and deletions described with strikeouts.

SECTION THREE: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, either facially or as applied, such portion shall be deemed a

separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof or any other application under which such provision is deemed permitted.

SECTION FOUR: All prior Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this \_\_\_\_\_ Day of \_\_\_\_\_, 2019, at  
Lincolnshire, Lake County, Illinois.

AYES:

NAYS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Elizabeth J. Brandt, Mayor

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Barbara Mastandrea, Village Clerk

**GROUP EXHIBIT A**

TITLE 12

CHAPTER 4

CHAPTER 6

CHAPTER 8

CHAPTER 9

CHAPTER 12

CHAPTER 13

***[SEE ATTACHED]***

## CHAPTER 4

### SIGN PERMIT

#### SECTION:

#### 12-4-1 SIGN PERMIT

##### A. Applicability

No sign, except those identified as exempt, shall be erected, constructed, altered or relocated without first obtaining a sign permit from the Department of Community and Economic Development.

##### B. Authority and Execution

The Department of Community and Economic Development shall be responsible for determining compliance with this Title.

##### C. Permit Application

An application for a sign permit shall be made upon forms provided by the Department of Community and Economic Development, signed by the applicant, and contain or have attached thereto the following information:

1. Name of person, firm, corporation or association constructing and erecting the sign.
2. Location of building, structure or lot to which or upon which sign is to be attached or erected.
3. Name, address, and telephone number of the applicant, and the name of a responsible party in the case of corporate applications.
4. Written consent of the owner of the building structure or land on which the sign is to be erected.
5. Site plan showing location of the sign upon the lot and copy of the sign.
6. Elevation of proposed sign showing size of sign and height of top of sign above grade.
7. Four (4) sets of plans and specifications showing the method of construction, location, support, attachment to the buildings or grounds, illumination and the lighting intensity. If not included therein, four (4) sketches showing the sign faces, exposed surfaces and proposed message, all accurately represented in scale as to size, proportion and color. If the sign is to be attached to a building, a drawing shall be submitted showing the sign on the facade of the building.
8. A Landscape Plan which meets the requirements of subsection 12-8-1-E of the Sign Ordinance.
9. If required by the Department of Community and Economic Development, a copy of stress sheets and calculations showing that the structure is designed for deadload and

wind pressure in any direction, in the amount required by this and all other laws and ordinances of the Village.

10. Any electrical permit required for this sign.

11. Such other information that the Department of Community and Economic Development shall require to show full compliance with this and all other ordinances of the Village.

#### **D. Permit Issuance**

1. Upon the filing of an application for a sign permit for erection, alteration or relocation of a sign, the Department of Community and Economic Development shall determine whether the application is complete. If the application is not complete, the Department of Community and Economic Development shall promptly notify the applicant of any deficiencies, and shall not process the application until the deficiencies are remedied.

2. The Department of Community and Economic Development shall examine the plans and specifications, and the premises upon which the proposed sign is to be erected to ensure compliance with the requirements of this Title and all other applicable ordinances of the Village.

3. The Department of Community and Economic Development shall issue the sign permit if the sign complies with the requirements of this Title and all other ordinances of the Village, and involves any sign other than new ground sign applications or applications for structural ground sign changes—new wall sign installation or changes to existing wall or ground sign faces only without altering the sign structure.

43. New ground sign applications or applications for structural ground sign changes shall be reviewed and approved by the Architectural Review Board prior to sign permit issuance by the Department of Community and Economic Development. The Architectural Review Board's determination for code-compliant signs is final. Sign applications requiring variations shall receive final approval by the Village Board. Applications for changes to existing sign faces and sign replacements shall be reviewed by the Department of Community and Economic Development.

#### **E. Approval of Electrified Signs**

The application for an electrical permit for the erection of an Electrical Sign shall be submitted to the Department of Community and Economic Development, who shall forward the specifications regarding all wiring and connections to the Village's Building Official. The Building Official shall examine the plans and specifications to determine compliance with the Electrical Code of the Village as a condition of granting the sign permit.

#### **F. Permit to Alter Sign**

Whenever a holder of a permit desires to enlarge or alter the Sign Area or Sign Face, he shall be required to submit an application for a new permit and pay the full fee. There shall be no refund or credit for fees previously paid, the existing permit will be canceled, and a new permit issued. However, the repairing, changing of parts, and preventive maintenance of a sign shall not be deemed to be alterations.

#### **G. Inspection**

The Village's Building Official may inspect, at such times as deemed appropriate, each sign regulated by this Title. The purpose of the inspection is to ascertain whether the structure is

secure or not secure, in need of repair or removal, or in conformance with the permit and the provisions of this Title and Title 5, Chapter 4 of the Village Code, Building Codes.

#### **H. Sign Permit Void**

If there is no activity of the work authorized under a sign permit within six (6) months after the date of issuance, the permit becomes null and void. The building official is authorized to grant one (1) or more extensions of time for additional periods not six (6) months each. The extension shall be requested in writing and justifiable cause demonstrated.

#### **I. Revocation of Permit**

All rights and privileges acquired under the provisions of this section are licenses revocable at any time by the Village Manager if he/she finds noncompliance with this Title which is not corrected within twenty (20) days after written notice by the Department of Community and Economic Development to the permittee, with a copy to the Village Manager. Upon the termination or revocation of the sign permit, the licensee shall remove the sign within five (5) days without cost or expense to the Village. In the event of the failure, neglect or refusal on the part of the licensee to do so, the sign shall be considered a nuisance and the Village may proceed to remove the same and charge the expense to the licensee.

#### **J. Sign Permit Fees**

The fee to be charged for any permit issued for the erection or alteration of a sign shall be as prescribed in the Comprehensive Fee Schedule as set forth in Chapter 15 of Title 1 of this Code. Any not-for-profit organization may file an application with the Village for a waiver of fees imposed by the Village as per section 5-3-2(A) of the Village Building Code.

#### **K. Penalties**

1. Any person violating any of the provisions of this Title shall be fined not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.
2. If a person installs, permits to be installed, or begins to install, any sign without first securing a permit as required by this Title such installation shall cease until a sign permit is issued. In addition, the fee for such a building permit shall be twice the sign permit fee provided for by this Title.

## CHAPTER 6

### ESTABLISHMENT OF SIGN DISTRICTS

#### SECTION:

#### 12-6-1 ESTABLISHMENT OF SIGN DISTRICTS

##### A. Purpose

The establishment of the following sign districts is based upon the dominant uses found in each district to ensure that signage is consistent with the unique development character maintained in each district. Regardless of sign district, signage in the Village shall be of the highest aesthetic standards and promote the Village as a unique destination with clear and specific requirements.

##### B. Sign Districts

###### ~~1. Downtown Sign District~~

~~The purpose of the Downtown Sign District is to ensure that signs within the downtown are compatible with the character and image of the downtown, and provide businesses with a number of alternatives for advertising to pedestrian and automotive patrons.~~

~~In the interest of creating and maintaining an identity and character for the District, for each property or planned unit development located within the Downtown Sign District, three (3) of the five (5) types of building Identification Signs shall be selected for all of the buildings in the development: ground signs, wall signs, window signs, blade signs, awning or canopy signs. In addition, directional signs are permitted in the Downtown Sign District for each property or planned unit development.~~

###### ~~12. Corridor Commercial Sign District~~

The purpose of the ~~Corridor~~ Commercial Sign District is to ensure that signs located ~~within the downtown area and~~ along major arterials provide an effective means of advertising, as well as presenting a positive and coordinated appearance of the Village along the roadway. Signs within the ~~corridor c~~Commercial Sign District ~~areas~~ are primarily oriented toward the automobile.

In the interest of creating and maintaining an identity and character for the District, for each property or planned unit development located within the ~~Corridor~~ Commercial Sign District, three (3) of the five (5) types of building Identification Signs shall be selected for all of the buildings in the development: ground signs, wall signs, window signs, blade signs, awning or canopy signs. In addition, directional signs are permitted in the ~~Corridor~~ Commercial Sign District for each property or planned unit development.

In addition to the properties entirely located within the Commercial Sign District, those properties with frontage along Milwaukee Avenue (bounded by Half Day Road and Aptakisic Road), with facades oriented towards and directly visible from Milwaukee Avenue, are permitted signage pursuant to the Commercial Sign District.

### **23. Office/Industrial Sign District**

The purpose of the Office/Industrial Sign District is to ensure that signs located within the Village's Office/Industrial Districts provide an effective means of identifying the location and services of the businesses in the District, as well as presenting a positive and coordinated appearance of the Village along the roadway. Signs within the Office/Industrial areas are primarily oriented toward the automobile.

In the interest of creating and maintaining an identity and character for the District, for each property or planned unit development located within the Office/Industrial Sign District, two (2) of the following types of building Identification Signs shall be selected for all of the buildings: ground signs, or wall signs. In addition, directional signs are permitted in the Office/Industrial Sign District for each property or planned unit development.

In addition to the properties entirely located within the Office/Industrial Sign District, those properties with frontage along Milwaukee Avenue (bounded by Half Day Road and Aptakisic Road), with facades oriented towards and directly visible from Milwaukee Avenue, are permitted signage pursuant to the Office/Industrial Sign District.

### **34. Residential Sign District**

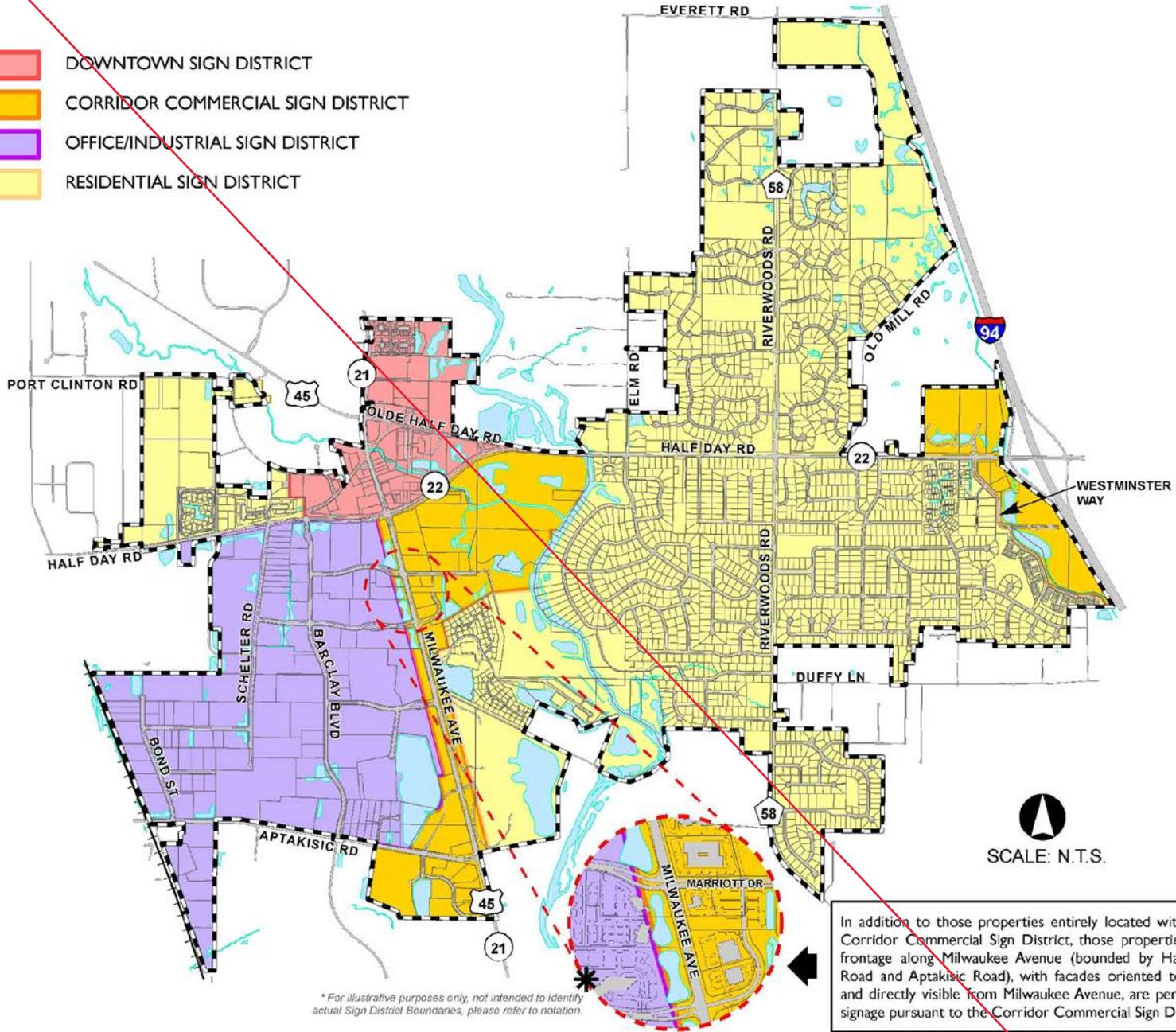
The purpose of the Residential Sign District is to ensure proper regulation of signs common to residential areas for both permitted non-residential uses that need to identify their location, and the variety of temporary and non-commercial signs residents may desire, provided they are not displayed in a manner that is contrary to the predominant residential character of the district.

In the interest of creating and maintaining an identity and character for the District, for each non-residential property or planned unit development located within the Residential Sign District, one (1) of following types of building Identification Signs shall be selected for all of the buildings in the development: ground sign, or wall sign. In addition, directional signs are permitted in the Residential Sign District for each non-residential property or planned unit development.

### **C. Sign District Location**

The locations of the Village of Lincolnshire's Sign Districts are indicated on the following page. Upon being annexed, the Zoning Administrator shall have the authority to assign properties not depicted on the Sign District map described in this Title to the appropriate Sign District based on the applicable zoning and the Sign District(s) to which the property is contiguous.

- DOWNTOWN SIGN DISTRICT
- CORRIDOR COMMERCIAL SIGN DISTRICT
- OFFICE/INDUSTRIAL SIGN DISTRICT
- RESIDENTIAL SIGN DISTRICT



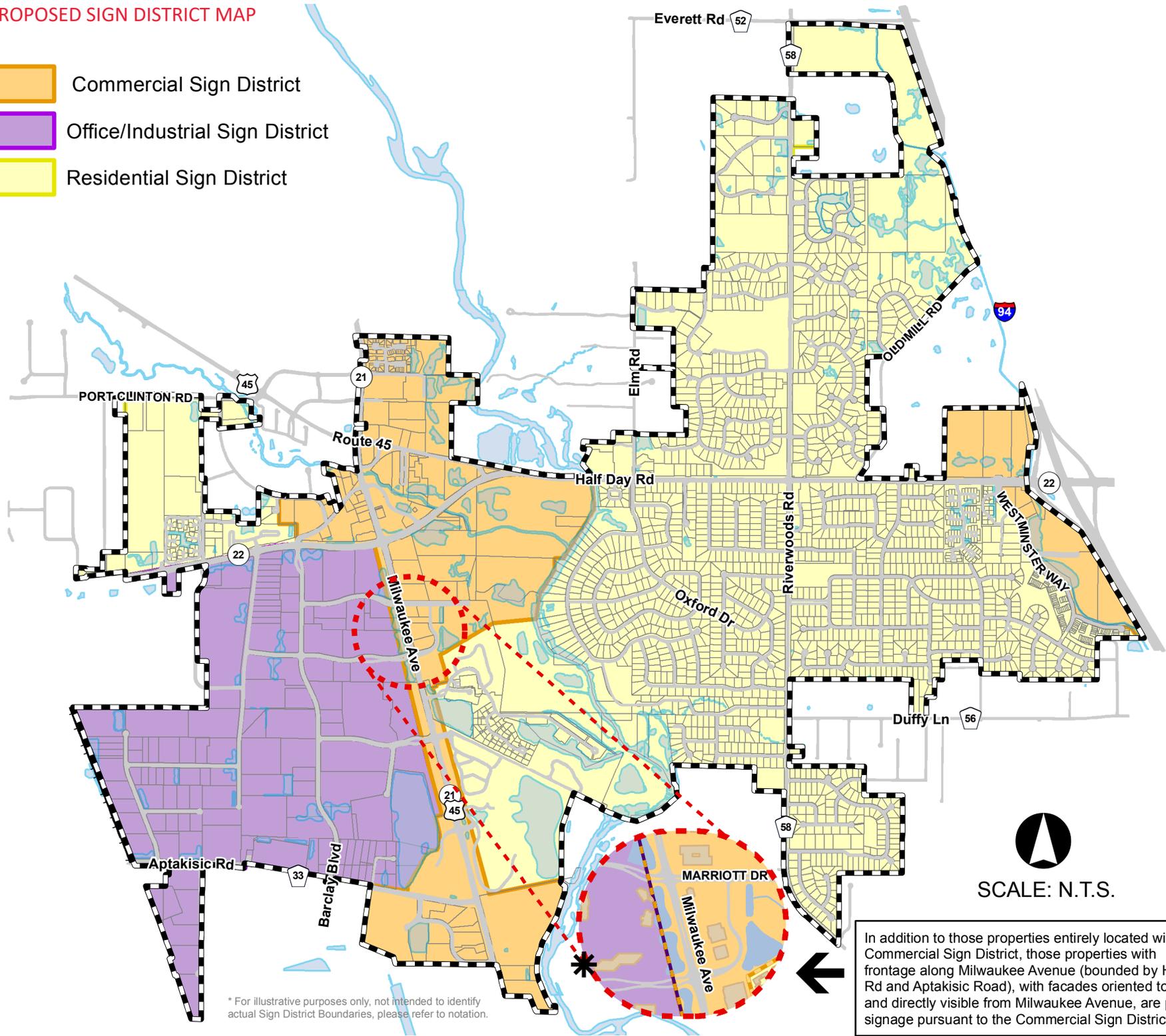
*\* For illustrative purposes only, not intended to identify actual Sign District Boundaries; please refer to notation.*

SCALE: N.T.S.

In addition to those properties entirely located within the Corridor Commercial Sign District, those properties with frontage along Milwaukee Avenue (bounded by Half Day Road and Aptakisic Road), with facades oriented towards and directly visible from Milwaukee Avenue, are permitted signage pursuant to the Corridor Commercial Sign District.

PROPOSED SIGN DISTRICT MAP

-  Commercial Sign District
-  Office/Industrial Sign District
-  Residential Sign District



\* For illustrative purposes only, not intended to identify actual Sign District Boundaries, please refer to notation.

  
SCALE: N.T.S.

In addition to those properties entirely located within the Commercial Sign District, those properties with frontage along Milwaukee Avenue (bounded by Half Day Rd and Aptakasic Road), with facades oriented towards and directly visible from Milwaukee Avenue, are permitted signage pursuant to the Commercial Sign District.

## CHAPTER 8

### SIGN CONSTRUCTION AND DESIGN: GENERAL STANDARDS

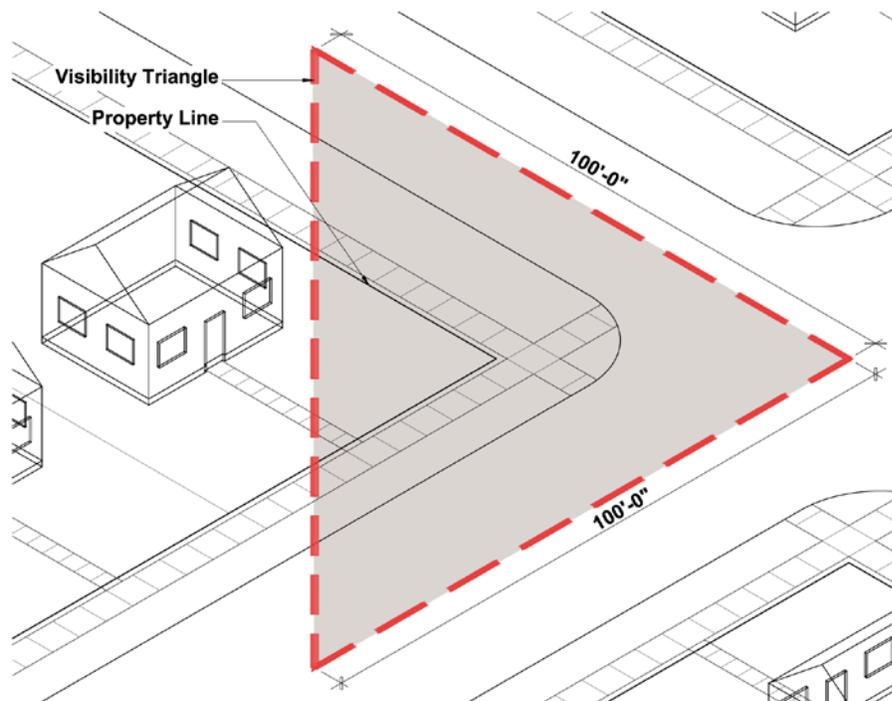
#### SECTION:

#### 12-8-1 SIGN CONSTRUCTION AND DESIGN: GENERAL STANDARDS

The following standards apply to all signs, unless specifically noted otherwise.

##### A. Location

1. Only signs placed by federal, state and/or local government may be erected upon public property, including but not limited to rights-of-way.
2. No sign mounted on the exterior of a building shall cover any windows, doors or any architectural building features.
3. All portions of letters/logo shall be a minimum of three (3) feet from the building edge of any face, roof line, ground line or floor/ceiling/roof/wall lines which separate individual tenant spaces.
4. On a corner lot, no freestanding sign over two (2) feet tall may be placed within the visibility triangle. The visibility triangle is an area with one (1) point at the intersection of the intersecting streets' centerlines, and the other two (2) points located on each street's centerline one-hundred (100) feet away from the intersection of said centerlines. The clear sight area is illustrated below.



*Illustration of vision triangle for 12-8-1-A-4*

## **B. Sign Structure and Installation**

Supports and braces shall be an integral part of the sign design. Angle irons, chains or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

## **C. Wind Pressure and Direct Load**

All signs must be designed and constructed to receive dead loads and withstand a wind speed of no less than ninety (90) miles per hour.

## **D. Illumination**

Any sign illumination, including gooseneck reflectors must be designed, located, shielded and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, or to distract the operators of motor vehicle or pedestrians in the public right-of-way. In the case of internally illuminated signs, the sign face must function as a filter for any illumination.

1. Illuminated signs located within 120 feet of any dwelling and for which the sign face has a direct line of sight toward windows of such dwelling shall be turned off and not operated no later than one o'clock (1:00) A.M. or when the premises is no longer open to the public, whichever is earlier, and may be turned and operated no earlier than when the premises opens to the public or six o'clock (6:00) A.M., whichever is earlier. Notwithstanding anything herein to the contrary, for businesses which are open to the public 24 hours each day, illuminated signs are not required to be turned off any time the business remains open. For the purpose of this section D.1, the measurement shall be from the face of the sign to the nearest façade of the nearest dwelling. Except as provided in this paragraph, all other signs are not required to be turned off.
2. Lighting for signs shall be in harmony with the signs' and the project's design. If outside lighting is used, it should be arranged so the light source is shielded from view.
3. The maximum lighting shall be one-half (½) footcandle, as measured at the property line reflecting from a white background aimed at the face of the sign.
4. All illuminated signs shall be equipped with a safety shut-off switch.

## **E. Ground Sign Landscaping**

All Ground Signs must be landscaped at the base of the sign in accordance with the following:

1. For every one (1) square foot of gross sign area, there shall be provided a minimum of two (2) square feet of landscape area.
2. The sign landscape plan must be drawn to scale, and shall show the dimensions of the proposed landscape area. The sign landscape plan shall provide a species list which includes the common and scientific name, size, quantity, and period of flowering (annuals and perennials), for all proposed plant material.
3. The sign landscape plan will utilize a variety of plant types including, but not limited to; deciduous and evergreen shrubs, annual and perennial plants and grasses, and ground covers, to achieve both height variation and color interest throughout the four seasons.

Ground signs must be landscaped with small shrubs a minimum of eighteen (18) inches in height at planting. The remainder of the landscaped area must be planted with perennials or other groundcover.

4. To provide diversity, at least two (2) different types of plant material must be installed, excluding turf and annual flowers, provided that at least one plant type shall consist of evergreen shrubs or groundcovers. ~~If any portion of the required planting area is located less than fifteen (15) feet from the edge of the street, if evergreen shrubs or groundcovers are not required~~~~used at all, but~~ at least three (3) different types of plant material must be installed, one of which may be annual flowers.

~~If any portion of the required planting area is located less than fifteen (15) feet from the edge of the street, that portion shall be exempt from the evergreen requirement and shall include a minimum of two (2) different types of plant material, one of which may be annual flowers.~~

5. In addition to the plantings described above, the sign landscape plan shall also include soil protection such as, but not limited to, ground cover plants or organic hardwood mulch. However, no more than twenty-five percent (25%) of the total landscape bed may be void of plants at any one time.
6. All landscaping must be maintained in good condition, and free and clear of rubbish and weeds.
7. Sign landscaping must conform to the requirements of this section within one (1) year after the effective date of this Code.

#### **F. Glass**

Any glass forming a part of any sign shall be safety glass with a minimum thickness of one-fourth (1/4) inch.

#### **G. Lettering**

All letters, figures, characters or representations, in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign must be safely and securely built or attached to the sign structure.

#### **H. Items of Information**

1. All signs must limit the number of items of information on any single sign face to no more than two (2) items to prevent traffic hazards for passing motorists and to minimize the cluttered appearance of signs.
2. Each descriptive or identifying word, set of words, icon, logo, symbol or image on a sign shall be defined as an "item of information". For example, but not in limitation thereof, each of the following would be one (1) item of information: (a) the name of the business, even if multiple words, or (b) the business logo. The street number address of the business is not counted as an item of information. A company catchphrase or motto may be included on a sign only if it is a part of the legal name of a business. Products, services, telephone number, or a website address shall not be permitted as part of the Copy on a permanent sign unless it is part of the legal

name of a business. The prohibition against displaying the names of products or services shall not apply to Awning/Canopy Signs. Temporary signs shall be exempt from any limitations on items of information.



*Illustration of number of items of information for 12-8-1-H-2*

3. Changeable message signs where the items of information are changed manually or electronically, only as expressly permitted by other sections of this Title, are counted as one (1) item of information.
4. All signs on a zoning lot must be related to the resident or business located on such zoning lot, with the exception of non-commercial or political signs.
5. Ground signs for commercial developments with multiple tenants that advertise the names of the tenants located within the development are limited to one (1) item of information per tenant. Ground signs for multi-tenant developments shall have a total limit of four (4) items of information. The name of the multi-tenant development shall not be included as an additional item of information.
6. Directory signs are exempt from the items of information limitation.

#### **I. Maintenance**

1. All signs shall be kept and maintained in a safe, neat and orderly condition and appearance.
2. The owner and/or lessee of each sign shall maintain such sign to prevent corrosion or deterioration caused by the weather, age or any other condition, and otherwise to keep the same in a safe, neat and orderly condition and appearance.

#### **J. Design Criteria**

The purpose of these design criteria is to establish a checklist of those items relative to signs that affect the aesthetics of Lincolnshire's environment. Pertinent to signs is the design of the sign and its relation to buildings, structures, planting, street furniture and the distance to the nearest public street.

The following criteria are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the Village, preserve property values and promote the public health, safety and welfare.

1. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
2. Sign materials, size, color, lettering, location and arrangement shall be an integral part of site and building design.
3. The colors and materials of every sign shall be restrained and harmonious.
4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's principle message, and shall be composed in proportion to the area of the sign face. Text should be kept to permitted items of information.
5. Supports and braces shall be an integral part of the sign design. Angle irons, chains or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

**K. Sign Face to be Smooth**

Any sign, other advertising structure, marquee, canopy or awning, as defined in this Title, which is within ten (10) feet of a street, shall have no nails, tacks, wires or other hazardous projections protruding therefrom.

**L. Copy Area Appearance**

The Copy on any sign must be legibly and professionally rendered on a suitable contrasting background, which enhances the visibility of the Copy and is consistent with the design criteria described herein.

## CHAPTER 9

### SIGN CONSTRUCTION AND DESIGN: SPECIFIC STANDARDS BY SIGN TYPE

#### SECTION:

#### 12-9-1 SIGN CONSTRUCTION AND DESIGN: SPECIFIC STANDARDS BY SIGN TYPE

The following signs are the only types of permanent signs permitted in the Village.

##### A. Ground Signs

Ground signs are permitted subject to the following:

1. Ground signs are permitted only in the districts listed in Tables 1 and 2, subject to the regulations of Tables 1 and 2 and this Title.
2. One (1) ground sign is permitted per street frontage of a zoning lot with a maximum of two (2) sign faces, except that any lot or parcel with a frontage of eight hundred (800) feet or more may have two (2) ground signs located not less than four hundred (400) feet apart. If a zoning lot has frontage on more than one (1) street then said lot will be allowed one (1) ground sign per frontage, provided there is sufficient frontage to place the two (2) signs no closer than one hundred (100) feet apart.
3. In addition to a ground sign, drive-through establishments are permitted one (1) menu board sign, whether constructed as a ground sign or double post sign, no more than forty (40) square feet in sign area, no more than six (6) feet in height and no less than twenty (20) feet from any lot line.
4. Ground signs must be setback a minimum distance from the edge of the street, as shown in Table 1: Ground Signs – Monument and Table 2: Ground Signs – Double Post. All signs must be located entirely on private property. No part of any ground sign may be located within or over a street.
5. All ground signs shall be approved by the Department of Community and Economic Development as being in compliance with Title 5, Chapter 4 of the Village Code and shall be constructed of incombustible or approved combustible materials as defined in Section 12-3-1 Definitions.
6. Ground signs may be illuminated by backlit/reverse channel or channel lighting or by external lighting fixtures such as goosenecks and flood lights, with lighting color restricted to shades of white. Internally illuminated ground signs shall be designed so light is filtered through the face of individually cut letter sets. ~~Within the Downtown Sign District, internal illumination shall be limited to multi-tenant ground signs only.~~
7. The sign structure and sign face of ground signs shall exhibit good scale and proportion; and shall be an integral part of the site and building design by sharing architectural features with the principal structure, including one or more building materials, colors, or design elements.
8. The sign material of ground signs shall consist of materials such as wood, stone, brick, copper, bronze, steel, brushed aluminum, iron, concrete, or similar. Synthetic plaster

shall be permitted if it is used as a primary exterior material on the approved principal structure.

9. Letters and logo(s) are limited to no more than two (2) colors and must be individually carved, etched, or raised and may consist of plastic, wood, or metal letters, with a non-reflective surface, on a contrasting background. Multiple colors used on a logo or mark registered with the United States Patent and Trademark Office are permitted. Consistency must be provided between ground sign lettering and the accompanying wall signs on the building.

~~All ground signs in the Downtown District must be constructed of natural materials, such as wood, stone or masonry, including composite materials that give the impression of such materials.~~

~~All monument ground signs in the Downtown District shall be composed of three (3) parts: base, sign area and cap.~~

10. Ground signs for multi-tenant buildings shall exhibit the same design characteristics; including materials, color, fonts, lighting, tenant panels, etc, and shall be consistent in design where there are multiple ground signs on a single property. Ground signs for multi-tenant buildings are limited to four (4) tenants per sign face and a development name. The development name must be larger than the name of individual tenants. In addition, the development name may be distinguished from the individual tenants by font, color or material.

11. The Copy Area shall be a minimum of 2 inches (2") from the perimeter of each Sign Face and shall not exceed a maximum of seventy percent (70%) of the Sign Area.

TABLE 1 GROUND SIGNS – MONUMENT				
SIGN DISTRICT	Maximum Sign Area	Maximum Height of Monument	Maximum Length of Monument	Minimum Setback
<del>Downtown Sign District - Single Tenant</del>	<del>54 sq. ft.</del>	<del>6 ft.</del>	<del>9 ft.</del>	<del>15 ft.</del>
<del>Downtown Sign District - Multi Tenant</del>	<del>67.5 sq. ft.</del>	<del>7.5 ft.</del>	<del>9 ft.</del>	<del>15 ft.</del>
Corridor Commercial Sign District - Single Tenant	60 sq. ft.	6 ft.	10 ft.	15 ft.
Corridor Commercial Sign District - Multi Tenant	75 sq. ft.	7.5 ft.	10 ft.	15 ft.
Office/Industrial Sign District	72 sq. ft.	6 ft.	12 ft.	15 ft.
Residential Sign District	30 sq. ft.	5 ft.	6 ft.	15 ft.

TABLE 2 GROUND SIGNS – DOUBLE POST					
SIGN DISTRICT	Maximum Sign Area	Maximum Structure Area	Maximum Structure Height	Maximum Structure Length	Minimum Setback
<del>Downtown Sign District</del>	<del>24 sq. ft.</del>	<del>66 sq. ft.</del>	<del>5.5 ft.</del>	<del>12 ft.</del>	<del>15 ft.</del>
<del>Corridor Commercial Sign District</del>	30 sq. ft.	72 sq. ft.	6 ft.	12 ft.	15 ft.
Office/Industrial Sign District	30 sq. ft.	72 sq. ft.	6 ft.	12 ft.	15 ft.
Residential Sign District	20 sq. ft.	44 sq. ft.	5.5 ft.	8 ft.	15 ft.

## B. Wall Signs

Permanent wall signs are permitted in the ~~Downtown Sign District, the Corridor~~ Commercial Sign District, the Office/Industrial Sign District and for non-residential uses in the Residential Sign District, subject to the following standards.

1. Wall signs are permitted only in districts listed in Table 3, subject to the regulations of Table 3 and this Title. The maximum Sign Area of a wall sign shall be ten percent (10%) of the area of the wall to which it is attached, including doors and windows, or the maximum wall sign area listed in Table 3, whichever is less.
2. Wall signs are permitted for each building wall that faces a public street or parking lot, with no more than one (1) wall sign permitted on any wall, unless permitted by Section 12-9-1(B)(11) and Section 12-9-1(B)(13). Where there is a secondary customer entrance, an additional wall sign is permitted but shall be limited to no more than sixteen (16) square feet and shall only indicate the name of the business and the words “entrance,” “enter” or similar term.
3. The total area of a side wall sign or signs shall not exceed five percent (5%) of the area of the side façade of the principal building, including doors and windows, or twenty-five (25) square feet, whichever is less. Any side wall sign must be located facing a side yard of twelve (12) feet or more in width on the same lot.
4. Wall signs must be safely and securely attached to the building wall. Wall signs must be affixed flat against the building wall and must not project more than six (6) inches from the building wall. Illuminated wall signs shall not be permitted to extend more than twelve (12) inches beyond the sign face or sign structure.
5. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall to which it is attached. On buildings existing on the effective date of this Title, July 1, 2009, a parapet wall must not be constructed for the sole purpose of increasing the allowable height of a wall sign.
6. Wall signs shall not cover windows, doors or architectural features.
7. For buildings in commercial use, wall signs should be located on the sign frieze, or the portion of the building immediately above the first floor windows and below the second floor window sills in the case of a two-story building. For buildings in office use that are larger than two-stories, wall signs may be located on the top floor of the building no more

than five (5) feet above the windows on the top floor and no portion of such wall sign shall extend above the roof line.

8. Wall signs may be constructed of wood, metal or plastic.
9. ~~Internally illuminated~~ Wall signs may have either channel lit letters or ~~shall only consist of reverse channel lit letters backlit/halo illumination and be designed~~. Sign bands shall not be illuminated ~~so light does not filter through the face of individually cut letter sets~~. In the ~~Corridor Commercial and Office/Industrial Sign Districts~~, ~~internal channel lit letters illumination where light is filtered through the face of individual letter sets are~~ is permitted under the following conditions: a) the majority of gross floor area must be devoted to office use; b) the wall sign shall only identify the office occupant; c) the building height must be a minimum of forty (40) feet; and d) the wall sign shall be mounted a minimum of thirty-five (35) feet above grade. Gooseneck reflectors are permitted on all wall signs provided the reflectors concentrate the illumination upon the sign face only.
10. ~~In no case shall any side wall or rear wall sign be permitted to contain any form of illumination if said wall is adjacent to a residential district.~~
11. On multi-tenant commercial buildings, all wall signs must be located at a generally uniform height on the building wall in similar proportion to one another. Wall signs identifying individual tenant spaces in multi-tenant structures shall be centered within each leaseable space unless otherwise approved by the Department of Community and Economic Development. Signs within a multi-tenant commercial development must be of a natural or white finish, however a logo or mark registered with the United States Patent and Trademark Office shall not be limited by color. Where a single principal building is devoted to two (2) or more business or commercial uses, the operator of each such use may install a wall sign. The maximum area of each such sign shall be determined by the proportionate share of the front façade, including doors and windows, of the principal building occupied by each such use and applying such proportion to the total sign area permitted for the front wall of the building.
12. On multi-tenant office buildings, one wall sign shall be permitted per building frontage, provided signs have a minimum separation from the common edge of each building frontage equal to ten feet (10') or one third (1/3) of the length of the respective frontage, whichever is lesser.
13. On multi-tenant industrial buildings, individual tenant wall signs shall be permitted only for those tenant spaces that have individual entrances facing a public street or a parking lot. Such signs must be located over or next to a corresponding entrance at a uniform height on the building wall in similar proportion to one another. Regardless of whether the first wall sign in any multi-tenant building is installed over the entry or next to the entry, that same placement type shall be required for any additional signs in the same building. The maximum area of each such sign shall be determined by the proportionate share of the front façade, including doors and windows of the principal building occupied by each tenant space and applying such proportion to the total sign area permitted for the front wall of the building. Any two adjoining wall signs placed next to entrances shall be located no closer than 1 foot (1') from each other. Any two adjoining wall signs placed above entrances shall be located no closer than 5 feet (5') from each other.
14. Within a single-tenant commercial development, signs utilizing carved, etched, or raised letters are not limited by color. Metal letters and logos shall have a non-reflective metal surface.

15. Wall signs shall be attached to a building façade at a height of not less than eight (8) feet above any sidewalk, and may not extend over said thoroughfare and/or sidewalk.
16. Consistency must be provided between ground sign lettering **design** for individual tenants and the corresponding lettering of wall signs on the façade of the building.

TABLE 3 WALL SIGNS					
SIGN DISTRICT	Maximum Sign Area	Maximum Sign Length	Maximum Height of Sign Face	Maximum Height of Letters	Maximum Height of Logo
<b>Downtown Sign District</b>	<del>10% of the area of the wall to which the sign is attached</del>	15 ft.	2 ft.	18 in.	24 in.
<b>Corridor Commercial Sign District</b>	10% of the area of the wall to which the sign is attached	18 ft.	3 ft.	24 in.	30 in.
<b>Office/Industrial Sign District</b>	10% of the area of the wall to which the sign is attached	20 ft.	3 ft.	24 in.	30 in.
<b>Residential Sign District - Non-residential Use</b>	10% of the area of the wall to which the sign is attached, or 24 sq. ft., whichever is less	8 ft.	2 ft.	12 in.	18 in.

### C. Awnings and Canopies

Awnings and canopies that are considered an architectural feature of a building not used for advertising are not considered a sign. Awnings and canopies containing an advertising message shall be considered a sign, subject to review by the Architectural Review Board and are subject to the following regulations:

1. Awnings and canopies are permitted signs in any non-residential sign district.
2. All awnings or canopies must maintain a minimum eight (8) foot clearance from grade. Awnings and supports for canopies must not extend past a setback two (2) feet from the curb line, or if there is no curb line the property line.
3. An advertising message on any individual awning or canopy is limited to twenty-five percent (25%) of the surface of the vertical face of the awning or canopy on which it is placed. The advertising may contain one (1) of the following items of information per awning or canopy: the legal business name, logo, or a business product or service; all of a consistent color and font size. No more than four (4) awning or canopy signs are permitted on each frontage described in Paragraph 4 below.
4. Awning and canopy signs shall be permitted for each facade of a building or tenant space that has been designed to include a customer entrance, display or decorative window, or for which the architectural design treatment and details are the same as those used in the primary facade of the building, subject to review by the Architectural Review Board.
5. Awning or canopy signs shall be centered on the awning or canopy to which they are affixed and located parallel to the building facade upon which the awning or canopy is attached.

6. Awnings and canopies shall be constructed out of incombustible, non-reflective material. Back-lit awnings and canopies are prohibited.



*Examples of awnings that meet the standards of 12-9-1-C*

7. Awnings and canopies must be securely attached to and supported by a building. All frames and supports must be made of metal or other similar rigid material and meet the requirements of Title 5, Chapter 4.
8. All awnings or canopies shall comply with the following design standards:
- a. Awnings and canopies shall be compatible in material and construction to the style and character of the building. The color of the awning or canopy shall be compatible with the overall color scheme of the façade.
  - b. Awnings and canopies shall be generally aligned with others nearby in order to maintain a sense of visual continuity.
  - c. Awnings and canopies shall be tailored to the façade of the building and positioned so that distinctive architectural features remain visible.
  - d. All awning and canopy signs located on an individual building shall be of a similar size with no more than one (1) line of horizontal sign copy permitted per awning or canopy sign. However, if the awning or canopy sign message is part of a business registered name displayed over two lines, two lines shall be permitted.
  - e. Awning or canopy signs will not be permitted on the sloped or curved face of an awning or canopy.
9. The following maximum dimensions are permitted for awning and canopy signs:
- a. Letter Height: Twelve (12) inches.
  - b. Logo Height: Eighteen (18) inches.
  - c. Sign Face Height: Eighteen (18) inches.
  - d. Sign Length: Ten (10) feet.
  - e. Sign Surface Area: Ten (10) square feet.

## **D. Blade Signs**

### **1. Location**

Blade signs shall be erected perpendicular to the structure to which they are attached. Signs erected at the corner of a building may be placed at a one-hundred-thirty-five (135°) degree angle to the facade of the building used for customer entrance. No portion of a blade sign shall be permitted to be less than ten (10) feet above the level of the walkway or predominant grade over which it extends.

### **2. Size**

Blade signs are permitted up to a maximum surface area of four (4) square feet for tenants in multi-tenant buildings and twenty (20) square feet for free-standing businesses.

### **3. Quantity**

One (1) blade sign shall be permitted for each public entrance into an individual tenant/business space. However, for tenant spaces or buildings with a corner building entrance orientation, one (1) blade sign shall be permitted per building frontage.

### **4. Sign Design and Materials**

- a. All blade signs located on an individual building shall be of a similar size and proportion.
- b. A blade sign shall not extend more than three (3) feet from the wall/ceiling to which it is attached.
- c. Blade signs shall be designed to relate to the architectural design of the building to which they are attached.
- d. Blade signs shall be constructed of wood, metal or similar materials, at the recommendation of the Architectural Review Board and approval by the Village Board.

## **E. Marquee Signs**

Marquee signs shall be restricted to a position over the main entrance into a building.

### **1. Location**

No marquee shall be erected in any residential district.

### **2. Construction Materials Required**

All marquees, including the anchors, bolts, supports, rods and braces thereof, shall be constructed of incombustible or approved combustible materials, shall be designed by a structural engineer and shall be approved by the Department of Community and Economic Development as being in compliance with the Village Building Code. If

appropriate, an electrical inspection shall be made to determine if the marquee is in compliance with all electrical provisions of this Code.

- a. Drainage: The roof of all marquees shall be properly guttered and connected by downspouts to a storm sewer or other drainage that is acceptable to the Department of Community and Economic Development so that the water therefrom will not flow onto public property.
- b. Roofs: The roofs of all marquees shall be used for no other purpose than to form and constitute a roof, and shall be constructed of incombustible materials.
- c. Erection, Bracing, Anchorage and Supports: Marquees shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support therefore.
- d. Roof Live Load Requirements: The roof of any marquee shall be designed and constructed to support a live load of not less than forty (40) pounds per square foot.
- e. Anchorage to Wood Structure Prohibited: No marquee shall be erected on any building of wood frame construction.

### 3. Height above Sidewalk

No portion of a marquee shall be permitted to be less than ten (10) feet above the level of walkway over which it extends.

- a. Setback from Curb Line: No marquee shall be permitted to extend beyond the property line or over a street.
- b. Width: No marquee shall be wider than the entrance or entrances of the building, plus five (5) feet on each side thereof, unless approval is recommended from the Architectural Review Board and approved by the Village Board.

### 4. Signs Attached to Marquees

No temporary sign as defined elsewhere within this Title, shall be attached to, or hung from a marquee except changeable copy affixed or illuminated directly upon the vertical hanging fascias of the marquee. The Sign Face on any marquee shall be limited to fifty percent (50%) of the gross surface area of the vertical hanging fascias of the marquee.

## F. Vehicle Fueling Station Signs

For vehicle fueling stations, regardless of which sign district each is located in, all signs must comply with the regulations contained in Paragraphs A (Ground Signs) or B (Wall Signs) above. In addition, the following permanent signs shall be permitted:

- 1. Wall signs limited to those which identify the brand name or logo of the fueling station.
- 2. Additional signage may be integrated into ground signs for the purpose of indicating the price of gasoline only, subject to the following criteria:
  - a. Manual Changeable Copy Sign: The sign area of such signs shall not exceed twelve (12) square feet, in surface area.

**b. Electronic Message Sign:**

- i. Shall consist of L.E.D. panels that, at a minimum, utilize Multi-Segment L.E.D. Technology (MST) digit configuration displays.
- ii. Not more than two (2) gasoline products shall be displayed per sign face.
- iii. Digits shall not exceed twelve (12) inches in height and are limited to three (3) digit numerical displays, not including a 9/10<sup>th</sup> fractional digit or decimal point.



*Illustration of three digit numerical display for 12-9-1-F-2-biii,*

- iv. L.E.D. color shall be limited to one (1) color on black background and shall be the same color for each L.E.D. display used.
  - v. The maximum brightness permitted shall not exceed 3,250 nits during the day and 500 nits at night. Additionally, each L.E.D. panel shall include a circuit board equipped with light sensors per side to automatically adjust L.E.D. brightness based on ambient light level.
  - vi. Shall be turned off at the close of daily business operating hours, unless such vehicle fueling station operates 24 hours per day.
  - vii. All electronic images must remain static. No flashing, blinking, chasing, animations or other attention seeking effects shall be permitted.
3. One (1) sign over each pump stand not to exceed eighteen (18) inches in height with length governed by the length of the pump structure itself.

**G. Directional Signs**

Directional signs accessory to parking and driveway areas are permitted subject to the following regulations:

- 1. One (1) sign may be erected to designate each entrance to or exit from a parking or driveway area. One (1) additional directional sign is permitted for each intersection of drive aisles within a site, to identify traffic routing, entrances and services, such as drive-in lanes. Each such sign shall not exceed three (3) square feet in area. Directional signs may be double-faced signs and placed no higher than four (4) feet above grade.
- 2. Directional signs must identify use only by means of a logo, shape, or color with the exception of words such as ENTRANCE or EXIT. Directional signs may also identify walkways, parking lot entrances and exits, and features of a similar nature.

3. When more than one (1) directional sign is located on a single site or unified development, each Directional Sign shall maintain a consistent sign design.
4. Directional signs must be located entirely on the property to which they pertain and must be located so as not to interfere with the safe sight distances of vehicles traveling into, out of, or throughout the site.

## CHAPTER 12

### EXEMPT SIGNS

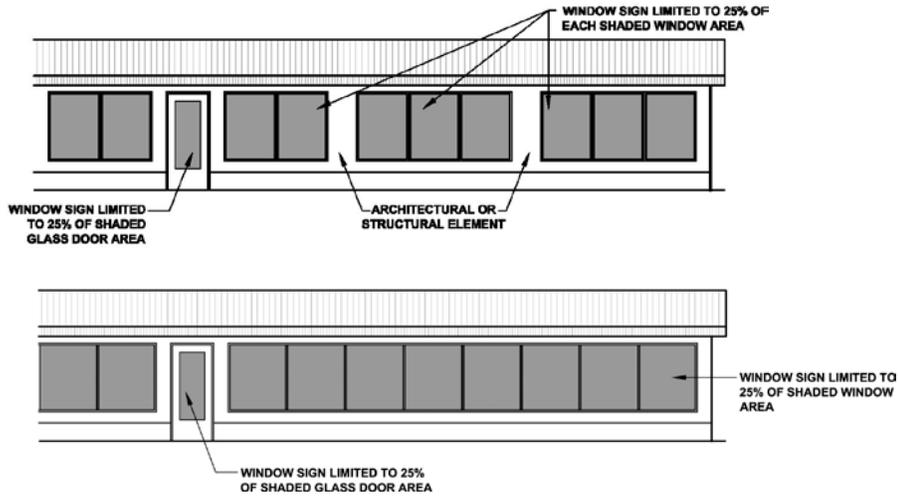
#### SECTION:

#### 12-12-1 EXEMPT SIGNS

The provisions and regulations of this Title shall not apply to the following signs; however, said signs shall be subject to the provisions of Section 12-10-1.

- A. Decorations and traditional lighting schemes displayed in connection with civic, patriotic or religious holidays.
- A. Directory signs no more than six (6) square feet in surface area.
- B. Institutional Bulletin Board. One (1) bulletin board sign with a Sign Area not more than twelve (12) square feet not to exceed a maximum height of six (6) feet for a place of worship, library, school or other public building, provided such sign shall be located on the same zoning lot as the principal building.
- C. Miscellaneous information signs. The following types of miscellaneous information signs shall be exempt from sign permit requirements:
  - 1. Matter appearing on newspaper vending boxes.
  - 2. Matter appearing on or adjacent to entry doors such as PUSH, PULL, OPEN and/or CLOSED.
  - 3. Matter appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information.
  - 4. Information pertaining to the operating instructions, name or logo of vending machines and automatic teller machines. Such signs shall not exceed thirty (30) percent of that portion of the machine upon which the sign is placed and shall appear on only one (1) of its faces.
- D. Official federal, state or local government traffic, directional and informational signs and notices issued by any court, person or officer in performance of a public duty or any other sign that is required to be posted by any government agency, including but not limited to signs described in the Manual on Uniform Traffic Control Devices, the Illinois Vehicle Code and the Illinois Highway Code.
- E. Plaques or tablets, denoting names of buildings and date of erection cut into any masonry surface.
- F. Political signs are permitted only on private property and require consent of the property owner. Signs may be double-sided and shall be limited to six (6) square feet in area per side and a maximum height of four (4) feet.
- G. Residential street and/or house signs not exceeding one and one-half (1½) square feet in area, which are limited to address information.

- H. On property owned or leased by the owner of one or more vehicles, one sign placed on the inside of only one of such owner's or lessee's vehicles shall be exempt from the regulations of this Chapter.
- I. Signs warning of construction, excavation or similar hazards so long as the hazard exists.
- J. Signs placed by utilities to show the location of underground facilities.
- K. The following alteration and maintenance operations are exempt from sign permit requirements:
  - 1. Changing of the advertising copy or message on an existing changeable copy sign or similar approved sign, whether illuminated or non-illuminated.
  - 2. Painting, repainting, cleaning, changing permitted items of information, or other normal maintenance and repair of a sign, not involving structural changes or changes in the electrical components of the sign.
  - 3. Subject to the sign owner's consent, a noncommercial message of any type may be substituted, in whole or in part, for any commercial message or any other noncommercial message provided that the sign structure or mounting device is permitted without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within the Title. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- L. Warning sign. Warning signs, such as "no trespassing," "beware of dog," "no solicitation", etc., each not more than one (1) square foot in size and not to exceed two (2) per zoning lot.
- M. Umbrella signs may display only the name and logo of the business operating on the premises where the umbrella signs are located. Umbrella signs shall be of a color and appearance that is harmonious with the color and appearance of the business to which they belong.
- N. Window signs for permanent display are permitted in the ~~Downtown and Corridor~~ Commercial Sign Districts, subject to the following standards.
  - 1. Window signs affixed to, on the inside of, or within the interior of a window shall occupy no more than twenty-five percent (25%) of the surface of each window area and be located at least six (6) inches from the edges of any individual window area. "Window area" is counted as a continuous surface comprised of one (1) or more window panes until divided by an architectural or structural element. Mullions are not considered an element that divides a window area. A "window pane" is each discrete piece of glass which is mounted in its own frame.



*Illustration of window sign area 12-12-1-O-1*

2. One (1) window sign shall be permitted for each facade of a building or tenant space that faces a street which includes a display or decorative window, or parking lot where there is a customer entrance or shared customer entrance for multi-tenant commercial development.
3. Permanent window signs shall be designed to read as individual letters, with the exception of logos, which may read as a single item. A company catchphrase or motto may be included on a window sign only if it is a part of the legal name of a business. Products, services, telephone number, or a website address shall not be permitted as part of the Copy on a window sign unless it is part of the legal name of a business. Individual letters and logos may be carved, etched or raised, and must be of a material that is compatible with the architectural style of the building. Logos may also be constructed of a hard synthetic material.
4. Permanent window signs are not limited by color, except for second floor window signs which shall be limited to white, black, silver, or gold and only one color shall be consistently used on the second floor windows per development.
5. No window sign shall be located above the second floor of a building or tenant space.
6. Window signs that are directly attached to the interior of a window surface shall have professionally designed lettering or decals. All other window signs shall have a flexible or hardened backing, of a minimum one-eighth (1/8) inch thickness. No sign shall be affixed directly to the exterior of a window surface, unless otherwise permitted by Section 12-12-1.

7. Any sign located within a building interior that is intended for viewing from the exterior of such a building is considered a window sign.
  8. No sign may be attached to, placed upon or printed on the exterior of a window or door of a building.
- P. Window Wrap.** Window Wrap is permitted for a full window dimension for windows looking into areas where the public is not invited or at blank walls.
- Q. A-Frame Sign.** A-Frame signs shall have a maximum height of three (3) feet and a maximum sign area of six (6) square feet per sign face and may be double-sided. Signs shall be located on the nearest sidewalk no further than ten (10) feet from a public entrance to the said business with in the ~~Downtown and Corridor~~ Commercial Sign Districts. The sign must maintain a 3' clearance on either side to maintain accessible pedestrian access. The signs shall be professionally fabricated, be constructed with wood or metal frames, and contain either a blackboard or poster inserts for the advertising message, The sign shall only be displayed during normal business hours and must be removed at the close of each business day. The sign shall not be displayed in conjunction with other temporary signs for the same business.
- R. Carry-Out Sign.** Parking lot signs designating specific parking spaces for patrons receiving carry-out or to-go orders from food establishments shall be displayed on a single rectangular panel not to exceed 18" in length and 12" in width and shall be no taller than 6 feet (6') in height. No more than 2 carry-out signs shall be allowed per food establishment occupying less than 5,000 square feet of building area and not more than 3 such signs shall be permitted per food establishment occupying 5,000 square feet of building area or more. Food service establishments which operate primarily on carry-out service shall be permitted up to 3 carry-out signs, subject to approval by the Zoning Administrator, based on the availability of long-term parking for patrons of other occupants of the retail center, if any.

## CHAPTER 13

### TEMPORARY SIGNS

#### SECTION:

#### 12-13-1 TEMPORARY SIGNS

##### A. General Regulations for All Temporary Signs

1. Except as otherwise permitted herein, signs shall be located entirely on property owned or controlled by the owner of the sign and shall be placed a minimum of five (5) feet from the property line.
2. Off-premise temporary signs for owners or tenants in unified commercial/mixed-use developments granted a Planned Unit Development designation shall be permitted, regardless of property ownership, so long as the sign is located within the boundaries of the Planned Unit Development.
3. Up to twenty-four (24) off-premises institutional signs are permitted, provided they are no larger than four (4) square feet in area, no taller than three (3) feet, and are displayed for no longer than twelve (12) days each display period. The display of an off-premises institutional sign shall not result in the diminution of the annual display period otherwise permitted for temporary signs on a given property.
4. No temporary sign may be illuminated.
5. No exposed framing shall be visible on temporary signs. All temporary signs must remain in good condition during the display period. Throughout the display period, corrective action must be taken immediately should there be any problems with the appearance, condition or maintenance of the sign and/or support hardware. Signs in disrepair are subject to removal by the Village.
6. No temporary sign shall extend over or into any street, nor any sidewalk, or other public thoroughfare or right of way a distance greater than four (4) inches from the wall to which it is attached, and shall not be placed or project over any wall opening capable of ingress and egress. No temporary sign shall be erected so as to prevent free ingress to or egress from any door, window or fire escape, nor shall any such sign be attached to any standpipe.
7. Temporary signs shall not be attached to fences, trees, utility poles or permanent signs (except temporary signs may be attached to permanent signs when there is a change of ownership or occupancy).
8. Temporary signs shall not be placed in a position that will obstruct or impair vision or traffic or in any way or manner create a hazard or disturbance to the health and welfare of the general public.
9. Multiple temporary signs located on the same frontage and the same zoning parcel in the ~~Downtown and Corridor~~ Commercial Sign Districts must be separated by 50 feet.

10. All temporary signs shall be removed within five (5) business days following the earlier to occur between (a) the expiration of the applicable display limitation, or (b) the subject of the sign being complete, expired, terminated or abandoned.
11. Any violation of the conditions and restrictions of this section shall result in the loss of forty-five (45) days from the annual maximum duration for the display of a temporary sign. Such penalty shall roll over to the next calendar year if less than 45 days remain in the applicable limitation.

**B. Regulations by Sign District**

1. Temporary freestanding signs, other than banners, are permitted in compliance with the regulations of Tables 1 and 2 of this Section. For signs in the Residential Sign District, the regulations are divided between signs placed on private property in a yard which does or does not have frontage on an arterial road, including Riverwoods Road and Half Day Road (Illinois Route 22). For properties located in the Residential Sign District with frontage on an arterial road, temporary freestanding signs may be placed on either the front yard or corner side yard, but not both.

TABLE 1 TEMPORARY FREESTANDING NON-BANNER SIGNS			
SIGN DISTRICT	Area	Height	Duration
Residential (arterial)	16 sq. ft.	6 ft.	91 Days per display period; Minimum gap of 14 days
Residential (non-arterial)	2 sq. ft.	4 ft.	91 Days per display period; Minimum gap of 14 days
<del>Downtown</del>	<del>24 sq. ft.</del>	<del>6 ft.</del>	<del>120 days per year in total; Not more than 6 separate times; Minimum gap of 7 days</del>
<del>Corridor Commercial</del>	24 sq. ft.	6 ft.	120 days per year in total; Not more than 6 separate times; Minimum gap of 7 days
Office/Industrial	20 sq. ft.	6 ft.	91 days per year in total

TABLE 2 TEMPORARY FREESTANDING NON-BANNER SIGNS			
SIGN DISTRICT	Materials	# of Signs per Zoning Lot	Permit?
Residential (arterial)	Corrugated Plastic, Wood or Metal	1	No
Residential (non-arterial)	Corrugated Plastic, Wood or Metal	1	No
<del>Downtown</del>	<del>Vinyl, Balloons, Corrugated Plastic, Wood or Metal</del>	<del>2 per frontage</del>	<del>Yes</del>
<del>Corridor Commercial</del>	Vinyl, Balloons, Corrugated Plastic, Wood or Metal	2 per frontage	Yes
Office/Industrial	Vinyl, Balloons, Corrugated Plastic, Wood or Metal	1 per frontage	Yes

- Temporary signs affixed to the inside of windows are permitted, without a permit, in compliance with the regulations of Tables 3 and 4 of this Section.

TABLE 3 TEMPORARY WINDOW SIGNS			
SIGN DISTRICT	Area	Height	Duration
<del>Downtown</del>	<del>No greater than 25% of the window area<sup>a</sup></del>	<del>Limited to Only the First Floor</del>	<del>91 days per year in total; Not more than 6 separate times; Minimum gap of 14 days</del>
<del>Corridor Commercial</del>	No greater than 25% of the window area	Limited to Only the First Floor	91 days per year in total; Not more than 6 separate times; Minimum gap of 14 days

<sup>a</sup> "Window area" is defined as a continuous surface comprised of one (1) or more window panes until divided by an architectural or structural element. Mullions are not considered an element that divides a window area. A "window pane" is each discrete piece of glass which is mounted in its own frame.

TABLE 4 TEMPORARY WINDOW SIGNS			
SIGN DISTRICT	Placement	Materials	Copy Area
<del>Downtown</del>	<del>Interior</del>	<del>Plastic Decals, Corrugated Plastic, Wood or Metal</del>	<del>2" from the edge of any window pane</del>
<del>Corridor Commercial</del>	Interior	Plastic Decals, Corrugated Plastic, Wood or Metal	2" from the edge of any window pane

3. Temporary signs attached to Village-owned poles and parking lot light poles are permitted to be erected by the owner of such pole in compliance with the regulations of Tables 5 and 6 of this Section.

TABLE 5 TEMPORARY POLE SIGNS			
SIGN DISTRICT	Area	Height	Duration
<b>Downtown</b>	8 sq. ft.	The face of the sign may not exceed 15 feet nor be lower than 8 feet	91 days per year in total; Not more than 6 separate times; Minimum gap of 14 days
<b>Corridor Commercial</b>	8 sq. ft.	The face of the sign may not exceed 15 feet nor be lower than 8 feet	91 days per year in total; Not more than 6 separate times; Minimum gap of 14 days

TABLE 6 TEMPORARY POLE SIGNS			
SIGN DISTRICT	Materials	Copy Area	Permit?
<b>Downtown</b>	Plastic, Canvas	2" from the edge of any window pane	Yes
<b>Corridor Commercial</b>	Plastic Canvas	2" from the edge of any window pane	Yes

4. Temporary freestanding banner signs are permitted in compliance with the regulations of Tables 7 and 8 of this Section. Banners may not be affixed or attached to a wall.

TABLE 7 TEMPORARY FREESTANDING BANNER SIGNS			
SIGN DISTRICT	Area	Height	Duration
<b>Residential (arterial)</b>	16 sq. ft.	6 ft.	14 Days per display period; Minimum gap of 14 days
<b>Residential (non-arterial)</b>	2 sq. ft.	4 ft.	14 Days per display period; Minimum gap of 14 days
<b>Downtown</b>	24 sq. ft.	6 ft.	91 days per year in total; Not more than 14 days for each display period; Minimum gap of 14 days
<b>Corridor Commercial</b>	24 sq. ft.	6 ft.	91 days per year in total; Not more than 14 days for each display period; Minimum gap of 14 days
<b>Office/Industrial</b>	20 sq. ft.	6 ft.	91 days per year in total

TABLE 8 TEMPORARY FREESTANDING BANNER SIGNS			
SIGN DISTRICT	Materials	# of Signs per Zoning Lot	Permit?
Residential	Vinyl	1	Yes
<del>Downtown</del>	<del>Vinyl</del>	<del>1 per frontage</del>	<del>Yes</del>
<del>Corridor Commercial</del>	Vinyl	1 per frontage	Yes
Office/Industrial	Vinyl	1 per frontage	Yes

- The duration for the display period for temporary freestanding signs and temporary banner signs shall not be cumulative, but shall be measured concurrently.



- APPROVED** Minutes of the regularly scheduled **ARCHITECTURAL REVIEW BOARD** held on Tuesday, April 23, 2019 in the Public Meeting Room of the Village Hall, One Olde Half Day Road, Lincolnshire, IL
- PRESENT:** Chair Kennerley and Members Orzeske, Baskin and Santosuosso
- ABSENT:** Members McCall and Tapia; Trustee-Liaison Hancock
- ALSO PRESENT:** Ben Gilbertson, Assistant Village Manager/Director of Community and Economic Development (AVM/CED) and Tonya Zozulya, Planning and Development Manager (PDM)
- CALL TO ORDER** **Chair Kennerley** called the meeting to order at 7:00 P.M.

## 1.0 ROLL CALL

The roll was called by **Tonya Zozulya, PDM** and **Chair Kennerley** declared a quorum to be present.

## 2.0 APPROVAL OF MINUTES

- 2.1 Approval of the Minutes of the Architectural Review Board (ARB) held on Tuesday, March 19, 2019.

**Member Baskin** noted Item 3.3, regarding Ravinia Plumbing's request, the minutes indicated the vote was unanimous. **Member Baskin** stated he voted against the approval.

**Member Baskin** moved and **Member Orzeski** seconded the motion to approve the minutes as amended for the March 19, 2019 Architectural Review Board.

The motion passed unanimously by voice vote.

## 3.0 ITEMS OF GENERAL BUSINESS

- 3.1 A Public Hearing regarding Permanent Wall and Ground Sign Requirements in the Proposed Commercial Sign District Created as a Merger of the Downtown and Corridor Commercial Sign Districts, Revisions to Illumination Requirements in the Commercial Sign District, and Revisions to Ground Sign Approval Requirements in All Sign Districts (Village of Lincolnshire)

**Chair Kennerley** recessed the Architectural Review Board (ARB) meeting and convened the public hearing, outlining the required public hearing process.

**PDM Zozulya** provided an overview of the changes to the Sign Code which were requested by the Architectural Review Board during earlier deliberations. The changes included revisions to Chapters 4, 6, 8, 9, 12 and 13 of the Sign Code.

Per the direction of the ARB, brand new ground signs and structural ground sign changes in all sign districts will now be reviewed and approved by the ARB. The front-lit restriction will also be removed. In regards to the request of the ARB to include new language stating the ground sign size and landscaping should be in scale with each other for a unified and aesthetically pleasing look, **PDM Zozulya** stated this was not included per recommendation from the Village Attorney. “Aesthetically pleasing” was considered too subjective; however the ARB would have the ability to review landscaping and sign scale as part of their review process. **PDM Zozulya** added any sign variation request would be reviewed by the ARB with final review and approval by the Village Board. **PDM Zozulya** reviewed other changes which were redlined in the ARB packets, adding those changes were also reviewed by the Village Attorney.

**Chair Kennerley** opened the floor to members of the ARB. **Member Baskin** inquired about the real estate community’s concerns. **PDM Zozulya** said this issue was deliberated by Village Board in March 2019 after the ARB public hearing and the Village Board extended the sign display duration while maintaining the approved size. **Member Santosuosso** noted some typographical errors in the numbering in Chapter 6 (Establishment of Sign Districts). Staff stated they would correct accordingly before forwarding the proposal to the Village Board.

There being no further comment from the ARB or audience, **Chair Kennerley** closed the public hearing and reconvened the ARB meeting.

**Member Orzeske moved**, seconded by **Member Santosuosso**, having conducted and concluded a Public Hearing on April 23, 2019, that the Architectural Review Board recommended approval to the Village Board the amendments to Title 12 of the Lincolnshire Village Code regarding a merger of the Downtown and Corridor Commercial Sign District into a new Commercial Sign District, revising wall and ground sign illumination requirements in the Commercial Corridor Sign District, as well as revising ground sign approval requirements in all sign districts, as presented in the redlined draft prepared by staff and the Village Attorney with corrections made to Chapter 6 numbering.

Roll Call:

Ayes: Kennerley, Orzeske, Baskin, Santosuosso

Nays: None

Motion passed unanimously by roll call vote.

3.2 ~~Consideration of Parking Lot Design, Fence, Landscaping, and Lighting Plans for Lincolnshire Animal Hospital, 420 Half Day Road and 2 Hotz Road (Lincolnshire Animal Hospital)~~

~~CED staff played an aerial drone video for an overview of the subject property and surrounds.~~

~~**Dr. Stuart Clarke, Lincolnshire Animal Hospital**, provided a brief history of the Lincolnshire Animal Hospital noting in 2009 they completed a remodel and building expansion, including an access driveway to the rear parking lot. Since then, staff has grown to more than 20 employees with only 12 parking spaces.~~

**REQUEST FOR BOARD ACTION  
Committee of the Whole  
May 28, 2019**

**Subject:** Lincolnshire Logo and Branding Initiative

**Action Requested:** Continued Consideration of Branding Initiative and Direction to Staff

**Originated By/Contact:** Ben Gilbertson, Assistant Village Manager/Community & Economic Development Director

**Referred To:** Village Board

**Background:**

- The 2019 Budget includes the following goal:

***Continue Work on Update to Village Brand Identity:** Pending Village Board direction, update print and electronic media as appropriate as part of initial roll out of new brand and marketing initiative.*

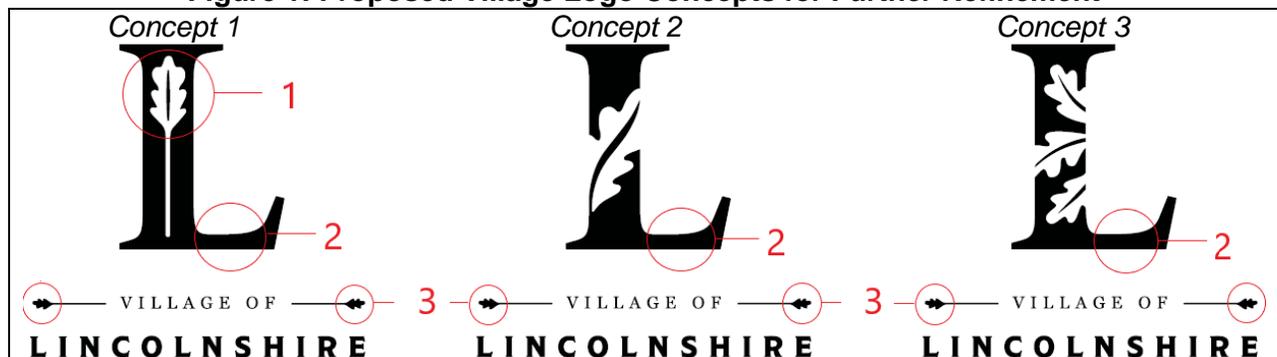
- At the April 17, 2019 Special Committee of the Whole meeting, the Village Board took significant strides toward completing this goal by reviewing and discussing six options for an updated Village logo (see attached Documents 1 and 2). The logos were designed by Erin Rice, former Village resident and current creative consultant for the Village. Following her presentation, the Board selected three logos for Ms. Rice to further refine. The Board's direction to Ms. Rice was as follows (see Figure 1 below):

Revision 1: Explore options with the leaf concept within the "column" area of the "L" in Concept 1.

Revision 2: Explore options for the base width of the "L" in all three concepts.

Revision 3: Explore options regarding the use of leaves as end points on the bar bookending the words "VILLAGE OF" in all three concepts.

**Figure 1: Proposed Village Logo Concepts for Further Refinement**



- Since the April 17<sup>th</sup> Special Committee of the Whole meeting, Ms. Rice explored the Board's direction and used creative discretion to make revisions where appropriate. Staff will present the revised logo concepts at the May 28<sup>th</sup>, 2019 Committee of the Whole meeting.

**Immediate Next Steps**

- Staff requests feedback from the Board regarding selection of a final image for final refinement and preparation for rollout. If the Board reaches consensus on a proposed logo, staff will prepare a resolution adopting the new logo at the June 10<sup>th</sup>, 2019 Regular Village Board meeting. Staff have drafted a press release in advance of the logo adoption.
- To provide a representation of the proposed logo, Ms. Rice and staff have included sample images of the logo on Village business cards, letterhead, street/gateway signage, and the Village website.
- After adoption of the logo, staff intend to issue an RFP for development of a brand style guide. The style guide will ensure consistency across all Village communication materials to project a professional and clean image to current and prospective residents/businesses. The style guide will provide a framework and standards for use of the Village logo, including, but not limited to, the following:
  - Appropriate use of the logo across all media platforms, documents, and equipment (e.g., stationary and business forms, business cards, exterior and interior signage)
  - Logo iterations (i.e., logo with “Village of Lincolnshire” text, text only, logo only)
  - Recommended font types for written communication
  - Color palette
- While no formal quotes for the style guide have been obtained to date, staff anticipates a cost ranging from \$3,000 to \$5,000, depending on the level of detail requested in the style guide. Once the style guide has been finalized, staff would begin incorporating the logo into Village print (e.g., business cards, letterhead, memo templates) and digital (e.g., Village website) marketing materials. The total approximate cost for new business cards, envelopes, and letterhead is estimated at \$2,800. Completion of this roll-out is anticipated before the end of 2019.
- Concurrent with development of the style guide and updates to print and media collateral, the Village plans to explore a possible partnership with Stevenson High School to conduct a photo/video campaign intended to highlight the unique assets, features, and events of Lincolnshire. These photos and videos would be available for the Village to use in future marketing materials and provide an updated photo/video gallery.

**Village Infrastructure, Capital Equipment, and Future Opportunities**

- Included in the FY2019 budget is a goal to research all streets and/or parks signs, posts, and lights, and to make recommendations on replacement and/or update as a result of the Village branding initiative.
- The FY19 General Capital Fund Budget includes \$15,000 to retain design services to assist in developing recommendations on updated park and entryway signs incorporating new brand identity. Upon Village Board direction regarding park and entryway signage, sign updates would be incorporated into the Capital Plan.
- Staff researched potential costs for all signage replacements (e.g., park signs, Public Works and Village Hall entrance signs, Village entryway signs, and street signs). Across all signage types, staff estimates a cost of \$181,000 with proposed replacement timeline of eight years between 2020 and 2027 (approximately \$23,000/year). These signs would be phased in over time based on Village Board prioritization, sign type, and location in the Village.

- Staff also researched costs to “re-stripe” Village vehicles and equipment with the new Village logo. Staff estimates an approximate cost of \$21,500 for removal, application, and materials to re-stripe all 37 Village vehicles. For Village trailers and equipment, staff estimates a cost of \$5,000. This work would occur as the vehicles and equipment reach the end of useful life.
- The new Village logo would also be incorporated into Public Works and Police uniforms over time with the costs absorbed annually. Between both departments, the Village budgets \$25,000 for uniform-related items annually.

**Recommendation:**

Consideration and discussion of the revised Village logo concepts, with feedback and direction to staff to draft a resolution adopting the new Village logo at the June 10, 2019 Regular Village Board meeting.

**Attachments:**

- Document 1: Board packet from the April 17, 2019 Special Committee of the Whole meeting.
- Document 2: Minutes from the April 17, 2019 Special Committee of the Whole meeting.

<b>Meeting History</b>	
Special Committee of the Whole	April 27, 2015
Committee of the Whole	September 15, 2015
Committee of the Whole	August 8, 2016
Special Committee of the Whole	April 17, 2019
Committee of the Whole (current)	May 28, 2019



**REQUEST FOR BOARD ACTION  
Committee of the Whole  
April 17, 2019**

**Subject:** Lincolnshire Logo and Branding Initiative

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**Action Requested:** Continued Consideration of Branding Initiative

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**Originated By/Contact:** Ben Gilbertson, Assistant Village Manager/Community & Economic Development Director

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**Referred To:** Village Board

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**Background:**

- The 2019 Budget includes the following goal:

***Continue Work on Update to Village Brand Identity: Pending Village Board direction, update print and electronic media as appropriate as part of initial roll out of new brand and marketing initiative. The following is a history of the project.***

- In November 2014, the Village Board agreed to the assessment and update of the Lincolnshire “brand” to differentiate the Village from other Chicagoland municipalities, projects a consistent image, as well as build organization and community culture. This initiative was introduced as a multi-year project with an eye toward the future. The purpose is to develop a story that will resonate with businesses and residents to achieve community and economic development objectives identified by the Village Board. A key component of the branding initiative is to develop a unified visual identity to use consistently across all Village communication platforms such as the website, E-News, Business Spotlight, and the Village’s quarterly newsletter.
- The Village began its efforts to develop a new logo in 2014. This was (and remains) the initial component of a broader branding initiative to bring continuity to all areas of the Village’s communications, marketing, and brand presence. Teamworks Media was retained to conduct stakeholder interviews as well as competitive analysis of other municipalities, who draw from the same potential pool as Lincolnshire. In April and September of 2015, Teamworks presented logo recommendations and ideas for the overarching campaign message to the Village Board. Staff recommended using the Teamworks idea “Find Your Space” as the Village tagline, which was well-received by the Board and has since been incorporated into Mayor Brandt’s “State of the Village” presentations and other marketing materials. However, after several discussions there was not consensus among the Board regarding an update to the Village logo, and the project was placed on hold.
- Building on the efforts of Teamworks, in August 2016, Lincolnshire resident, Erin Rice, contributed ideas and provided insight and recommendations on the development of the Village’s visual identity as part of a senior project at Notre Dame University, including logo designs. Ms. Rice presented several logo renderings to the Board that were well-received and prompted discussion, yet there was no consensus on a specific logo for direction at that time.



- Stemming from the recommendations by Teamworks and Ms. Rice, the Board’s general consensus and direction was as follows:
  - The Lincolnshire "L" should retain prominence, but updated/modernized.
  - The "three leaves" signified history and tradition and should be considered in logo design.
  - The Village's natural assets (mature trees, parks, and open space) should be reflected.
  - "Find Your Space" should be used in marketing materials.
  
- In July 2018, Village staff reinitiated branding efforts by resuming the relationship with Ms. Rice and retained her services. To support this project and Ms. Rice’s work, the Village has retained the services of Jaimie Flagg to serve as a brand strategy consultant. Logo design development is the specific focus of both service contracts.

**Future Opportunities**

- Upon selecting a new logo and development of brand style guide, staff plans to first incorporate it into print and digital marketing materials (e.g., the Village website, letterhead, business cards). Staff intends to complete this in 2019.
  
- Over time, the logo would eventually be incorporated into other communications (e.g., Village vehicle markings, signage, etc.).
  
- Two near term projects upon a final determination of direction of the Village’s brand identity include:
  - **Village Sign Replacement Initiatives:** The 2019 Budget includes a goal to Research all streets and/or parks signs, posts, lights and make recommendations on replacement and/or update as a result of the Village branding initiative. Include recommendation for parks entrance signs and entry way signs within 10-Year Capital Improvement Program.
  
  - The 2019 General Capital Fund Budget includes \$15,000 to retain design services to assist in developing recommendations on updated park and entryway signs incorporating new brand identity. Upon Village Board direction regarding park and entryway signage, sign updates would be incorporated into the 10-Year Capital Plan.

**Recommendation:**

Consideration and discussion of the new brand design options, with feedback and direction to Ms. Rice and staff.

Attachment:

- Brand Strategy Brief

<b>Meeting History</b>	
Special Committee of the Whole	April 27, 2015
Committee of the Whole	September 15, 2015
Committee of the Whole	August 8, 2016
Special Committee of the Whole (current)	April 17, 2019

## SPECIAL COMMITTEE OF THE WHOLE MEETING

**Community Room  
Wednesday, April 17, 2019  
6:30 p.m.**

**Present:**

Mayor Brandt	<del>Trustee Grujanac</del>
Trustee Hancock	Trustee Harms Muth
Trustee Leider	<del>Trustee McDonough</del>
Trustee Servi	Village Clerk Mastandrea
<del>Village Attorney Simon</del>	Village Manager Burke
Finance Director/Treasurer Peterson	Public Works Director Woodbury
Chief of Police Leonas	Planning & Development Manager Zozulya
Trustee-elect Raizin	Trustee-elect Pantelis

### CALL TO ORDER

#### 1.0 ROLL CALL

Mayor Brandt called the meeting to order at 6:31p.m.

#### 2.0 ITEMS OF GENERAL BUSINESS

##### 2.1 Finance and Administration

##### 2.11 Presentation and Discussion of Village Branding Initiative

Village Manger Burke introduced consultants Jaimie Flagg and Erin Rice and provided background information on the Village Branding initiative. Village Manager Burke also recognized the efforts of Assistant Village Manager/Community & Economic Development (CED) Director Gilbertson, who has led this project for the Village; working closely with Ms. Flagg and Ms. Rice.

Ms. Flagg noted her goal for the meeting was to align the Village Board direction on the branding initiative and provide a framework to solicit feedback. Ms. Flagg reviewed the previously provided strategic brief, noting the success criteria of the creative development is to honor Lincolnshire's heritage but make the current brand more contemporary, timeless, and significant. Ms. Flagg led a visioning exercise about Lincolnshire with the members of the Village Board.

Ms. Flagg stated she appreciates working with Ms. Rice on the project, noting Ms. Rice is creative and understands the business challenges presented to the Village.

## Document 2

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MINUTES – Special Committee of the Whole Meeting  
April 17, 2019

Ms. Rice provided a presentation regarding proposed Village Branding, which included several updated versions of potential logos.

Trustee Servi stated his opinion is he liked the #3 option with the three leaves and recommended possibly starting somewhere with 3A or 3B shared in the presentation.

Village Clerk Mastandrea noted her opinion is options 3A/3B are the strongest; however, the leaves situated on either side of the work “Village” do not look like leaves at bar end points but resemble arrows.

Trustee-elect Raizin noted the leaves might be difficult to read when placed on Village signage and agreed the leaves at bar end points look like arrows.

Ms. Rice stated the small oak leaves at bar end points introduce a surprise moment when the viewer sees the logo on closeup.

Trustee Leider stated his opinion that option #4 was too modern and suggested looking at the leaf structure for possible refinement.

A discussion regarding the three leaf design options presented followed.

Trustee Hancock stated he likes the “Village of Lincolnshire” element and expressed his opinion the simplicity of the typeset presents an image of strength. Trustee Hancock stated the new logo is significant and should be simple but high-end with the leaves and the “L” being much more up-to-date. Trustee Hancock stated the options presented are substantial and meaningful. Trustee Hancock noted updating the Village brand is a significant change and is needed given the dated look of the current design. Trustee Hancock stated his concerns regarding the use of a “road” image in the logo as Lincolnshire has a lot of traffic. However, he did not think this option is simple and easy to implement.

Trustee Hancock stated his opinion is the top 3 options are aspirational and the bottom three feel more traditional.

Trustee-elect Pantelis noted her opinion was the top 3 options remind her of wallpaper, and she expressed her opinion she would prefer options 4 or 5.

Trustee Harms Muth stated her opinion is she likes option 3A but suggested the bottom part of the “L” be a little thicker. Trustee Harms Muth expressed her opinion the Village does need to modernize and does not have to reflect the “Olde English” mentality which was the goal of the current design.

## Document 2

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MINUTES – Special Committee of the Whole Meeting  
April 17, 2019

Public Works Director Woodbury noted he liked options 3A/3B, but noted the “L” form may be too thick. He noted his second favorite concept is option #1 with possibly a different direction and progression.

Village Treasurer/Finance Director Peterson stated his choice would be 3A, noting his opinion was 3B is too thick but likes the little leaves which add a surprise element. Village Treasurer/Finance Director Peterson suggested the word Lincolnshire could have less space between letters which then may accommodate a larger font.

Chief of Police Leonas noted option 4 looks very similar to 2, but expressed his opinion he likes the concept.

Trustee-elect Raizin noted her opinion is she likes #4 the least. She stated she likes the 3A leaves and likes that the letters are separated in the word Lincolnshire. She noted there is strength in 3A. Trustee-elect Raizin stated she also likes #1 or #2B as well.

Mayor Brandt stated she likes #2B or #1. Mayor Brandt noted hesitation on the leave in #3 if the design was put on a small sign. Mayor Brandt expressed her opinion she likes the simple elegance of #2B or #1.

The Village Board agreed that the narrower L was better. There was consensus to take concept #4 without leaves within the “L” off the table. Board members expressed support for “Village of Lincolnshire” spelled out in the logo.

Trustee Leider suggested seeing the preferred logo on a variety of sign samples before coming to a decision.

Mayor Brandt noted the Village has had the current logo for 25 – 50 years.

A discussion of the proposed logo concepts followed. Mayor Brandt noted Concept #1 appears old fashioned and the leaf inside the “L” looks like an arrow or a feather. Trustee Hancock stated he liked the simplicity of many of the logos presented.

Trustee Hancock stated everyone anchors in on the “L” and asked if the Village needs 3 leaves to be represented in the logo.

Trustee Servi stated he likes the ones with 3 leaves because it is clear it is a leaf or 3 leaves.

Ms. Rice stated the L in option #2B is very established with something original going through the “L.”

## Document 2

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MINUTES – Special Committee of the Whole Meeting  
April 17, 2019

Trustee Leider expressed his opinion the design needs more than 1 leaf as diversity has come in since Village was founded.

Trustee-elect Raizin stated there is a story to be told with the 3 leaves. People relate to a story, and this resonates with the Village.

Ms. Rice continued with her presentation providing the brand extension; how to use the logo to highlight events. Ms. Rice suggested hiring the High School to capture moments of different Village events in pictures. Ms. Rice showed how to use the graphic elements to incorporate brand extensions.

A conversation regarding photography followed.

Ms. Rice noted the impact of social media; stories connecting the people in the Village or visitors.

Ms. Rice provided pictogram designs specific to just the Village of Lincolnshire.

Trustee Hancock stated this is important to project the Village forward.

Mayor Brandt asked Ms. Rice to show options #2B and #3A on a sign. Ms. Rice stated she would provide two tests: on a stamp and on a billboard.

Mayor Brandt asked about Ms. Rice's co-workers' thoughts on the logo design. Ms. Rice stated they are pretty consistently in favor of option #2B.

Ms. Rice provided elements of the proposed designs into photography and asked the Board to focus on everything being shareable and how we can incorporate that into the consideration of the logo.

Ms. Flagg asked Ms. Rice to bring forward the next steps in order to be relevant to young people. Ms. Rice stated she will take back all feedback on how design elements are perceived to help with refinement. Ms. Rice stated she will bring back the refinements with examples of signs and business cards.

Mayor Brandt asked the Board if the desire is to keep the leaves on the design. Trustee Hancock stated he thinks it is distinctive.

Trustee Leider asked whether "the" should be added to "Village of Lincolnshire" so it states "The Village of Lincolnshire."

A discussion of next steps and community reception of the logo followed. Mayor Brandt stated timing is key and did not think this was something the community should vote on. She noted staff feedback is important. Mayor Brandt noted financial impact of changing the logo will be the next step.

Trustee Leider asked where this project fits in our priorities; where do we want to spend time. He noted this is very clearly a pivot point to make such a change and noted the Village Board needs to be sure they understand why such a decision is being made. Trustee Leider requested an implementation timeline and cost estimates for the Village Board's review.

A discussion followed regarding the rollout time frame as follows:

- Website
- Signage
- T-shirts
- Logo w/same picture behind
- Newsletter masthead
- Business Cards
- Letterhead
- Village vehicles

### 3.0 ADJOURNMENT

Trustee Servi moved and Trustee Harms Muth seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 8:32 p.m.

Respectfully submitted,

**VILLAGE OF LINCOLNSHIRE**

Bradly J. Burke  
Deputy Village Clerk

**REQUEST FOR BOARD ACTION  
Committee of the Whole Meeting  
May 28, 2019**

**Subject:** Consideration of an Amendment to Section 3-3-2-3 of Title 3-3, Liquor Control, for the Creation and Issuance of Village Liquor License (Class "B" Restaurant Full Liquor License and Class "N" Banquet Liquor License) for XO Restaurant & Banquet Hall, Inc. (250 Marriott Drive)

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**Action Requested:** Consideration of Approval of Liquor License

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**Originated  
By/Contact:** Joseph Leonas, Chief of Police

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**Referred To:** Village Board

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**Summary / Background:**

In March of 2019, XO Restaurant & Banquet Hall, Inc., contacted the Village of Lincolnshire regarding issuance of a Village Liquor License for the former Sullivan's Steakhouse located at 250 Marriott Drive. Initially, the manager/owner, Iryna Kiyan, indicated she would be seeking a Banquet Liquor License to operate as a banquet facility. After being informed of the Special Use Permit requirement to operate as a banquet facility at this location, XO Restaurant & Banquet Hall, Inc., then indicated a desire to operate as a restaurant only. On April 5, 2019, XO Restaurant & Banquet Hall, Inc., submitted their application for a Village Liquor License, but left the section for "*Liquor Class*" blank. Many discussions with both Police Department and Community & Economic Development Department staff and the petitioner followed, and at this time, XO Restaurant & Banquet Hall is seeking both a Class "B" Restaurant Full Liquor and Class "N" Banquet liquor license. Both license classes are required if the establishment is to operate as both a full service restaurant and a banquet facility. For multiple licenses to be issued, the establishment must simultaneously meet the requirements of each license.

After receipt of XO Banquet Restaurant & Hall's original application April 5, 2019, Village staff completed its review of the information required by code in the liquor license application.

The following areas were checked for compliance and conformity as required under Village Code:

1. The Application for a Village Retailer's Liquor License was submitted with a check for the non-refundable application fee in the amount of \$250.00, as required by code (3-3-4-2-D).
2. A records check on April 5, 2019, through the Illinois Secretary of State's Corporate Business Office, as required by code (3-3-4-2-B), indicated XO Restaurant & Banquet Hall, Inc. is a corporation licensed to conduct business and is in "Good Standing" in Illinois. **The Registered Agent is Vadym Pobyegayev. However, the Registered Agent is inconsistent with the applicant's petition for a Lincolnshire liquor license.**
3. A Certificate of Insurance with the required liquor liability coverage was submitted with the application as required by code (3-3-4-2-B).
4. The local manager, Iryna Kiyan, who would be responsible for oversight of liquor sales, has been fingerprinted and has no criminal history as required by code (3-3-4-2-B).

5. A photocopy of the Lease Agreement signed by Iryna Kiyan and Vadym Pobyegayev on March 18, 2019. between National Retail Properties, LP, and XO Restaurant & Banquet Hall, Inc., has been submitted to the Village as required by code (3-3-4-2-A).
6. As required by code (3-3-2-2), a photocopy of the Sullivan's Steakhouse floorplan was provided as the proposed interior diagram.
7. **No Charter of the Corporation was included as required by code (3-3-4-2-A)**, however a Stock Transfer Agreement was provided. The Agreement indicated Vadym Pobyegayev transferred 65 shares of stock to Iryna Kiyan on January 9, 2018 which resulted in Ms. Kiyan being a 95% shareholder and Mr. Pobyegayev a 5% shareholder of XO Restaurant & Banquet Hall, Inc.
8. On the application completed, XO Restaurant & Banquet Hall, Inc., indicated no shareholder possessing at least 5% of the business had ever been convicted of any felony under Federal or State Law as required by code (3-3-4-2-A). **This is untrue as Vadym Pobyegayev was convicted of a Class 3 Felony on June 5, 2017 for Theft.**
9. The applicant identified XO Restaurant & Banquet Hall in Wheeling, Illinois as another business currently licensed to sell alcohol, and advised no hearings had been conducted regarding the conduct and/or operation of that business as required by code (3-3-4-2-A). **This is untrue as XO Restaurant & Banquet Hall, Inc., had their liquor license revoked by the City of Wheeling in 2018.**
10. A background investigation into the XO Restaurant & Banquet Hall, Inc., location currently operating in Wheeling and the corporate shareholders revealed the following:
  - **On June 5, 2017, Vadym Pobyegayev was convicted of a Class 3 Felony – Theft.**
  - **On January 8, 2018, the Village of Wheeling revoked the liquor license held by XO Restaurant & Banquet Hall, Inc.**
  - **On February 5, 2018 XO Restaurant & Banquet Hall, Inc., was issued a new liquor license (Class M Banquet License) after Vadym Pobyegayev was replaced with Iryna Kiyan as primary shareholder.**
11. A review of the proposed floorplan and seating arrangement provided by XO Restaurant & Banquet, Inc., on May 7, 2019, revealed:
  - **The total square footage of the patron bar is 1,400 square feet, (34% of the total square footage of the dining area), which exceeds the fifteen percent (15%) of the total square footage of the dining area for a Class B – Restaurant Liquor License.**
  - **The total seating at the patron bar is 35% of the total seating in the dining and banquet/flex seating areas combined, which exceeds the fifteen percent (15%) of the total seating in the dining area for a Class B- Restaurant Liquor License.**

**On May 21, 2019, an amended liquor license application was submitted via email. A review of the amended application revealed the following:**

1. The seating diagram is inconsistent with the application. Specifically, the application lists 58 bar seats, 24 lounge seats, and 350 dining area seats. The application then calculates the bar area by counting the seating in all three areas and dividing to arrive at percentage

of bar seating at 13.4%. This calculation depends on counting the lounge seating as “dining area.” Also, there is no lounge seating identified anywhere in the diagram. If the lounge seating were not considered as “dining area” and omitted completely in any calculation, the result would display a higher percentage of bar seating (14.2%). If the lounge seating were calculated as “bar seating” (totaling 82 seats) the calculation would display a percentage of 18.9%. Secondly, the amended application lists the dining area as having 350 seats. The diagram of the restaurant lists 52 seats in the dining area; 32 seats in the private dining area; 28 seats in the outdoor patio area, and 88 seats in the banquet area. The total amount of seating according the diagram is 200 seats. If you included the bar area seating, the total would be 260 total seats, not 350. Staff would calculate the dining area seating at 52, as that is what the diagram specifies. However, even if all of the possible seating is included (bar, dining, private dining, and banquet) the bar area seating would still be 23% of the total seating, well above the 15% maximum allowed for a Restaurant Liquor License.

2. Staff disagrees with the characterization of the arrest history of co-owner Vadym Pobyegayev. Arrest reports provided by the Wheeling Police Department contradict the story provided in the amended application, listed as Exhibit A. Mr. Pobyegayev did not simply purchase meat that “turned out to be stolen.” On March 9, 2017 Mr. Pobyegayev was arrested after he went into a grocery store not far from his restaurant, filled a shopping cart with beef tongue and *EZ Peel Shrimp*, and attempted to leave the store. He was caught only because store employees recognized Mr. Pobyegayev (due to suspecting him of two previous meat thefts), delayed filling his order at the counter, and called 9-1-1 while Mr. Pobyegayev waited for his order to be filled at the counter. Mr. Pobyegayev was stopped as he was trying to exit the store with over \$1,200 worth of food he planned on serving in his restaurant. A review of previous store video by Wheeling police showed Mr. Pobyegayev stealing meat and shrimp in the same manner at the same store on January 19, 2017 (\$1,645.53), and January 26, 2017 (\$1,462.11).
3. After reviewing both the original April 5, 2019 liquor license application as well as the amended application filed on May 21, 2019, staff is not recommending approval of a liquor license to XO Banquets and Restaurant, Inc. It is clear to staff that the applicant made misrepresentations, omissions, and false statements in the original application. Additionally, the new amended application contains contradictory information and misrepresents the diagramed seating in order to provide an acceptable seating percentage allowed by code.

**Budget Impact:**

Approval or denial of this request will not result in any adverse impact to the current budget.

**Service Delivery Impact:**

Not Applicable.

**Recommendation:**

After careful review of both applications, staff does not recommend issuance of a Village Liquor License to XO Restaurant & Banquet Hall, Inc.

**Reports and Documents Attached:**

- Ordinance Amending Section 3-3-2-3 of Title 3, Chapter 3 of the Village of Lincolnshire Village Code (Liquor Control) – Class B Restaurant Full License

- Ordinance Amending Section 3-3-2-3 of Title 3, Chapter 3 of the Village of Lincolnshire Village Code (Liquor Control) – Class N Banquet License
- April 22, 2019 Letter from Mayor Elizabeth Brandt, serving in capacity at Liquor Commissioner, notifying XO Restaurant & Banquet Facility their ineligibility to receive a Lincolnshire Liquor License.
- May 2, 2019 Notice of Appeal filed with the Illinois Liquor Control Commission by XO Restaurant & Banquet Hall, Inc.
- Liquor License Application submitted April 5, 2019
- Liquor License Application submitted May 21, 2019
- May 21, 2019 Letter from attorney William O’Donaghue to Mayor Elizabeth Brandt, responding to her letter sent on April 22, 2019
- Village of Wheeling Class M Liquor License Criteria
- May 23, 2019 Letter from Martin Seay, Administrative Assistant, Village of Wheeling

**Meeting History**

<b>Initial Referral to Village Board (COW):</b>	<b>May 13, 2019</b>
<b>Second Referral to Village Board (COW):</b>	<b>May 28, 2019</b>
<b>Regular Village Board Meeting:</b>	

VILLAGE OF LINCOLNSHIRE  
LAKE COUNTY, ILLINOIS

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 3-3-2-3  
OF TITLE 3, CHAPTER 3,  
OF THE VILLAGE OF LINCOLNSHIRE VILLAGE CODE  
(LIQUOR CONTROL)

**BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County, Illinois, as follows:

Section 1: That pursuant to Title 3, Chapter 3, Section 3-3-2-3 of the Lincolnshire Village Code, the number of Class "B" liquor licenses which are authorized for issuance in the Village of Lincolnshire shall be increased to thirteen (13). (This increase in Class "B" liquor licenses reflects the issuance of a Class "B" license to XO Restaurant & Banquet Hall, Inc.)

Section 2: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2019, by the Corporate Authorities of the Village of Lincolnshire on a roll call vote as follows:

**AYES:**

**NAYS:**

**ABSENT:**

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2019

---

Elizabeth J. Brandt, Mayor

**ATTEST:**

---

Bradly J. Burke  
Deputy Village Clerk

VILLAGE OF LINCOLNSHIRE  
LAKE COUNTY, ILLINOIS

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 3-3-2-3  
OF TITLE 3, CHAPTER 3,  
OF THE VILLAGE OF LINCOLNSHIRE VILLAGE CODE  
(LIQUOR CONTROL)

**BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County, Illinois, as follows:

Section 1: That pursuant to Title 3, Chapter 3, Section 3-3-2-3 of the Lincolnshire Village Code, the number of Class “N” liquor licenses which are authorized for issuance in the Village of Lincolnshire shall be increased to four (4). (This increase in Class “N” liquor licenses reflects the issuance of a Class “N” license to XO Restaurant & Banquet Hall, Inc.)

Section 2: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2019, by the Corporate Authorities of the Village of Lincolnshire on a roll call vote as follows:

**AYES:**

**NAYS:**

**ABSENT:**

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2019

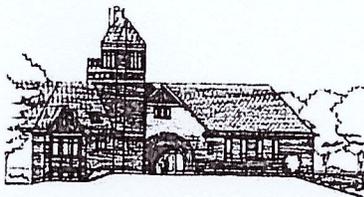
---

Elizabeth J. Brandt, Mayor

**ATTEST:**

---

Bradly J. Burke  
Deputy Village Clerk



One Olde Half Day Road  
Lincolnshire, IL 60069-3035  
847•883•8600  
847•883•8608 (FAX)

---

 Village of  
**Lincolnshire**

April 22, 2019

XO Restaurant and Banquet Hall, Inc.  
c/o Irina Kiyan  
1081 Valley Stream Drive  
Wheeling, Illinois 60090

RE: Village of Lincolnshire Liquor License Application

Dear Ms. Kiyan:

I am writing to report my comments and findings regarding the application for a Class C-Restaurant liquor license filed by XO Restaurant & Banquet Hall, Inc. (the "Applicant") for the premises located at 250 Marriott Drive, Lincolnshire, Illinois (the "Premises"). Presently, there is not a Class C-Restaurant liquor license available and, for the reasons described below, I am unwilling to recommend to the Village Board that an additional Class C – Restaurant liquor license be created.

Based on Section 3-3-2-3 of the Lincolnshire Village Code (the "Code"), the Applicant is ineligible to receive a liquor license due to misrepresentations, omissions or false statements on the application.

I will first review the omissions from your application. While an omission may often times be a technical error, I find the information which the Applicant failed to disclose has a direct bearing on the Applicant's ability to responsibly operate a licensed establishment within the Village and therefore cannot be cured by simply supplementing the application. The omissions which I found include the following:

- The full occupancy of the Bar/Lounge and Restaurant on the Premises is not described;
- All owners of 5% or more of the common stock of the corporation are not disclosed on the application;
- The Applicant's seating chart is not included – you cannot use the seating chart provided by Sullivan's. The Applicant must present its own seating chart.
- The state and municipal liquor license number for your other locations are not disclosed.

Like the omissions, the misrepresentations on the application reveal intent to conceal facts which make the Applicant ineligible to receive a liquor license. Furthermore, even if such issues were cured, the misrepresentations do not foster confidence that the Applicant will operate the premises in the best interest of the health, safety and welfare of the people of Lincolnshire. Material misrepresentations described on your application include:

- Your failure to report that an owner of 5% or more of the common stock of the corporation has been convicted of a series of felonies (Vadym Pobyegayev, 5% owner: convicted of Retail Theft and Possession of Stolen Property, Class 2 and Class 3 felonies, January 15, 2015 (conviction triggered by petition to rescind granted June 30, 2017); convicted of Retail Theft, Class 3 Felony, June 5, 2017)
- Your failure to report a prior State or municipal liquor license violation (Wheeling)
- Your incorporation date is wrongly described June 9, 2018. State records describe your Date of Incorporation as June 25, 2013. I find this misrepresentation to be an effort to conceal the prior municipal liquor license violations and felony criminal convictions of the applicant's officers.

As mentioned above, the Applicant has an owner of five percent (5%) of the stock of the corporation who has been convicted of at least one felony. This makes the Applicant ineligible to receive a liquor license under Section 3-3-2-14 of the Code. Based on the Village's investigation, Vadym Pobyegayev has been convicted of a series of felonies over the past four years. First, he was convicted of retail theft and possession of stolen property, Class 2 and Class 3 felonies, on January 15, 2015 (conviction triggered by petition to rescind granted June 30, 2017). More recently, Mr. Pobyegayev was convicted of retail theft, a Class 3 Felony, on June 5, 2017. While both Section 3-3-2-14 of the Code and 235 ILCS 5/6-2.5 require an examination whether such person has been sufficiently rehabilitated to warrant public trust, I find that because Mr. Pobyegayev has demonstrated recidivism, still not completed his sentence of probation and the convictions occurred less than five (5) years ago there is insufficient evidence to restore his eligibility, and therefore the Applicant's also.

While the foregoing issues are sufficient to justify my recommendation to the Village Board, I will describe the remainder of the problems which I found with the application. Based on Section 3-3-2-5 of the Code, the Premises described in the application does not meet the requirements for a Class C liquor license for the following reasons:

- The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be no greater than fifteen percent (15%) of the total square footage of the dining area(s). By comparison, the application describes the Premises with the patron bar/service bar representing 23% of the square footage of the dining area; and
- The total seating at the patron bar(s) must be less than fifteen percent (15%) of the total seating in the dining area(s). By comparison, the application describes the Premises with the patron bar representing 16.57% of the seating in the dining area.

Next, the application reveals that the Applicant will operate the Premises as a banquet hall. Under the zoning regulations described in the Code, a banquet hall is characterized as an assembly use. In the Office/Industrial zoning district, an assembly use requires a special use permit. According to the Community and Economic Development Department, there is no application pending to seek a special use permit. Therefore, operation as a banquet hall would be in violation of the Village's zoning codes. Under Section 3-3-3-2 of the Code, this also makes the Applicant ineligible to receive a liquor license. Similarly, the application does not demonstrate that the Premises has been granted a certificate of approval from the Lake County Department of Health. Without the approval of the Health Department the Applicant cannot receive a liquor license.

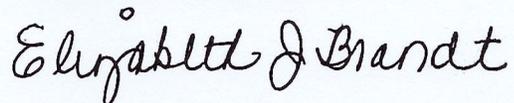
Last, the Village's investigation found that Applicant's prior location was routinely operated between 2007 and 2016 so as to allow assaults, fights, and disorderly conduct to occur on or about the licensed premises. This lack of management and control is inconsistent with the prohibitions described in Section 3-3-7-5 of the Code. For this reasons, I find that issuance of a liquor license to the Applicant will result in harm to the health, safety and welfare of people of Lincolnshire.

For all of the reasons described above, I am unwilling to recommend to the Village Board that it approve an increase in the number of Class C – Restaurant liquor licenses for the Applicant. As a result, no liquor license is available to be issued to the Applicant. Please also be advised that no person shall be allowed to file an application for the issuance of a new liquor license more than once during any twelve (12) month period (See 3-3-2-2 of the Code).

Without limiting the foregoing, my findings also rest on the corresponding provisions of the Illinois Liquor Control Act that describe parallel conditions of ineligibility to receive a liquor license. To the extent my findings exceed the authority described in the Liquor Control Act, the findings rest on the Village's home rule authority.

Very truly yours,

Village of Lincolnshire



Elizabeth J. Brandt, Mayor  
Liquor Control Commissioner

cc: Chief Joseph Leonas  
Bradly Burke, Village Manager

STATE OF ILLINOIS  
STATE LIQUOR CONTROL COMMISSION

**RECEIVED**

MAY 06 2019

ADMINISTRATION  
LINCOLNSHIRE POLICE

XO RESTAURANT and BANQUET  
HALL, INC.,

Appellant,

v.

ELIZABETH J. BRANDT in her capacity  
as Village of LINCOLNSHIRE Mayor and  
local Liquor Control Commissioner; THE  
VILLAGE OF LINCOLNSHIRE and THE  
LOCAL LIQUOR CONTROL  
COMMISSION OF IINCOLNSHIRE

Appellees.

Case No.: 2019- APP 09

**RECEIVED**

MAY 02

**ILCC LEGAL**

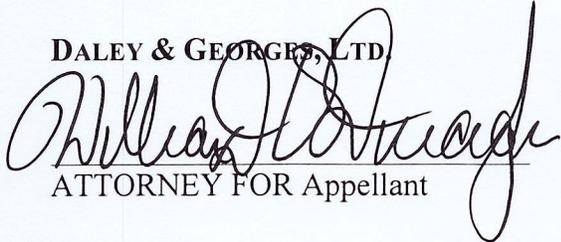
**NOTICE OF FILING**

To: The Village of Lincolnshire, Illinois; and Elizabeth J. Brandt, Mayor and  
Local Liquor Control Commission of the Village of Lincolnshire, Illinois  
One Olde Half Day Road, Lincolnshire, Illinois 60069-3035  
Fax: 815-933-9496

PLEASE TAKE NOTICE that on May 2, 2019, we caused to be filed with the Clerk of  
the State Liquor Control Commission **APPELLANT'S NOTICE OF APPEAL**, a copy of which  
is attached and hereby served upon you.

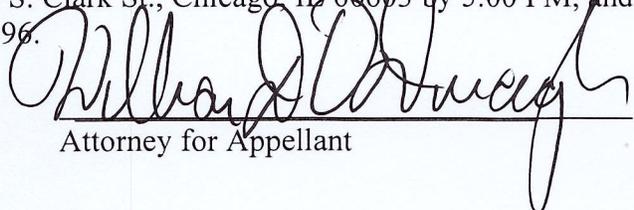
**DALEY & GEORGES, LTD.**  
20 S. Clark St., Ste. 400  
Chicago, IL 60603  
312.726.8797  
WODonaghue@daleygeorges.com

**DALEY & GEORGES, LTD.**

  
ATTORNEY FOR Appellant

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that, pursuant to 11 Ill. Admn. Code 100.350(e)  
and (f), he served a copy of this notice and the attached documents to all parties on June 20,  
2018, by depositing same in the U.S. Mail at 20 S. Clark St., Chicago, IL 60603 by 5:00 PM, and  
by submitting same via facsimile to 815-933-9496.

  
Attorney for Appellant

**STATE OF ILLINOIS  
STATE LIQUOR CONTROL COMMISSION**

XO RESTAURANT and BANQUET  
HALL, INC., an Illinois corporation,

Appellant,

v.

ELIZABETH J. BRANDT in her capacity as  
Village of Lincolnshire Mayor and Local  
Liquor Control Commissioner, THE  
VILLAGE OF LINCOLNSHIRE, and THE  
LOCAL LIQUOR CONTROL  
COMMISSION OF THE VILLAGE OF  
LINCOLNSHIRE,

Appellees.

Case No.: 2019- APP 09

**RECEIVED**

MAY 02

**ILCC LEGAL**

**NOTICE OF APPEAL**

NOW COMES the Appellant, XO RESTAURANT and BANQUET HALL, INC. ('Appellant'), an Illinois corporation, by and through its attorney, WILLIAM D. O'DONAGHUE of the law firm of **DALEY & GEORGES, LTD.**, pursuant to §§ 3-12 and 3-13 of the Liquor Control Act of 1934, 235 ILCS 5/1-1, *et seq.* (the "Act"), and also pursuant to § 100.350 of the Illinois Administrative Code, and hereby appeals the April 22, 2019 decision and order of the Mayor and Local Liquor Control Commissioner of the Village of Lincolnshire denying the Petitioner's Application for a Liquor License and in support thereof states as follows:

1. On or about the 10<sup>th</sup> of April, 2019 the Appellant filed an Application for a Liquor License with the Appellees. Said renewal was denied by the Mayor and Local Liquor Control Commissioner on April 22, 2019. A copy of the decision by the Mayor and Local Liquor Control Commissioner is attached hereto and made a part hereof as Exhibit A.
2. The actions of the Mayor and Local Liquor Control Commissioner constituted a wrongful denial of the of the Petitioner's Application for a liquor license. Said denial was entered without a hearing being conducted.
3. The decision of the Local Liquor Control Commissioner to deny the Appellant's Application for a liquor was
  - a) Against the manifest weight of the evidence,
  - b) Contrary to the laws of the State of Illinois,
  - c) Violated basic due process,
  - d) Did not proceed in the manner provided by law.

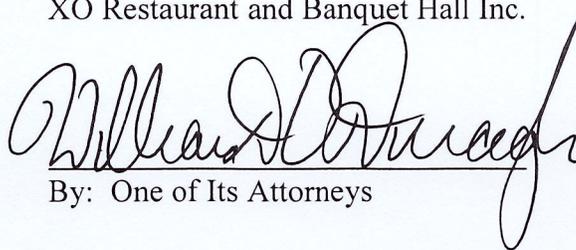
WHEREFORE, THE Petitioner respectfully prays that the Illinois Liquor Control Commission

1. Enter an Order setting this matter for a trial de novo before the Illinois Liquor Control Commission.

2. Enter an Order reversing the April 22, 2019 June 6, 2018 decision of the Local Liquor Control Commissioner of the Village of Lincolnshire denying the Application for a liquor license and ordering the Mayor and Local Liquor Control Commissioner to issue a liquor license to the Appellant.

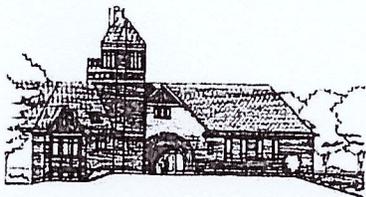
Respectfully submitted,

XO Restaurant and Banquet Hall Inc.

A handwritten signature in black ink, appearing to read "William D. O'Donoghue", written over a horizontal line.

By: One of Its Attorneys

William D. O'Donoghue  
**DALEY & GEORGES, LTD.**  
20 S. Clark St., Ste. 400  
Chicago, IL 60603  
312.726.8797 T  
wodonoghue@daleygeorges.com



One Olde Half Day Road  
Lincolnshire, IL 60069-3035  
847•883•8600  
847•883•8608 (FAX)

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 Village of  
**Lincolnshire**

April 22, 2019

XO Restaurant and Banquet Hall, Inc.  
c/o Irina Kiyan  
1081 Valley Stream Drive  
Wheeling, Illinois 60090

RE: Village of Lincolnshire Liquor License Application

Dear Ms. Kiyan:

I am writing to report my comments and findings regarding the application for a Class C-Restaurant liquor license filed by XO Restaurant & Banquet Hall, Inc. (the "Applicant") for the premises located at 250 Marriott Drive, Lincolnshire, Illinois (the "Premises"). Presently, there is not a Class C-Restaurant liquor license available and, for the reasons described below, I am unwilling to recommend to the Village Board that an additional Class C – Restaurant liquor license be created.

Based on Section 3-3-2-3 of the Lincolnshire Village Code (the "Code"), the Applicant is ineligible to receive a liquor license due to misrepresentations, omissions or false statements on the application.

I will first review the omissions from your application. While an omission may often times be a technical error, I find the information which the Applicant failed to disclose has a direct bearing on the Applicant's ability to responsibly operate a licensed establishment within the Village and therefore cannot be cured by simply supplementing the application. The omissions which I found include the following:

- The full occupancy of the Bar/Lounge and Restaurant on the Premises is not described;
- All owners of 5% or more of the common stock of the corporation are not disclosed on the application;
- The Applicant's seating chart is not included – you cannot use the seating chart provided by Sullivan's. The Applicant must present its own seating chart.
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Like the omissions, the misrepresentations on the application reveal intent to conceal facts which make the Applicant ineligible to receive a liquor license. Furthermore, even if such issues were cured, the misrepresentations do not foster confidence that the Applicant will operate the premises in the best interest of the health, safety and welfare of the people of Lincolnshire. Material misrepresentations described on your application include:

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As mentioned above, the Applicant has an owner of five percent (5%) of the stock of the corporation who has been convicted of at least one felony. This makes the Applicant ineligible to receive a liquor license under Section 3-3-2-14 of the Code. Based on the Village's investigation, Vadym Pobyegayev has been convicted of a series of felonies over the past four years. First, he was convicted of retail theft and possession of stolen property, Class 2 and Class 3 felonies, on January 15, 2015 (conviction triggered by petition to rescind granted June 30, 2017). More recently, Mr. Pobyegayev was convicted of retail theft, a Class 3 Felony, on June 5, 2017. While both Section 3-3-2-14 of the Code and 235 ILCS 5/6-2.5 require an examination whether such person has been sufficiently rehabilitated to warrant public trust, I find that because Mr. Pobyegayev has demonstrated recidivism, still not completed his sentence of probation and the convictions occurred less than five (5) years ago there is insufficient evidence to restore his eligibility, and therefore the Applicant's also.

While the foregoing issues are sufficient to justify my recommendation to the Village Board, I will describe the remainder of the problems which I found with the application. Based on Section 3-3-2-5 of the Code, the Premises described in the application does not meet the requirements for a Class C liquor license for the following reasons:

- The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be no greater than fifteen percent (15%) of the total square footage of the dining area(s). By comparison, the application describes the Premises with the patron bar/service bar representing 23% of the square footage of the dining area; and
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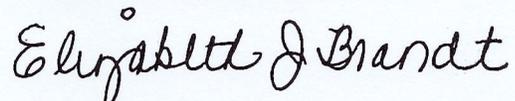
Last, the Village's investigation found that Applicant's prior location was routinely operated between 2007 and 2016 so as to allow assaults, fights, and disorderly conduct to occur on or about the licensed premises. This lack of management and control is inconsistent with the prohibitions described in Section 3-3-7-5 of the Code. For this reasons, I find that issuance of a liquor license to the Applicant will result in harm to the health, safety and welfare of people of Lincolnshire.

For all of the reasons described above, I am unwilling to recommend to the Village Board that it approve an increase in the number of Class C – Restaurant liquor licenses for the Applicant. As a result, no liquor license is available to be issued to the Applicant. Please also be advised that no person shall be allowed to file an application for the issuance of a new liquor license more than once during any twelve (12) month period (See 3-3-2-2 of the Code).

Without limiting the foregoing, my findings also rest on the corresponding provisions of the Illinois Liquor Control Act that describe parallel conditions of ineligibility to receive a liquor license. To the extent my findings exceed the authority described in the Liquor Control Act, the findings rest on the Village's home rule authority.

Very truly yours,

Village of Lincolnshire



Elizabeth J. Brandt, Mayor  
Liquor Control Commissioner

cc: Chief Joseph Leonas  
Bradly Burke, Village Manager

**Village of Lincolnshire  
Application for Liquor License**

<b>Initial Application or Change in Ownership</b>	Date: <u>08/04/19</u>	Liquor Class:	License Period Ending: <u>April 30, 20</u>
Address applying for liquor license (exact street address): <u>250 Marriott Drive</u>		Lincolnshire, IL 60069	Telephone #: <u>(847) 229 10 10</u>
<b>1. APPLICANT</b>			
Applicant / Corporate name: <u>XO Restaurant &amp; Banquet Hall Inc.</u>			
Name under which business is to be conducted (D.B.A.): <u>Iryna Kiyon XO Restaurant + Banquet</u>			
Business website: <u>xobanquets.us</u>		Business Email: <u>IRISHAK1977@gmail.com</u>	
Is the applicant an Individual or Partnership? Is the applicant a Corporation or Club?			<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If the applicant is a club, does it qualify as defined in the Village of Lincolnshire's Village Code in Relation to Liquor Control?			<input type="checkbox"/> yes <input type="checkbox"/> no
<b>2. LOCATION</b>			
Principal kind of business: <u>Restaurant &amp; Banquets</u>			
Length of time in principal kind of business: <u>Restaurant and banquets</u>			
What are the proposed days and hours of operation for the business for which this liquor license is applied for? <u>Tuesday - Sunday 10am - 2am</u>			
Full description of the location including floor layout, specific floors, rooms, etc.: <u>Restaurant lounge   bar banquets</u>			
Number of bars to be operated on premises: <u>1</u>		Will there be Entertainment on premises? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
What is the projected full occupancy of the premises? <u>Bar/Lounge</u> <u>Restaurant:</u>			
<b>Submit an interior diagram of the current/proposed structure with the initial application.</b>			
What is the size of the existing structure on the premises (square footage)? <u>± 9,190 SF</u>			
Does the applicant intend to allow for dancing by patrons? Does the applicant intend to provide entertainment on premises? If yes, the type of entertainment acts which are anticipated to perform during the license year on the licensed premises must be submitted to the Liquor Control Commissioner at the time the license is applied for. <u>DS OR Live band</u>			<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Is the location of applicant's business for which the license is sought within 100 feet of any church, school (other than an institution of higher learning), hospital, home for aged or indigent persons, or for veterans, their spouses or children?			<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Does the applicant own the property or premises for which the license is sought? Does the applicant have an option to purchase the property or premises?			<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
List owner(s) of the property or premises for which the application for the creation of a liquor license is sought:			
Owner Name: <u>National Retail Properties <sup>Russel</sup> Steelton</u>		Telephone #: <u>(407) 650 - 11-90</u>	
Residence Address: <u>450 S Orange Ave # 900 Orlando, Florida</u>			
Business Address:			

**Village of Lincolnshire  
Application for Liquor License**

**2. LOCATION, CONTINUED**

Has the applicant a lease on such premises covering the full period for which the license is sought?  
If yes, give the following information about the lessor:

yes  no

Lessor Name: <u>Iryna Kiyon</u>	Telephone #: [REDACTED]
Address: [REDACTED]	
Period covered by lease: From: <u>03/28/19</u>	To: <u>03/28/29</u>
Options, full particulars:	
Lessor's Agent Name:	Telephone #:
Address:	

**Submit a copy of the Deed or Contract for Deed or lease and any option agreements with initial application.**

Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant?  
If so, are premises:  
Maintained and held out to the public where meals are actually and regularly served?  
Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food?  
In accordance with the provisions of Section 3-3-2-5 of the Village of Lincolnshire Village Code in relation to Liquor Control which sets forth the square footage and seating allowances for restaurants?

yes  no  
 yes  no  
 yes  no  
 yes  no

<u>Square Footage</u>	<u>% of Total</u>	
Dining area(s) <u>3,500</u>		
Lounge area(s) <u>353</u>		
Patron bar(s) <u>807</u>		
<u>Seating Capacities</u>	<u>% of Total</u>	
Dining area(s) <u>3,500</u>		
Lounge area(s) <u>24</u>		
Patron bar(s) <u>58</u>		

**3. MANAGER / AGENT**

Will the business be conducted by a manager or agent? If yes, give the following information:

yes  no

Manager/Agent Name: <u>Iryna Kiyon</u>	Telephone #: [REDACTED]
Address: [REDACTED]	
Driver's License #: [REDACTED]	State of Issuance: [REDACTED]

Authority conferred upon him with relation to the operation or management of the business for which the creation of a liquor license is sought:

**Village of Lincolnshire  
Application for Liquor License**

<b>4. SOLE PROPRIETORSHIP / PARTNERSHIP / CORPORATION</b>		
Principal place of business of the sole proprietorship/partnership/corporation:		
Business address of the sole proprietorship/partnership/corporation: <i>250 Marriott Dr. Lincolnshire</i>		
List any other names this sole proprietorship/partnership/corporation is currently doing business as.		
List any other names this sole proprietorship/partnership/corporation has previously done business as.		
Date of Incorporation: <i>06/09/2018</i>	Under the laws of the State of: <i>IL</i>	Incorporation Certificate Number:
Is corporation qualified to do business in Illinois? Date when corporation became qualified:		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Objects of corporation, as set forth in charter:  <b>Submit a copy of the Charter of the Corporation with initial application.</b>		
If the sole proprietorship/partnership/corporation is held in a Trust, advise Trust Number and Location of the Trust.  <b>Submit a copy of the Land Trust Disclosure Statement with initial application.</b>		
List all beneficiaries of the Trust and percentage of ownership. (Must total 100%)		

<b>5. REGISTERED / ILLINOIS RESIDENT AGENT</b>		
Full Name: <i>Iryna Kiyon</i>	Date of Birth: / [REDACTED]	
Residence Address: [REDACTED]		
Telephone #: [REDACTED]	Driver's License #: [REDACTED]	State of Issuance: [REDACTED]

<b>6. INDIVIDUALS / PARTNERS / OFFICERS / DIRECTORS / STOCKHOLDERS WITH AT LEAST 5% OWNERSHIP</b>		
Full Name: <i>Iryna Kiyon</i>	Title: <i>owner</i>	Date of Birth: [REDACTED]
Residence Address: [REDACTED]		
Telephone #: [REDACTED]	Driver's License #: [REDACTED]	State of Issuance: [REDACTED]
Full Name:	Title:	Date of Birth:
Residence Address:		
Telephone #:	Driver's License #:	State of Issuance:
Full Name:	Title:	Date of Birth:
Residence Address:		
Telephone #:	Driver's License #:	State of Issuance:



**Village of Lincolnshire  
Application for Liquor License**

**6. INDIVIDUALS / PARTNERS / OFFICERS / DIRECTORS / STOCKHOLDERS WITH AT LEAST 5% OWNERSHIP, CONTINUED**

Does the applicant or partner (if Individual or Partnership) or any officer, manager, agent, director of the corporation, or any stockholder(s) have an interest in or hold any other current licenses providing for the sale or distribution, at retail or wholesale, of alcoholic liquor?  
 yes  no

If so, provide the name and address of the business(es) as well as the State and State Liquor License Number:  
*N 140 M I Ryna K Ryan*  
*XO Restaurant & Banquets Hall 1057-1063 E Lake Cook rd w wheeling IL*

Have any hearings been conducted regarding the conduct and/or operation of any of the above listed businesses by any State, County or municipal agency?  
 yes  no

If so, provide the date, particulars and disposition:

Has any manufacturer, distributor or importing distributor directly or indirectly furnished, loaned or rented any interior decorations other than signs for inside or outside use (except signs existing prior to February 1, 1934), costing in aggregate more than \$100.00 in any one calendar year for use in or about premises for which the creation of a liquor license is sought?  
 yes  no

Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything else of value or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business? (other than interior decorations and signs mentioned previously)  
 yes  no

Is the applicant engaged in the manufacture of alcoholic liquors?  
 yes  no

Has any applicant, partner, officer, manager or director of said corporation, or any stockholder or stockholders owning in aggregate more than 5% of the stock of such corporation, made application for a similar license on any premises other than those described in this application?  
 yes  no

Has any applicant, partner, officer, manager or director of said corporation, or any stockholder or stockholders owning in aggregate more than 5% of the stock of such corporation, ever been convicted of any felony under and Federal or State law?  
 yes  no

Has any applicant, partner, officer, manager or director of said corporation, or any stockholder or stockholders owning in aggregate more than 5% of the stock of such corporation, ever been convicted of being the keeper of a house of ill fame, or of pandering or other crime opposed to decency and morality?  
 yes  no

Has any applicant, partner, officer, manager or director of said corporation, or any stockholder or stockholders owning in aggregate more than 5% of the stock of such corporation, ever been convicted of a violation of any Federal or State liquor law since February 1, 1934?  
 yes  no

Is any law enforcing official, mayor, trust, alderman, member of a city council or commission, member of a village board of trustees, member of a county board or state legislature or appointed officer of the executive branch of state government directly or indirectly interested in the business for which the creation of a liquor license is sought?  
 yes  no

Is any applicant, partner, officer, manager, director, stockholder or stockholders of the corporation disqualified to receive a license under the liquor control provisions of the Lincolnshire Village Code (as from time to time amended), or other ordinances of the Village or laws of the State of Illinois?  
 yes  no

Has any license previously issued to the applicant or partner (if Individual or Partnership) or any officer, manager, agent, director of the corporation, or any stockholder(s) been revoked, suspended or assessed a fine for any reason, by any Federal, State or local authority?  
 yes  no

If you answered yes to any of the above, please give full particulars including dates and locations of offenses.

**Village of Lincolnshire  
Application for Liquor License**

Was this application prepared by someone other than the applicant? If so, provide:		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Name: <u>Iryna Kiyau</u>	Relation to applicant: <u>Owner</u>	
Address: [REDACTED]		

By the signing of the application, the applicant agrees to and hereby authorizes the Village of Lincolnshire and its agents to conduct whatever investigation that may be deemed necessary to confirm the above indicated facts, or otherwise to confirm that the applicant is lawfully permitted to obtain a liquor license under the liquor control provisions of the Lincolnshire Village Code (as amended from time to time), or other ordinances of the Village of Lincolnshire and the laws of the State of Illinois.

Any misrepresentation, omission or false statement on this application or in regards to any information provided during the application process, shall constitute grounds for the termination of any further consideration of the application or in the rejection of the application. If any such misrepresentation, omission or false statement, as mentioned above, is discovered after the application for a liquor license has been authorized, and a liquor license issued by the Mayor and board of Trustees of the Village of Lincolnshire, said misrepresentation, omission or false statement shall constitute grounds for the immediate revocation of said liquor license by the Liquor Control Commissioner.

Approval of application of license/permit shall not be held to permit or be an approval of any violation of the provisions of the Lincolnshire Village Code.

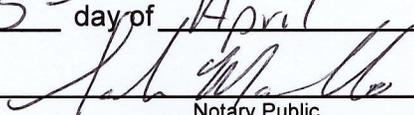
Any changes in Manager or Agent must be reported to the Liquor Control Commissioner with seven (7) days after the new appointment.

**AFFIDAVIT**

STATE OF ILLINOIS  
COUNTY OF LAKE

The undersigned swear (or affirm) that the sole proprietorship, partnership, or corporation in whose name this application is made, will not violate any of the ordinances of the Village of Lincolnshire, or the laws of the State of Illinois or of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct.

Subscribed and sworn before me this

5<sup>th</sup> day of April, 20 19  
  
 Notary Public

Notary Seal



If applicant is an Individual or Partnership, sign here

K. J. [Signature] \_\_\_\_\_ Individual / Partner  
 \_\_\_\_\_ Partner

If applicant is a Corporation, sign here

\_\_\_\_\_ President  
 \_\_\_\_\_ Secretary

Corporate Seal

**Village of Lincolnshire  
Application for Liquor License**

<b>Manager/Agent Form</b>	Date: <u>04/04/19</u>	Liquor Class:	License Period Ending: <u>April 30, 20</u>
Address applying for liquor license (exact street address): <u>250 Marriott DR.</u>		Lincolnshire, IL 60069	Telephone #: <u>(847) 229-1010</u>

**MANAGER / AGENT FORM**

Full Name: <u>Iryna Kyam</u>	Date of Birth: [REDACTED]
Residence Address: [REDACTED]	
Place of Birth: [REDACTED]	Social Security #: [REDACTED]
Telephone #: [REDACTED]	Driver's License #: [REDACTED]
	State of Issuance: <u>IL</u>
In what capacity are you employed by applicant? <input checked="" type="checkbox"/> Manager <input type="checkbox"/> Agent	Give the name of the person who appointed you and date of appointment: <u>Sarah Maciareillo 04/04/19</u>
Are you a U.S. Citizen? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	If a naturalized citizen, when and where were you naturalized? [REDACTED]
Have you ever been convicted of any felony under any Federal or State law?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Have you ever been convicted of being the keeper of a house of ill fame, pandering or other crime opposed to decency or morality?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Have you ever been convicted of a violation of any Federal or State liquor law since February 1, 1934?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Has any business in which you were a manager or agent ever had their liquor license revoked, suspended or assessed a fine for any reason by Federal, State or local authorities?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If you answered yes to any of the above, please give full particulars including dates and locations of offenses.	

State Law requires that all sellers, servers and those who check ID's be BASSET certified or under the direct supervision of someone who is BASSET certified. Proof of BASSET certification must be available for inspection by state and/or local liquor authorities at all times.  
At the business applying for the liquor license, are all required individuals BASSET certified?  yes  no

Approval of application for license/permit shall not be held to permit or be an approval of any violation of the provisions of the Village of Lincolnshire Code.  
Any changes in Manager or Agent must be reported to the Liquor Control Commissioner with seven (7) days after the new appointment.

**AFFIDAVIT**

STATE OF ILLINOIS  
COUNTY OF LAKE

I swear (or affirm) that I will not violate any of the ordinances of the Village of Lincolnshire, or the laws of the State of Illinois or of the United States of America, in the conduct of the place of business described herein and that the statements contained herein are true and correct and are given in both my individual capacity and as manager or agent of the applicant herein.

[Signature]

Signature of Manager or Agent

Subscribed and sworn before me this

5<sup>th</sup> day of April, 20 19

[Signature]  
Notary Public



Notary Seal

ACCORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE 03/28/2019

PRODUCER
ART OF INSURANCE AGENCY, INC
3233 N ARLINGTON HTS RD STE 206
ARLINGTON HTS, IL 60004
PH: 847-483-9999; FAX: 847-483-9090

SERIAL# A 1021

This certificate is issued as a matter of information and confers no right upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

COMPANIES AFFORDING COVERAGE

COMPANY STONEGATE INSURANCE COMPANY
A

COMPANY B

COMPANY C

COMPANY D

INSURED:
XO RESTAURANT & BANQUETTE, INC.
250 MARRIOTT DR
LINCOLNSHIRE, IL 60069

COVERAGES

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirements, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies, limits shown may have been reduced by paid claims.

Table with columns: Co Ltr, TYPE OF INSURANCE, POLICY NUMBER, POLICY EF. DATE (MM/DD/YY), POLICY EXP. DATE (MM/DD/YY), LIMITS. Includes sections for General Liability, Automobile Liability, Garage Liability, Excess Liability, Worker's Compensation, and Liquor Liability.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS:

Additional insured: FIRST AMERICAN PROPERTIES

CERTIFICATE HOLDER:
FIRST AMERICAN PROPERTIES
1540 E DUNDEE RD SUITE 210
PALATINE, IL 60074

CANCELLATION
Should any of the above described policies be cancelled before expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation to liability of any kind upon the company, its agents or representatives.

Authorized representative of independent insurance agency

Handwritten signature: Laura Beltrami
ACCORD CORPORATION 1998

**ServSafe**  
National Restaurant Association

# ServSafe® CERTIFICATION

## IRYNA KIYAN

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)–Conference for Food Protection (CFP).

17510310

CERTIFICATE NUMBER

5416

EXAM FORM NUMBER

2/25/2019

DATE OF EXAMINATION

2/25/2024

DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.



#0655

Sherman Brown  
Executive Vice President, National Restaurant Association Solutions



In accordance with Maritime Labour Convention 2006, Resolution ADM N 068-2013 (Regulation 3.2, Standard A3.2).

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Contact us with questions at 233 S. Wacker Drive, Suite 3600, Chicago, IL 60606-6383 or ServSafe@restaurant.org.

This document is printed on security paper. UNOFFICIAL COPY appears when photocopied.

# CERTIFICATE OF COMPLETION

No: 24024:21336333

THIS CERTIFIES THE FOLLOWING PERSON HAS COMPLETED THE ILLINOIS BASSET CERTIFICATION COURSE - ONLINE COURSE

www.SellerServer.com  
4201 FM 1960 WEST, STE 100  
HOUSTON, TX 77068  
(866) 378-1587

Date Of Birth: [REDACTED]  
Completion Date: 01/10/2018

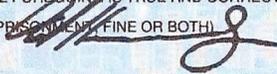


IRYNA KIYAN



THIS COURSE MEETS ALL REQUIRMENTS FOR STATUTES 125.04, 125.17, AND 134.66.

I CERTIFY UNDER PENALTY OF PERJURY THAT, TO THE BEST OF MY KNOWLEDGE, THE FOREGOING IS TRUE AND CORRECT. (PERJURY IS PUNISHABLE BY IMPRISONMENT, FINE OR BOTH)

By   
(Authorised Signature of SellerServer.com)

Only original certificates are accepted by regulatory agencies

OFFICIAL COPY

This document is printed on security paper. UNOFFICIAL COPY appears when photocopied.

Dear IRYNA KIYAN,

You have successfully completed the SellerServer.com training course.

Course Description: Illinois BASSET Certification Course - Online Course

Here is some important data for your records

Date Of Birth: [REDACTED]  
Completion Date: 01/10/2018

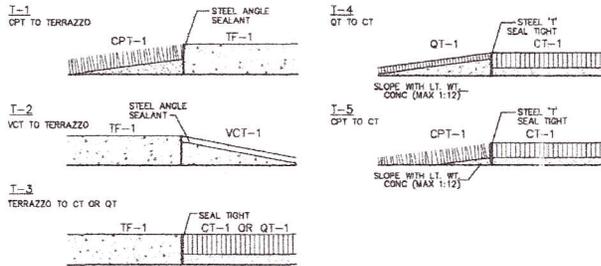


www.SellerServer.com  
4201 FM 1960 WEST, STE 100  
HOUSTON, TX 77068  
(866) 378-1587

STUDENT COPY

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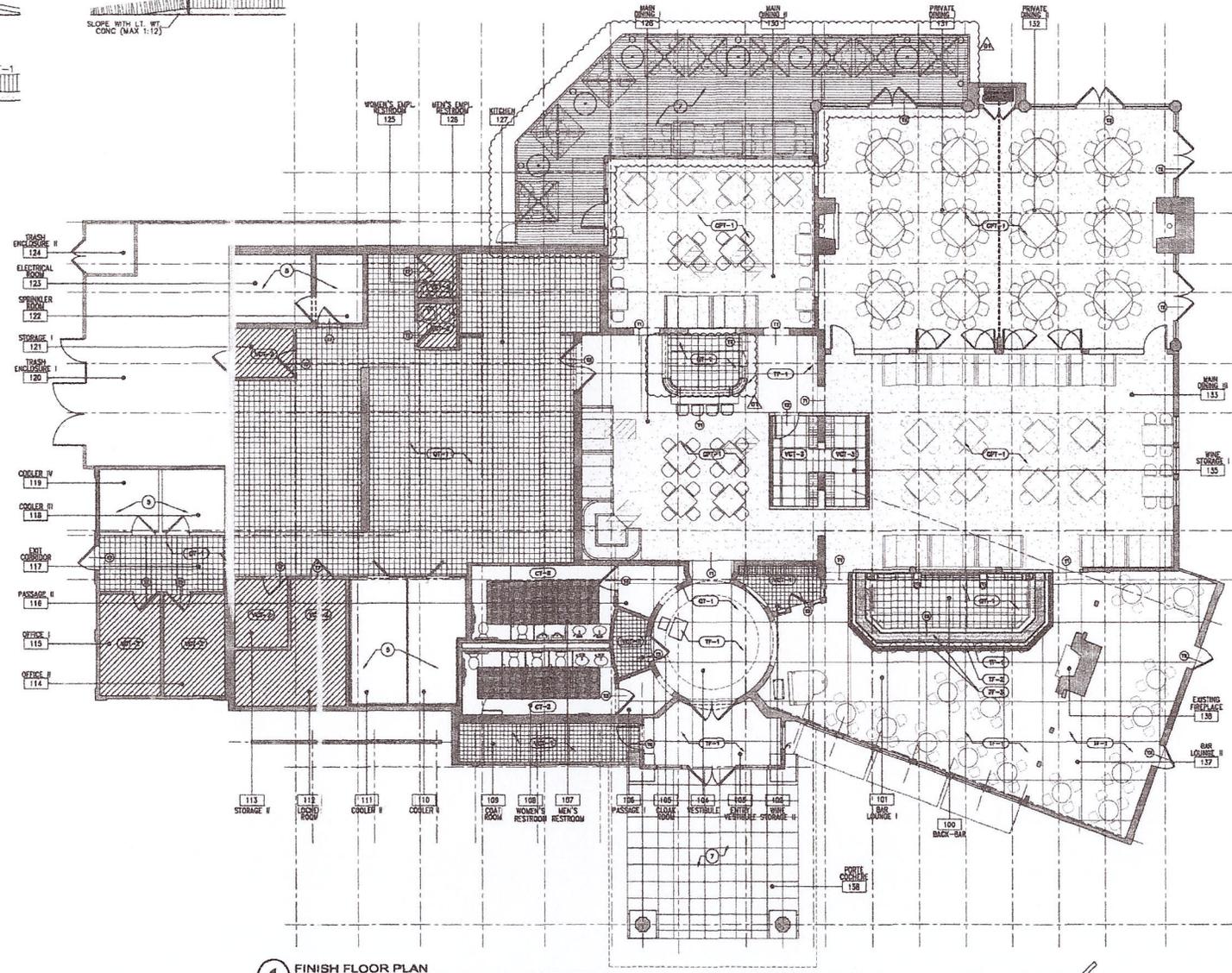
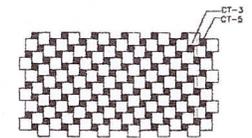
TRANSITION DETAILS:  
NOT TO SCALE



FLOOR FINISHES:

- TF-1 TERRAZZO W/ WATER BASED SEALANT  
45% YELLOW #1 & #2  
55% BLACK #1 & #2  
100% GREY EPOXY  
1 1/2 LBS. BLACK PIGMENT
  - TF-2 TERRAZZO W/ WATER BASED SEALANT  
10% BLACK #1 & #2  
90% GREY EPOXY  
1 2 LBS. BLACK PIGMENT
  - T-3 TERRAZZO W/ WATER BASED SEALANT  
10% BLACK #1 & #2  
90% GREY EPOXY  
1 2 LBS. BLACK PIGMENT
  - C-1 W&J FINISSON  
E: SYNERGY #9155  
C: JIR JOHNNY #234  
R: AT: 18" X 18", WIDTH: 12 FT.
  - C-2 KERRA GOSZA  
T: FIC TILE  
4: 4" COLOR: CHARCOAL 137A
  - C-3 DAL TILE  
K: TONE FLOOR TILE: BATHROOM  
2: 2" COLOR: MEXICAN SAND D174
  - C-4 DAL TILE  
K: TONE FLOOR TILE: BATHROOM  
1: CO. OR: EBONY D311
  - E-1 E-VERLAST EPOXY SYSTEMS  
C: NR: VERLAST RED
  - V-1 VERLAST  
# TO COLOR: MIDNIGHT  
1: 2"
- KEY: QTE 01
- REF: TO PLUMBING DRAWINGS FOR SPECIFICATION AND LOCATIONS OF FLOOR DRAINS
  - REF: TO THIS SHEET (A2.3) FOR FLOOR FINISH TOP DETAILS
  - REF: TO SHEET A5.1 FOR FLOOR FINISHES
  - PRO: E-1 RESHOLD PACKAGE SEE HARDWARE SCHEDULE 5.1
  - REV: Q FOR TO REMAIN, CLEAN & REPAIR AS NOTED
  - REV: & REPLACE EXISTING PANELS AT PORTS COORDINATE AS NEEDED
  - REV: & 1-300 PLANKS, STAIN PER ARCHITECTS SCHEDULE

**1 TILE DETAIL @ RESTROOMS (MTP-1)**  
SCALE: 1/2"=1'-0"



**1 FINISH FLOOR PLAN**  
SCALE: 3/8"=1'-0"



Architect: **SULLIVAN'S STEAKHOUSE**  
388 & Jefferson St.  
Flat Floor  
Chicago, IL  
60601  
P: 312.371.6000  
W: www.sps.com

These drawings are prepared and issued for the use of the contractor and are not to be used for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in these drawings or for any damage resulting therefrom.

**SULLIVAN'S STEAKHOUSE**  
250 Marriott Drive  
Lincolnshire, IL 60069

No.	Description	Date
1	Owner Revision	05-05-08
	Issued For Permit	07-02-08
	Record	

Room: **Bar Lounge**

**A2.3**

Drawing No.

## STOCK TRANSFER AGREEMENT

This Stock Purchase Agreement is made this 9th day of January, 2018, by and between VADYM POBYEGAYEV, hereafter "SELLER", and IRYNA KIYAN, hereafter referred to as "BUYER" for the transfer of certain stocks of XO RESTAURANT & BANQUET HALL INC., an Illinois Corporation, hereafter "Corporation" previously issued to SELLER.

### WITNESSETH

**WHEREAS**, SELLER is the holder of SEVENTY (70) shares of Corporation, said share representing 70% of all of the issued and outstanding stock of the Corporation and BUYER is the holder of THIRTY (30) shares of Corporation, said share representing 30% of all of the issued and outstanding stock of the Corporation.

**WHEREAS**, SELLER desires to transfer to BUYER SIXTY FIVE (65) shares of the Capital Stock the Corporation previously issued in SELLERS' name as follows:

VADYM POBYEGAYEV                      SIXTY FIVE (65) shares;

**WHEREAS**, BUYER desires to receive SIXTY FIVE (65) shares of the Capital Stock currently issued to SELLER, such shares representing 65% of the issued and outstanding stock of the Corporation.

**WHEREAS**, the ownership of the Corporation shall be as follows after the Closing:

VADYM POBYEGAYEV                      5 shares (5%).  
IRYNA KIYAN                                      95 shares (95%).

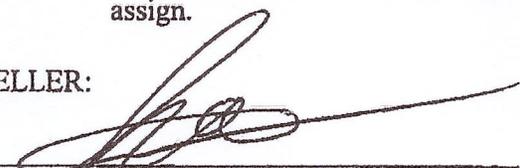
**NOW THEREFORE**, in consideration of the above, and in exchange for other valuable consideration the receipt of which is hereby being acknowledged by the undersigned, and in consideration of the representations, warranties, and agreements hereinafter set forth,

**IT IS HEREBY AGREED** as follows:

1. SELLER agrees to transfer and BUYER agrees to receive SIXTY FIVE (65) shares of Capital Stock of the Corporation.
2. BUYER shall pay SELLER a sum of SIXTY FIVE (\$65 and 00/100) Dollars for said Shares at Closing.

3. The closing shall take place on January 9, 2018 at the location to be determined by the respective parties hereto.
4. At the closing SELLER shall deliver the following to the BUYER:
  - A. Assignment for shares of Stock for 65 shares, previously registered in the name of SELLER;
5. Both parties hereby warrant as follows:
  - A. The Corporation is duly organized and existing in good standing under the laws of the State of Illinois. The copies of the Articles of Incorporation and all amendments thereto to date and of its By-Laws as amended to date will be delivered to the BUYER, and are true, complete and correct to the best information and belief of the Stockholders.
  - B. The aggregate number of shares the Corporation is authorized to issue is 1,000 shares of Common Stock (without par value) of which 100 shares has been validly issued.
  - C. There are no outstanding Subscriptions, options, warranties, calls, commitments, obligations or agreements relating to the Corporation's authorized or issued Common Stock.
  - D. SELLER shall, to the date of closing, continue the operation and conduct the business of the Corporation in a normal manner, and shall commit no act or thing which may derogate the reputation, goodwill, financial condition or economic interest of the Corporation.
6. The following general contractual provisions shall govern the terms of this Agreement:
  - A. All representations, warranties and agreements made by SELLER are joint and several and shall survive the closing.
  - B. Time shall be deemed to be of the essence of this Agreement, which Agreement shall be binding upon and inure to the benefit of the heirs, legal representatives, successors and assigns of the parties.
  - C. This Agreement contains the entire understanding of the parties and may be amended, modified or terminated only by a written instrument signed by all the parties hereto.

- D. All notices required hereunder shall be in writing and sent by registered or certified mail, return receipt required, addressed to the parties, with copies via ordinary mail to their respective attorneys.
- E. This Agreement shall be construed and interpreted in accordance with the laws of the State of Illinois.
- F. Each party agrees to execute all such other instruments and to take all such other actions as the other party may reasonably request from time to time in order to effectuate the provisions and purposes hereof.
- G. Whether or not the transaction contemplated hereby will be consummated, each of the parties hereto shall pay their own expenses and costs incurred or to be incurred by them in negotiating, closing and carrying out this Agreement, except as may be otherwise expressly provided herein.
- H. The heading of this Agreement are for the purpose of reference only and shall not limit or otherwise affect the provisions of any section or any part of this Agreement.
- I. This Agreement shall be executed in any number of counter-parts, all of which shall constitute one Agreement.
- J. In the event any provision of this Agreement is held to be invalid, the remainder of this Agreement shall nevertheless be deemed to be valid and effective.
- K. None of the provisions of this Agreement shall be for the benefit of, or enforceable by, any creditor of the Corporation, BUYER or SELLER.
- L. This Agreement shall not be assignable by BUYERS or SELLER without the written consent of the other party. Subject to the provisions of this Agreement restricting assignments, this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representative, successors and assign.

SELLER:   
 By: VADYM POBYEGAYEV

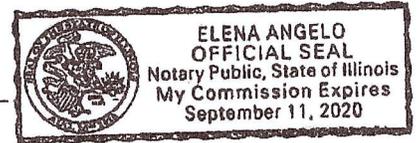
BUYER:   
 By: IRYNA KIYAN

STATE OF ILLINOIS        }  
   } SS.  
 COUNTY OF LAKE        }

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that IRYNA KIYAN and VADYM POBYEGAYEV, personally known to me to be the same persons whose name are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered this said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 9 day of January, 2018.

  
\_\_\_\_\_  
NOTARY PUBLIC





## Village of Lincolnshire Application for Liquor License

### 2. LOCATION, CONTINUED

Has the applicant signed a lease on such premises covering the full period for which the license is sought? If yes, give the following information about the lessor:

yes  no

Lessor Name: National Retail Properties, LP		Telephone #: 407-950-1190
Address: 450 S Orange Ave, #900, Orlando. FL 32801		
Period covered by lease:	From: 2019-2029 Possession Date	To: 10th Anniversary of Poss. Date, 2029
Options, full particulars: Two five year options - lessee options		
Lessor's Agent Name: George Christian		Telephone #: 407-650-3689
Address: 450 S Orange Ave., #900, Orlando, FL 32801		

Submit a copy of the Deed or Contract for Deed or lease and any option agreements with initial application.

Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant?

yes  no

If so, are premises:

Maintained and held out to the public where meals are actually and regularly served?

yes  no

Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food?

yes  no

In accordance with the provisions of Section 3-3-2-2 of the Village of Lincolnshire Village Code in relation to Liquor Control which sets forth the square footage and seating allowances for restaurants?

yes  no

<u>Square Footage</u>	<u>% of Total</u>
Dining area(s) <u>3,500</u>	<u>38</u>
Lounge area(s) <u>353</u>	<u>3.8</u>
Patron bar(s) <u>807</u>	<u>8.7</u>
<u>Seating Capacities</u>	<u>% of Total</u>
Dining area(s) <u>350</u>	<u>81</u>
Lounge area(s) <u>24</u>	<u>5.5</u>
Patron bar(s) <u>58</u>	<u>13.4</u>

### 3. MANAGER

Will the business be conducted by a manager? If yes, give the following information:

yes  no

Manager Name: Iryna Kiyan		Telephone #: [REDACTED]
Address: [REDACTED]		
Driver's License #: [REDACTED]	State of Issuance: [REDACTED]	
Authority conferred upon him/her with relation to the operation or management of the business for which the creation of a liquor license is sought:  Ms. Kiyan has the sole authority over all operations of the business.		

**Village of Lincolnshire  
Application for Liquor License**

**4. SOLE PROPRIETORSHIP / PARTNERSHIP / CORPORATION**

Business address of the sole proprietorship/partnership/corporation:  
250 Marriott Dr., Lincolnshire, IL

List any other names this sole proprietorship/partnership/corporation is currently doing business as.  
250 Marriott Dr., Lincolnshire, IL

List any other names this sole proprietorship/partnership/corporation has previously done business as.

Date of Incorporation: 6/25/2013	Under the laws of the State of: Illinois	Incorporation Certificate Number: 68991617
-------------------------------------	---	---

Is corporation qualified to do business in Illinois?  yes  no  
Date when corporation became qualified:

Objects of corporation, as set forth in charter:  
To conduct any and all activities authorized by the Illinois Corporations Act including the operation of a restaurant/bang  
**Submit a copy of the Charter of the Corporation with initial application.**

If the sole proprietorship/partnership/corporation is held in a Trust, advise Trust Number and Location of the Trust.  
**Submit a copy of the Land Trust Disclosure Statement with initial application.**

List all beneficiaries of the Trust and percentage of ownership. (Must total 100%)

**5. ILLINOIS CORPORATE REGISTERED AGENT**

Full Name: Iryna Kiyan	Date of Birth: [REDACTED]
---------------------------	------------------------------

Residence Address:  
[REDACTED]

Telephone #: [REDACTED]	Driver's License #: [REDACTED]	State of Issuance: [REDACTED]
----------------------------	-----------------------------------	----------------------------------

**6. INDIVIDUALS / PARTNERS / OFFICERS / DIRECTORS / STOCKHOLDERS WITH MORE THAN 5% OWNERSHIP**

Full Name: Iryna Kiyan	Title: Owner	Date of Birth: [REDACTED]
---------------------------	-----------------	------------------------------

Residence Address:  
[REDACTED]

Telephone #: [REDACTED]	Driver's License #: [REDACTED]	State of Issuance: IL
----------------------------	-----------------------------------	--------------------------

Full Name:	Title:	Date of Birth:
------------	--------	----------------

Residence Address:

Telephone #:	Driver's License #:	State of Issuance:
--------------	---------------------	--------------------

Full Name:	Title:	Date of Birth:
------------	--------	----------------

Residence Address:

Telephone #:	Driver's License #:	State of Issuance:
--------------	---------------------	--------------------

**Village of Lincolnshire  
Application for Liquor License**

6. INDIVIDUALS / PARTNERS / OFFICERS / DIRECTORS / STOCKHOLDERS WITH MORE THAN 5% OWNERSHIP, CONTINUED			
Full Name:		Title:	Date of Birth:
Residence Address:			
Telephone #:	Driver's License #:		State of Issuance:
Full Name:		Title:	Date of Birth:
Residence Address:			
Telephone #:	Driver's License #:		State of Issuance:
Full Name:		Title:	Date of Birth:
Residence Address:			
Telephone #:	Driver's License #:		State of Issuance:
Full Name:		Title:	Date of Birth:
Residence Address:			
Telephone #:	Driver's License #:		State of Issuance:
Full Name:		Title:	Date of Birth:
Residence Address:			
Telephone #:	Driver's License #:		State of Issuance:
Full Name:		Title:	Date of Birth:
Residence Address:			
Telephone #:	Driver's License #:		State of Issuance:
Full Name:		Title:	Date of Birth:
Residence Address:			
Telephone #:	Driver's License #:		State of Issuance:
Full Name:		Title:	Date of Birth:
Residence Address:			
Telephone #:	Driver's License #:		State of Issuance:
Full Name:		Title:	Date of Birth:
Residence Address:			
Telephone #:	Driver's License #:		State of Issuance:



**Village of Lincolnshire  
Application for Liquor License**

Was this application prepared by someone other than the applicant? If so, provide:		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Name: William D. O'Donoghue	Relation to applicant: Attorney	
Address: 20 S Clark St., Ste. 400, Chicago, IL 60603		
<p>By the signing of the application, the applicant agrees to and hereby authorizes the Village of Lincolnshire and its agents to conduct whatever investigation that may be deemed necessary to confirm the above indicated facts, or otherwise to confirm that the applicant is lawfully permitted to obtain a liquor license under the liquor control provisions of the Lincolnshire Village Code (as amended from time to time), or other ordinances of the Village of Lincolnshire and the laws of the State of Illinois.</p> <p>Any misrepresentation, omission or false statement on this application or in regards to any information provided during the application process, shall constitute grounds for the termination of any further consideration of the application or in the rejection of the application. If any such misrepresentation, omission or false statement, as mentioned above, is discovered after the application for a liquor license has been authorized, and a liquor license issued by the Mayor and board of Trustees of the Village of Lincolnshire, said misrepresentation, omission or false statement shall constitute grounds for the immediate revocation of said liquor license by the Liquor Control Commissioner.</p> <p>Approval of application of license/permit shall not be held to permit or be an approval of any violation of the provisions of the Lincolnshire Village Code.</p> <p>Any changes in Manager must be reported to the Liquor Control Commissioner with seven (7) days after the new appointment.</p>		
<b>AFFIDAVIT</b>		

STATE OF ILLINOIS  
COUNTY OF LAKE

The undersigned swear (or affirm) that the sole proprietorship, partnership, or corporation in whose name this application is made, will not violate any of the ordinances of the Village of Lincolnshire, or the laws of the State of Illinois or of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct.

Subscribed and sworn before me this

21<sup>st</sup> day of May, 20 19  
Lauren Eaves  
Notary Public

If applicant is an Individual or Partnership,  
sign here

\_\_\_\_\_ Individual / Partner

\_\_\_\_\_ Partner

Notary Seal



If applicant is a Corporation, sign here

X K [Signature] President

\_\_\_\_\_ Secretary

Corporate Seal

## EXHIBIT A

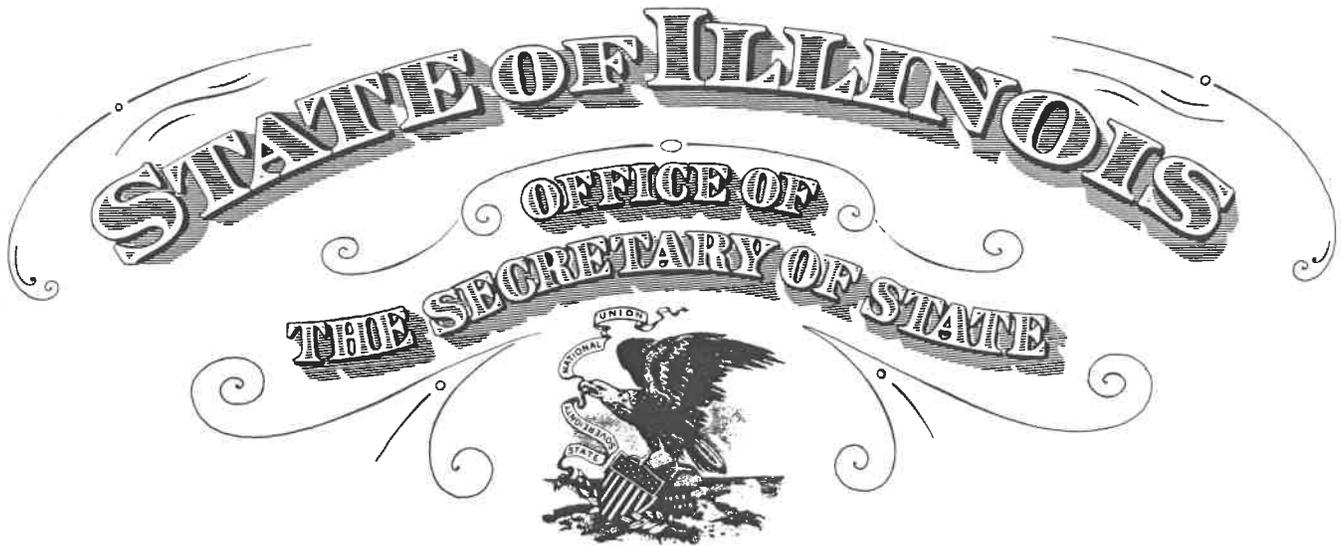
### Section 6.

The spouse of the owner, Vadim P. Pobyegayev (“VP”), of XO Restaurant and Banquet, Inc., (“XO”), has two felony convictions due to charges of Retail Theft. The first conviction was related to the theft of boats from a Bass Pro Shops outlet. VP was charged with the theft of the boats. He received a sentence of Second Chance Probation by the Lake County Circuit Court. His probation period was to run from July 1, 2015 until June 30, 2017. Due to a second criminal charge VP’s probation was vacated by the Court and became a Class 3 Felony conviction. Had he successfully completed his probationary period the original theft charge would have been vacated and set aside.

The second criminal incident occurred was VP was arrested in March 2017. The charge was again Retail Theft. The incident arose from the purchase of meat, by VP, that turned out to have been stolen. This charge resulted in a felony conviction and a sentence of 24 months probation. The probationary period for this offense expires on or about June 5, 2019. VP has had no additional incidents and has fully complied with the terms of his probation. It is important to note that neither of the two incidents were violent offenses and did not involve drugs, alcohol or gang activity.

The Village of Wheeling, where the Applicant is currently licensed and operating, conducted a hearing regarding the first incident. The hearing was conducted on December 18, 2017. After the hearing the Village issued an Order of revocation of the liquor license on January 8, 2018. A copy of the Order is attached hereto and made a part hereof as Exhibit B. The license revocation was vacated and the liquor license was reissued by the Village of Wheeling on or about February 4, 2018. The license was reinstated because VP’s ownership interest in the business was reduced to 5%. The Wheeling location has been licensed continuously since February 8, 2018 and a copy of the current Wheeling liquor license is attached hereto as Exhibit C.

Currently VP still maintains his 5% ownership interest although if required as a condition of the approval of this Application his ownership interest will be reduced to zero.



**To all to whom these Presents Shall Come, Greeting:**

*I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that I am the keeper of the records of the Department of Business Services. I certify that*

XO RESTAURANT & BANQUET HALL INC., A DOMESTIC CORPORATION, INCORPORATED UNDER THE LAWS OF THIS STATE ON JUNE 25, 2013, APPEARS TO HAVE COMPLIED WITH ALL THE PROVISIONS OF THE BUSINESS CORPORATION ACT OF THIS STATE RELATING TO THE PAYMENT OF FRANCHISE TAXES, AND AS OF THIS DATE, IS IN GOOD STANDING AS A DOMESTIC CORPORATION IN THE STATE OF ILLINOIS.



***In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois, this 2ND day of MAY A.D. 2019 .***

*Jesse White*

SECRETARY OF STATE

# CERTIFICATE OF COMPLETION

No: 24024:21336333

THIS CERTIFIES THE FOLLOWING PERSON HAS COMPLETED THE ILLINOIS BASSET CERTIFICATION COURSE - ONLINE COURSE

www.SellerServer.com  
4201 FM 1960 WEST, STE 100  
HOUSTON, TX 77068  
(866) 378-1587

Date Of Birth: [REDACTED]  
Completion Date: 01/10/2018

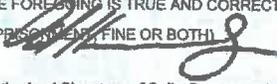


IRYNA KIYAN



THIS COURSE MEETS ALL REQUIRMENTS FOR STATUTES 125.04, 125.17, AND 134.66.

I CERTIFY UNDER PENALTY OF PERJURY THAT, TO THE BEST OF MY KNOWLEDGE, THE FOREGOING IS TRUE AND CORRECT. (PERJURY IS PUNISHABLE BY IMPRISONMENT, FINE OR BOTH)

By   
(Authorised Signature of SellerServer.com)

Only original certificates are accepted by regulatory agencies

**OFFICIAL COPY**

Dear IRYNA KIYAN,

You have successfully completed the SellerServer.com training course.

Course Description: Illinois BASSET Certification Course - Online Course

Here is some important data for your records

Date Of Birth: [REDACTED]  
Completion Date: 01/10/2018



www.SellerServer.com  
4201 FM 1960 WEST, STE 100  
HOUSTON, TX 77068  
(866) 378-1587

**STUDENT COPY**

**PRODUCER**  
 ART OF INSURANCE AGENCY, INC  
 3233 N ARLINGTON HTS RD STE 206  
 ARLINGTON HTS, IL 60004  
 PH: 847-483-9999; FAX: 847-483-9090

SERIAL# A 1021

This certificate is issued as a matter of information and confers no right upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

**COMPANIES AFFORDING COVERAGE**

COMPANY A	STONEGATE INSURANCE COMPANY
COMPANY B	
COMPANY C	
COMPANY D	

**INSURED:**  
 XO RESTAURANT & BANQUETTE, INC.  
 250 MARRIOTT DR  
 LINCOLNSHIRE, IL 60069

**COVERAGES**

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirements, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies, limits shown may have been reduced by paid claims.

Co Ltr	TYPE OF INSURANCE	POLICY NUMBER	POLICY EF. DATE (MM/DD/YY)	POLICY EXP. DATE (MM/DD/YY)	LIMITS	
A	General Liability	IAP0001748	03/23/2019	03/23/2020	General Aggregate	2,000,000
	<input checked="" type="checkbox"/> Products - Comp/op Agg					1,000,000
	<input type="checkbox"/> Personal & Adv Injury					500,000
	<input type="checkbox"/> Each Occurrence					500,000
	<input type="checkbox"/> Fire Damage (Any one fire)					100,000
	<input type="checkbox"/> Med Exp (Any one person)					1,000
	<b>AUTOMOBILE LIABILITY</b>				Combined Single Limit	
	<input type="checkbox"/> Any Auto				Bodily Injury (Per person)	
	<input type="checkbox"/> All Owned Autos				Bodily Injury (Per accident)	
	<input type="checkbox"/> Scheduled Autos				Property Damage	
	<input type="checkbox"/> Hired Autos				Medical Payments	
	<input type="checkbox"/> Non-Owned Autos				Personal Injury Prot	
					Uninsured Motorist	
	<b>GARAGE LIABILITY</b>				Auto Only - Ea Accident	
	<input type="checkbox"/> Any Auto				Other than Auto Only	
					Each Accident	
					Aggregate	
	<b>EXCESS LIABILITY</b>				Each Occurrence	
	<input type="checkbox"/> Umbrella Form				Aggregate	
	<input type="checkbox"/> Other Than Umbrella Form					
	<b>WORKER'S COMPANSATION</b>				We statu-tory limits	Other
					EI Each Accident	
	<input type="checkbox"/> The Proprietor/Partners/ Executive officers are: excl. X				EI Disease - Policy Limit	
					EI Disease -Ea Employee	
A	LIQUOR LIABILITY	IAP0001748	03/23/2019	03/23/2020		1,000,000

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS:**

Additional insured: FIRST AMERICAN PROPERTIES

**CERTIFICATE HOLDER:**  
 FIRST AMERICAN PROPERTIES  
 1540 E DUNDEE RD SUITE 210  
 PALATINE, IL 60074

**CANCELLATION**  
 Should any of the above described policies be cancelled before expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation to liability of any kind upon the company, it's agents or representatives.

Authorized representative of independent insurance agency

*Karla Belgarde* ACCORD CORPORATION 1998

# VILLAGE OF LINCOLNSHIRE

# Building

ONE OLDE HALF DAY ROAD  
LINCOLNSHIRE, ILLINOIS 60069

Phone: 847-883-8600 Website: [www.lincolnshireil.gov](http://www.lincolnshireil.gov)

Fax: 847-883-8608

## PERMIT TYPE: Demolition Interior Commercial

Permit Date: 04/05/2019  
Address: 250 MARRIOTT DR  
Scope of Work: Demolition Interior Commercial

Permit #: P19-0048B

Application #:

Lot#: LOT 2

IF THIS BOX IS CHECKED A  
PRE-CONSTRUCTION  
MEETING IS REQUIRED

Owner: NATIONAL RETAIL PROPERTIES, LP  
450 S ORANGE AVE STE 900  
ORLANDO FL 32801

Telephone:

IF THE ABOVE BOX IS CHECKED,  
THIS PERMIT IS NOT VALID  
WITHOUT A VILLAGE  
AUTHORIZED APPROVAL  
STAMPED BELOW.

Contractor: Olan Construction Inc  
2045 Walnut Circle  
Northbrook IL 60062

VILLAGE STAMP HERE

Telephone: (847) 338 5535

Owner/Agent/Applicant: XO Restaurant & Banquet

Issued by

This permit is hereby issued to construct or otherwise alter a structure as described in the application and the accompanying drawings, which are a part of the application. The acceptance of this permit shall constitute an agreement on part of the application to abide by all conditions herein contained and to comply with all Local, State, and Federal Codes and Ordinances.

No error or omission in either the plans or application, whether said plans or application has been approved by the Department of Community Development or not, shall permit or relieve the Permit applicant constructing the Permitted work in any other manner than provided for in the Village Code.

It is the contractor's responsibility to know all Village Code provisions. The Village cannot list all code sections on the drawings or documents. It is not the responsibility of the Village of Lincolnshire to make sure the contractor is knowledgeable of all code requirements, the contractor is responsible for constructing all permitted work in compliance with the Village Code.

Failure to identify an aspect of the proposed design, which is not in compliance with the Village Code during plan review does not relieve the owner of the obligation to achieve full Village Code compliance. Final construction and installations Permitted shall be in conformance with the Village Code.

No change to the approved plans shall be authorized without prior written approval. Also, no work other than the constitution indicated on the attached plans is authorized by the execution of the permit.

**PLEASE POST THIS PERMIT WHERE IT IS VISIBLE FROM THE STREET**

Permit is valid for 12 months from date of issuance as detailed in Village Code 4-2-2-1



**STATE OF ILLINOIS**  
**LIQUOR CONTROL COMMISSION**  
 Governor JB Pritzker

**1A-1122905**

License Number

IN ACCORDANCE WITH THE LIQUOR CONTROL  
 ACT OF 1934, THIS CERTIFIES THAT:

XO RESTAURANT & BANQUET HALL INC  
 XO RESTAURANT & BANQUET  
 1057-1063 E LAKE COOK RD  
 WHEELING IL 60090-2502

Cook

HAS PAID ALL FEES  
 AND IS ISSUED A  
 LICENSE IN THE  
 FOLLOWING CLASS:

**RETAILER  
 ON-PREMISES**

ISSUE DATE:

03/01/19

Effective:

04/01/19

THIS LICENSE  
 EXPIRES ON:

**03/31/20**

THIS LICENSE MUST BE FRAMED AND HUNG IN PLAIN VIEW  
 IN A CONSPICUOUS PLACE ON THE LICENSED PREMISES.

Warehouse: N/A

**Sales Tax Acct # 41189205**

**THIS LICENSE NOT TRANSFERABLE  
 AS TO PRINCIPAL**

No. 140M

This License shall expire on April 30, 2020

Amount \$2,500.00

**Retail Dealer's Liquor License**  
**Village of Wheeling**  
Wheeling, Illinois 60090

*Permission is hereby given to XO Restaurant & Banquet Hall, Inc. to engage in the sale of alcoholic liquors at retail in the Village of Wheeling under and in accordance with the terms and provisions of an ordinance entitled "An Ordinance to Regulate the Sale of Alcoholic Liquor," adopted by the President and Board of Trustees of the Village of Wheeling and as is from time to time amended.*

**XO Restaurant & Banquet Hall, Inc.**

**1057 & 1063 Lake Cook Road**

**Name of Business**

**Location of Business**

The said *XO Restaurant & Banquet Hall, Inc.* to be subjected to all ordinances of the said Village of Wheeling which now or hereafter may be in force touching the premises.

**GIVEN** under the hand of the Chairperson of the Local Liquor Commission of the Village of Wheeling, and the Seal hereof, this 15th of April, A.D. 2019.



CHAIRPERSON  
LOCAL LIQUOR COMMISSION  
VILLAGE OF WHEELING

**ServSafe**  
National Restaurant Association

# ServSafe® CERTIFICATION

## IRYNA KIYAN

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)-Conference for Food Protection (CFP).

17510310  
CERTIFICATE NUMBER

5416  
EXAM FORM NUMBER

2/25/2019  
DATE OF EXAMINATION

2/25/2024  
DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.



#0655

  
Sherman Brown  
Executive Vice President, National Restaurant Association Solutions



In accordance with Maritime Labor Convention 2006, Resolution AOM N 668-2013 (Regulation 2.2, Standard A3.2).

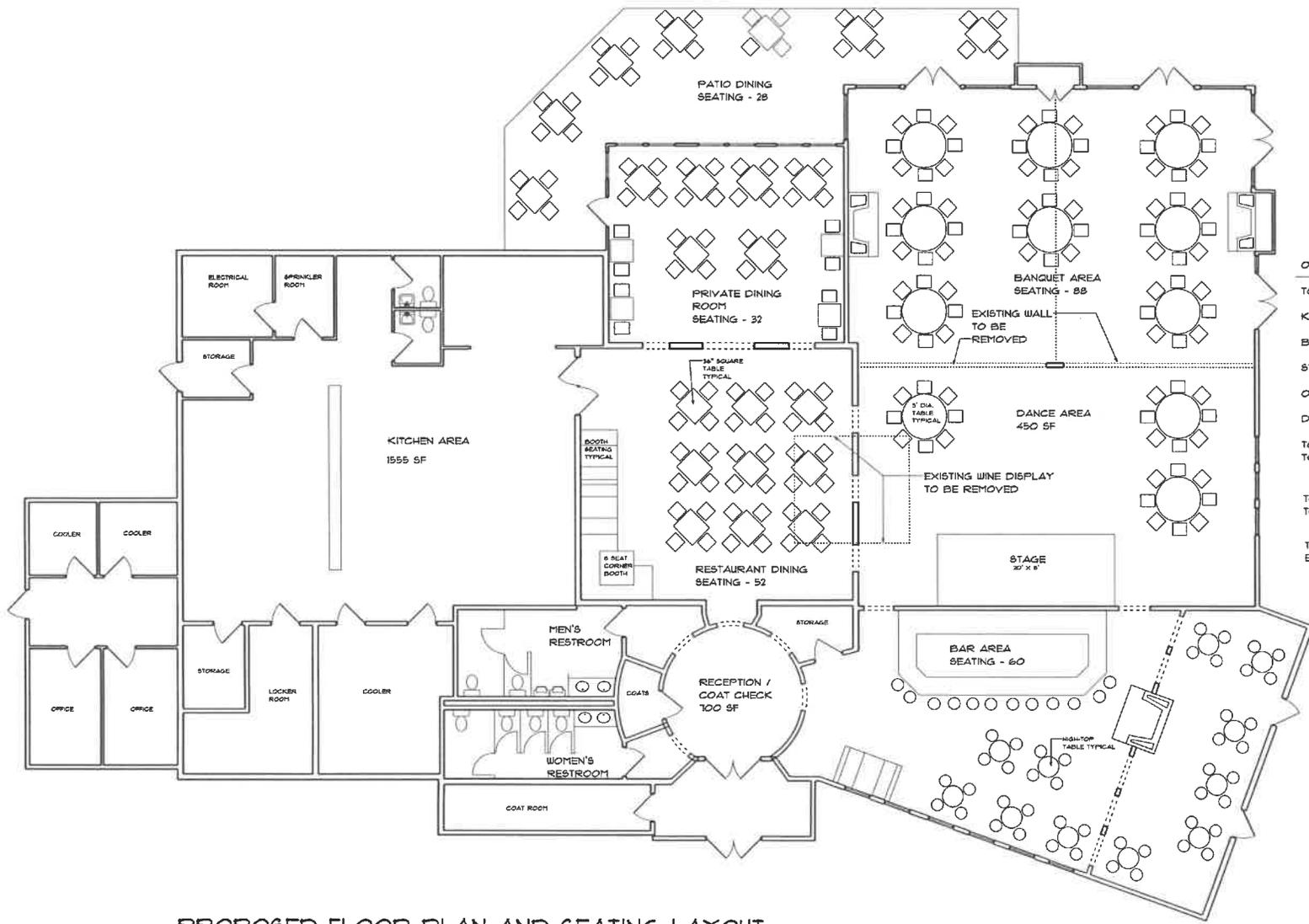
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This document may not be reproduced or altered.  
17110813

v.1711

Contact us with questions at 233 S. Wacker Drive, Suite 3600, Chicago, IL 60606-6383 or ServSafe@nra.org.





**OCCUPANCY CALCULATION**

TOTAL DINING/BAR SEATING	- 260
KITCHEN (200 GROSS)	- 12
BACK BAR (200 GROSS)	- 1
STORAGE (300 GROSS)	- 1
OFFICE (100 GROSS)	- 3
DANCE AREA (15 GROSS)	- 30
<b>TOTAL POSTED OCCUPANCY</b>	<b>- 307 PERSONS</b>
<b>TOTAL ALLOWED</b>	<b>- 413 PERSONS</b>
<b>TOTAL EXISTING PARKING</b>	<b>- 121</b>
<b>TOTAL ADA COMPLIANT PARKING</b>	<b>- 6</b>
<b>TOTAL CAPACITY OF EXISTING EXITS</b>	<b>- 1421 PPL.</b>

**PROPOSED FLOOR PLAN AND SEATING LAYOUT**

SCALE 3/16" = 1'-0"

NOTE: CONSTRUCTION IS EXISTING UNLESS NOTED OTHERWISE  
EXISTING KITCHEN LAYOUT TO REMAIN. EXISTING UTILITIES ARE  
ADEQUATE AND WILL REMAIN.

XO RESTAURANT AND BANQUET HALL  
INTERIOR RENOVATIONS / SEATING LAYOUT  
250 MARIOTT DRIVE LINCOLNSHIRE IL

SHAUN PURNELL, ARCHITECT  
1801 NORTH AVE. ROUND LAKE BEACH, ILLINOIS 60073  
PHONE: 847.933.772 FAX: 847.707.161  
SHAUN@SP-ARCHITECT.COM



May 21, 2019

Ms. Elizabeth J. Brandt  
Mayor  
Local Liquor Control Commissioner  
Village of Lincolnshire  
One Olde Half Day Road  
Lincolnshire, IL 60069-3035

RE: Application of XO Restaurant and Banquet, Inc.

Hon. Mayor Brandt,

I have attached two Amended applications regarding the above referenced matter. The first is an Amended Liquor License Application that contains additional information and documents. The second Application is an Amended Application for a Special Use permit for my client's property.

I am also writing to formally address the concerns you have raised in your letter dated April 22, 2019 regarding your review of my client's original Application submission. While some of your concerns have been addressed in the body of the Amended Application there are some that I believe are better addressed in this letter.

The following items have been addressed in the Amended Application:

1. A description of the Occupancy.
2. Disclosure of all shareholders with more than 5% of the common stock of the corporation. I have additional comments below regarding this item
3. A seating chart and full diagram of the interior of the proposed restaurant/banquet facility has been attached to the Application.
4. Copies of the local and state liquor license for my client's Wheeling location have been attached to the Amended Application.
5. The incorporation date has been corrected to June 25, 2013. I have also attached a Certificate of Good Standing for the corporation from the Illinois Secretary of State.
6. The issue of the percentage of square footage of the bar/service area and seating has been calculated and included. It is not clear to us if the percentage you reference is a percentage of bar area relative to the dining area or it needs to be

a percentage of the total restaurant square footage. We are happy to discuss this and revise the layout if necessary.

7. Health Department Certificate—I am not sure how my client can comply with this requirement. As you know my client has received a building permit to renovate the location a copy of which is included in the Application materials. It has been my experience that a Health Department Certificate will be received upon inspection by the Lake County Health Department. An inspection which will not occur until after the renovations have been completed. My client will submit the Certificate requested upon completion of the renovations and the requisite inspection. It would be premature to submit one now.
8. Your letter mentions alleged conduct issues at my client's Wheeling location. We have previously submitted to you and have attached copies of all police reports of activity at the Wheeling location for the last five years. These reports do not show any pattern of disorderly activities. The reports show just the opposite result. I have attached the reports to the Application.

Finally, is the issue of my client's husband. Attached to the amended application is a description of the details of his criminal issues. My client's husband has freely admitted to his past conduct and has paid a very serious price for it. He will forever be a convicted felon. However, none of the crimes involved, any violence, drugs or gang offenses. They were crimes against property rather than crimes against individuals. His current probationary period ends soon in the beginning of June. Once he completes his probation he will have served his debt to society.

My client, Iryna Kilyan, is willing to purchase her husband's minor 5% stake in the corporation as a sign of good faith. He will have no management responsibility over the operations of the restaurant. He will still be employed at the restaurant as the chef as that is his profession. Hopefully you can agree that there is no reason to further punish Ms. Kilyan, for the stupid acts of her husband.

In conclusion, my client will be making a substantial investment in the former Sullivan's location. She hopes to be in the location for many years to come and become a stellar member of the Lincolnshire business community.

I will be attending the Village Council meeting on Tuesday the 28<sup>th</sup> to discuss this matter with you and the Council. If you have any other questions please let me know.

Sincerely,



William D. O'Donoghue

## **Village of Wheeling – Class “M” Banquet Facility Liquor License Criteria**

- (m) CLASS "M" LICENSE. Class M licenses shall authorize the retail sale of alcoholic liquor in a banquet facility or banquet hall as defined in this chapter for consumption on the premises. A Class M license may only be issued to establishments meeting the following criteria:
- (i) The exclusive activity of the establishment shall be the catering of private parties where full service meals such as multiple course meals, hors d'oeuvres, or buffet meals, at a prearranged fixed price, are prepared on the premises and served for consumption at tables on the premises;
  - (ii) Adequate sanitary kitchen and dining room equipment shall be provided and maintained;
  - (iii) The establishment shall have a minimum seating capacity of fifty persons and a seat shall be provided for each person;
  - (iv) Alcoholic liquor may only be served or sold in conjunction with the food service and incidental to such food service;
  - (v) Each party must be prearranged under sponsorship of a particular person or organization;
  - (vi) Alcoholic liquor may only be served to specific invitees of a specific event's host, as opposed to "drop-in" or reservation dining by the general public; and
  - (vii) The establishment may not have a separate bar or tavern area devoted primarily to the service, sale and consumption of alcoholic liquor only and not used in connection with the banquet activity.



May 23, 2019

XO Restaurant & Banquet Hall, Inc.  
1057-1063 East Lake Cook Road  
Wheeling, IL 60090

**BY EMAIL ONLY**

To Whom It May Concern:

This correspondence is intended to affirm that the Class M liquor license held by XO Restaurant & Banquet Hall, Inc. at 1057-1063 East Lake Cook Road in Wheeling is presently in good standing.

On January 8, 2018, the Liquor Control Commission of the Village of Wheeling revoked the Class A-1 (i.e. restaurant serving beer and wine only) liquor license then held by XO Restaurant & Banquet Hall, Inc. after the Village became aware that on June 5, 2017 Vadym Pobyegayev, then the sole officer and one hundred percent (100%) shareholder of the business, had been convicted of retail theft in an amount exceeding three hundred dollars, a Class 3 felony. The Commission's action to revoke the license was based on the fact that a corporation with an officer or an individual shareholder with an ownership share greater than five percent (5%) with a felony conviction is ineligible to hold a liquor license under the provisions of both the Illinois Liquor Control Act and the Wheeling Municipal Code. The Commission's order to revoke the license did not allege, and was not prompted by, any alleged misconduct related to the business's retail sale and service of alcohol. A copy of the Commission's order is attached hereto.

XO Restaurant & Banquet Hall, Inc. subsequently submitted an application for a Class M (banquet facility) liquor license and associated corporate records that indicate that Mr. Pobyegayev is no longer an officer of, and holds no more than a five percent (5%) ownership interest in, the corporation. On February 5, 2018, the Liquor Control Commission granted the business the requested Class M license. The business renewed that license in April of 2018 and again in April of this year. The Village's records identify Iryna Kiyany as the sole officer and ninety-five percent (95%) shareholder and Vadym Pobyegayev as owner and five percent (5%) shareholder of XO Restaurant & Banquet Hall, Inc. The Village has accepted this information as true for purposes of the validity of the liquor license.

Questions or concerns regarding Wheeling liquor licenses can be addressed to me at 847-499-9098 or at [mseay@wheelingil.gov](mailto:mseay@wheelingil.gov).

Martin Seay  
*Administrative Assistant*

**BEFORE THE LIQUOR CONTROL COMMISSION  
VILLAGE OF WHEELING, ILLINOIS**

**IN THE MATTER OF )  
LIQUOR LICENSE OF )  
XO RESTAURANT & BANQUET )  
HALL, INC. )**

<sup>17</sup>  
**Docket No. 12-02**

**TO:** Vadym Pobyegayev,  
President  
XO Restaurant and Banquet Hall, Inc.  
1057-1063 Lake Cook Road  
Wheeling, IL 60090

Vadym Pobyegayev,  
President and Registered Agent for  
XO Restaurant and Banquet Hall, Inc.  
1081 Valley Stream Drive  
Wheeling, IL 60090

**ORDER**

**THIS MATTER** coming before the Liquor Control Commission of the Village of Wheeling on January 8, 2018, for hearing on the Petition for Hearing filed by Police Chief James Dunne attached hereto as EXHIBIT A and served on the licensee, XO Restaurant and Banquet Hall, Inc. ("Licensee") on December 18, 2017; the Commission having jurisdiction of the parties and the subject matter and the Licensee, having admitted that the facts contained within the Petition are true and correct.

**IT IS HEREBY ORDERED:**

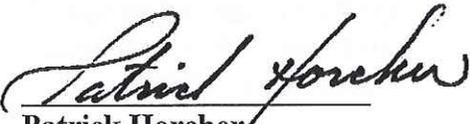
1. The Liquor Control Commission finds that the licensee, holder of Village of Wheeling Liquor License Number 140A-1, has committed those acts set forth in the Petition attached hereto as EXHIBIT A and is guilty of a violation of Section 4.32.050(C) of the Wheeling Village Code and Section 6-2(a)(4) of the State Liquor Control Act 235 ILCS 5/6-2(a)(4) related to the Licensee's fitness to hold a liquor license issued by the Village of Wheeling, as a result of the June 5, 2017 conviction of Vandym Pobyegayev for the Class 3 Felony of Retail Theft.

2. Vandym Pobyegayev holds in excess of five percent (5%) of the ownership interest in XO Restaurant and Banquet Hall, Inc.

3. The liquor license of the Licensee, License Number 140A-1, shall be and is hereby revoked. The revocation shall be effective immediately. Licensee shall no longer be permitted to engage in the sale of alcoholic beverages and shall remove its entire inventory of alcoholic beverages from the licensed premises no later than January 31, 2018.

4. Licensee shall permit members of the Wheeling Police Department to enter, at any time, upon the licensed premises to confirm Licensee's compliance with this Order and to determine whether any of the provision of this Order have been violated.

**ENTERED:  
LIQUOR CONTROL COMMISSION OF  
THE VILLAGE OF WHEELING**

By:   
**Patrick Horcher,  
Chairperson**

Date: January 8, 2018

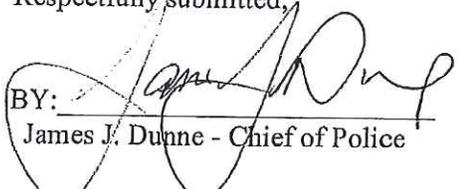


WHEREFORE, the undersigned Chief of Police of the Village of Wheeling, Petitions the Liquor Control Commission to act as follows:

- A) Hold a hearing to determine if the above Liquor License holder shall have violated the Village Code of the Village of Wheeling, Statutes of the State of Illinois, or other Laws, Ordinances, Statutes or regulatory provisions.
- B) Determine whether said violations relate to the eligibility of XO Restaurant & Banquet Hall, Inc. to hold a liquor license issued by the Village of Wheeling.
- C) If such a violation or violations shall be found by the Commission to have occurred, and affect the eligibility of XO Restaurant & Banquet Hall, Inc. to hold a liquor license issued by the Village of Wheeling, that the Commission revoke said license and/or levy, issue and enforce an appropriate penalty.

December 18, 2017

Respectfully submitted;

BY:   
James J. Dunne - Chief of Police

Nicholas J. Stavros  
Law Offices of Nicholas J. Stavros, P.C.  
433 N. Milwaukee Ave, Suite 2  
Wheeling, IL 60090  
(847) 520 - 4810  
(847) 520 - 9869 - fax



**VILLAGE OF WHEELING**  
 2 COMMUNITY BLVD  
 WHEELING, ILLINOIS 60090  
 (847) 459-2600

**APPLICATION FOR LICENSE  
 UNDER THE  
 WHEELING LIQUOR CONTROL  
 ORDINANCE**

<b>FOR OFFICE USE ONLY</b>	
AMOUNT RECEIVED \$	<u>1750.00</u>
Check _____	Cash <input checked="" type="checkbox"/>
Received By:	<u>A. Eoy</u>
Date Received:	<u>3/23/17</u>
For Fiscal Year Ending April 30, 20	<u>18</u>
LICENSE NO.:	<u>140A-1</u>
NEW _____	RENEWAL <input checked="" type="checkbox"/>

Local Liquor Control Commissioners, Village of Wheeling, Illinois:

Pursuant to the provisions of Chapter 4.32, "Alcoholic Liquor Dealers," of the Municipal Code of the Village of Wheeling, Illinois, the undersigned,

Vadym Pobegayev owner/president (847) 229-1010 xobengayev@us  
 (Please print name, title, phone number, and email address of person completing application.)

for XO Restaurant & Banquet Hall Inc.  
 (Please print name of Corporation, Limited Liability Company (LLC), Partnership, or Business establishment.)

doing business as, Restaurant & Banquet,  
 hereby makes application for the issuance of a license to engage in the business of selling alcoholic liquors, as indicated hereafter, for a Class A-1 \* Retail Liquor Dealer's License.

ALL CLASSES OF LICENSES EXPIRE APRIL 30 FOLLOWING THEIR ISSUANCE. The applicant understands that the fee for a Liquor License, as set forth in the schedule below, is payable in cash or check to THE VILLAGE OF WHEELING upon filing of this application and shall be on deposit with the Village of Wheeling prior to issuance of said Liquor License. See Chapter 4.32, Wheeling Municipal Code, for requirements and restrictions of each class (attached).

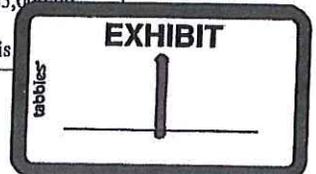
**INITIAL FEES FOR FIRST-TIME LIQUOR LICENSE APPLICATIONS**

CLASS A, B, C, M, M-1, O . . . . .	\$2,500.00	CLASS D-1 . . . . .	\$7,500.00
CLASS A-1, B-1, N . . . . .	\$1,750.00	CLASS D-3 . . . . .	\$7,000.00
CLASS D, D-2 . . . . .	\$10,000.00	CLASS E, F, G, H . . . . .	no initial fee
CLASS A-V, B-V, C-V . . . . .	\$2,500.00 + \$500 per gaming terminal (video gaming establishment license also required)		
CLASS A-1-V, B-1-V, N-V . . . . .	\$1,750.00 + \$500 per gaming terminal (video gaming establishment license also required)		
CLASS E-V . . . . .	\$500 per gaming terminal (video gaming establishment license also required)		

Initial fees are due at the time of initial application for a liquor license, in addition to the annual fee listed below. Renewing licenses are not required to pay initial fees.

**SCHEDULE OF ANNUAL FEES FOR RETAIL LIQUOR DEALER'S LICENSE**

CLASS A, A-V, B, B-V, C, C-V, M, M-1 . . . . .	\$2,500.00	CLASS G, J . . . . .	\$900.00
CLASS <u>A-1, A-1-V, B-1, B-1-V, N, N-V, O</u> . . . . .	<u>\$1,750.00</u>	CLASS E, E-V . . . . .	\$1,000.00
CLASS D . . . . .	\$7,500.00	CLASS F . . . . .	\$1,500.00
CLASS D-1, D-2 . . . . .	\$5,000.00	CLASS H . . . . .	\$5,000.00
CLASS D-3 . . . . .	\$3,500.00		
CLASS D-4 . . . . .	Please refer to supplementary license application on Pages 14-15 of this		



This application is to be filled out and certified as true and correct in every detail. Please respond to **every** statement on Pages 2-9 of this document, indicating "N/A", where not applicable. Please print or type all information.

**SECTION A**

1. Applicant: XO Restaurant & Banquet Hall INC.  
(Insert name of Individual, LLC, Partnership or Corporation)

If corporation, or LLC, state corporation number. \_\_\_\_\_  
First-time applicants **must** attach hereto a copy of state incorporation or organizational papers.

Illinois Retail Occupation Tax No.: 444 - 9205  
(Sales Tax Number)

2. Doing Business As: XO Restaurant & Banquet Hall INC  
(Insert name of business)

3. State principal type of business: Restaurant, Banquet  
(Restaurant, Drug, Grocery, etc.)

Alcoholic beverages will be sold for consumption:

On the premises       Off the premises       Both

Note that establishments that sell for **both** on-premises and off-premises consumption require a supplementary liquor license. Please refer to **Pages 14-15** of this application.

4. Location of place of business for which application is made, and number of bars to be operated at said location, if applicable:

10578 - 1003 E Lake Cook Rd      Wheeling, Illinois.  
(Street Address)

Number of bars, if applicable: \_\_\_\_\_

5. If more than one place of business is operated, give location of principal place of business:

\_\_\_\_\_

6. Is applicant:  An Individual \*       A Corporation \*\*       An LLC \*\*\*  
 A Partnership \*       An Association \*\*

\* Complete questions on Page 11 pertaining to individuals or partnerships.

\*\* Complete questions on Page 12 pertaining to corporations.

\*\*\* Complete questions on Page 13 pertaining to LLCs.

7. Retailers Occupation Tax Registration No. \_\_\_\_\_

8. Date on which business began or will begin at this location: \_\_\_\_\_

9. Date when applicant plans to begin alcoholic liquor sales, or date when sales began: \_\_\_\_\_

10. Name of owner(s) of property: \_\_\_\_\_

11. If title to the premises is held in trust, please list: Trust # \_\_\_\_\_  
Trustee(s) name(s) and address(es)

\_\_\_\_\_  
\_\_\_\_\_  
Name, address and account number of the beneficiaries:  
\_\_\_\_\_  
\_\_\_\_\_

12. If not owner, do you have a lease? Yes Please state date lease expires:  
March 31, 2019 (Lease must cover the entire license period or license  
cannot be issued.)

If this is the original application for liquor license, **attach a copy** of the lease.

Name, address and telephone number of lessee (if other than applicant). If a  
partnership, list the name, address and telephone number of all partners or  
persons entitled to share in the profits. If a corporation, association or club,  
list the name, address and telephone number of all officers, directors,  
shareholders and members.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name, address and telephone number of lessor (if other than owner of  
premises).

C. Mark Jordan (847) 481 424  
Livingston Commons Plaza LLC  
1540 E Dundee Rd # 210 Palatine, IL 60074

If the lessee of the property is other than the applicant or the lessor of the  
property is other than owner, provide the following information regarding the  
complete chain of leasehold: the name, address and telephone number of all  
individuals, corporations or partnerships holding any leasehold interest in the  
premises, including but not limited to assignors and assignees of the lease  
and/or sublessors and sublessees of the lease. If a corporation or partner-  
ship, list the name, address and telephone number of all stockholders owning  
5% or more stock of the corporation or all partners.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this is an application for renewal of liquor license, has the lease changed or  
been re-written since last year? Yes. If yes, **attach a copy** of new  
lease.

13. If this is the original application for a liquor license, **attach a copy** of the floor plan and plot plan of the premises. This must include dimensions. Bar(s) and liquor service areas must be clearly indicated.

If this is application for renewal of liquor license, a copy of the floor plan **is required** if there has been any change in the past year or if any change is contemplated during the current year.

14. Amount of goods, wares and merchandise on hand at time of application (other than alcoholic liquors): Inventory \$ 400 per month  
Description: \_\_\_\_\_

State true value of alcoholic liquors on hand at time of application:  
\$ \_\_\_\_\_

15. Is the location of the applicant's business for which license is sought within one hundred feet (100 ft.) of any church, school, hospital, home for aged or indigent persons or for veterans, their wives or children, or any naval or military station? NO If "YES," please answer A and B below.

A. Is the applicant's place of business a hotel offering restaurant service, a regularly organized club, a food shop, or another place where the sale of liquor is not the principal business? \_\_\_\_\_

B. How long has the place of business been in operation? \_\_\_\_\_

16. Are you delinquent as a retailer under the 30-Day Credit Law as set forth in Article VI, Section 5 of the Illinois Liquor Control Law? NO

Are you delinquent as a wholesaler under the 15-Day Credit Law (Beer) as set forth in Article VI, Section 5 of the Illinois Liquor Control Law? NO

Are you delinquent as a retailer under the Cash Beer Law as set forth in Article VI, Section 5 of the Illinois Liquor Control Law? NO

17. Do you agree that, if so required, you and/or all officers, agents and employees of this applicant will testify (subject to constitutional limitations) at any hearing that may be called by the Village, or any of its committees, commissions, boards or agencies, or the local Liquor Control Commission, relating directly or indirectly to any events or occurrences of which they may have knowledge arising out of their position as officer, agent or employee of the applicant? Yes

Do you further agree to inform all officers, agents and employees of the above requirement and make the same condition of employment? Yes

18. Has any manufacturer or importing distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything else of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed ninety [90] days), or is such a person directly or indirectly interested in the ownership, conduct, or operation of the place of business? NO

If the answer is "YES," give particulars: \_\_\_\_\_  
\_\_\_\_\_

**SECTION B**

19. Name and Address of Dram Shop Insurance Provider:

\_\_\_\_\_  
\_\_\_\_\_

- A. Amount of Dram Shop Insurance Coverage: \$ \_\_\_\_\_  
B. Dram Shop Insurance Policy Number: \_\_\_\_\_  
C. Expiration Date: \_\_\_\_\_

Proof of Dram Shop Insurance coverage (Certificate of Insurance) **must be submitted and attached hereto** at time of filing application for a new or renewal license. Certificates must list the Village of Wheeling as an additional insured party. If dram shop insurance expires during license period, proof of renewal must be submitted to the Village of Wheeling within five (5) days of expiration date.

Is Certificate of Insurance attached? Yes

If not, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION C**

20. Title 4, Section 4.32.081 of the Wheeling Municipal Code requires that the sale, serving, or giving away of alcoholic beverages—and the checking of identification to allow the purchase or consumption of alcoholic beverages, or to allow entry into an establishment that sells or serves alcoholic beverages—be performed only by individuals who have been issued a valid certificate through a state-licensed Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program within the past three (3) years. Copies of all BASSET program completion certificates **must be submitted and attached hereto** at time of filing application and thereafter upon request by the Village.

Are copies of all BASSET Program Completion Certificates attached? \_\_\_\_\_

If not, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION D**

21. Does the owner, manager or any principal hold any law enforcement office or a position as an elected or appointed public official? NO

If "YES," please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is any law enforcement officer or elected or appointed public official directly or indirectly interested in the business for which license is sought? \_\_\_\_\_

If "YES," please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

22. Is the applicant qualified to receive state and local licenses to operate an alcoholic liquor business? YES

State license number (if any) issued to applicant under Malt and Vinous Beverage Act: \_\_\_\_\_

**Please note that both local and state liquor licenses must be issued before alcoholic beverages can be sold. An application for a state license can only be submitted AFTER the local license has been issued.**

23. Has the applicant ever had a previous license revoked or suspended, or been fined for a liquor violation by the federal government, or by a local government or by any state or subdivision thereof? NO

If "YES," give particulars, including the dates, nature of violation(s), penalty or punishment, and the name of government body: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

24. Is applicant disqualified to receive a license by reason of any matter or thing construed by this ordinance, the laws of this state or other ordinances of this Village? NO

25. Does the applicant hold a State of Illinois Video Gaming Establishment License, or have plans to apply for such a license? NO

26. Does applicant agree not to violate any of the laws of the State of Illinois, the United States of America, or any of the ordinances of the Village of Wheeling in the conduct of his place of business? Agree

27. Is the applicant familiar with, and does the applicant possess, copies of the liquor control laws of the Village of Wheeling and the State of Illinois? (The Illinois Liquor Control Act is available from the Illinois Liquor Control Commission: <http://www.state.il.us/lcc/LiquorAct.asp>) Yes

**IMPORTANT**

Part of the review process for approval of a liquor license in the Village of Wheeling requires the licensee have an ongoing commitment to adhere to proper liquor dispensing procedures as required by law and local ordinance. To this end, the applicant must submit, in written form and attached hereto, a statement of the existing or proposed policy on dealing with the following:

- A. Prevention of the serving of alcoholic liquor beverages to underage patrons in the establishment;
- B. Prevention of the continued serving of alcoholic liquor beverages to intoxicated patrons;
- C. Other control policies to eliminate alcohol-related incidents and traffic accidents, including designated driver programs.

This written policy will become part of the license application and will be reviewed by the Liquor Control Commission of the Village of Wheeling in considering approval and issuance of new and renewal liquor licenses. A Basic Policy that may be suitable for your business is included on Page 10 of this application.

**SECTION E**

28. Is the business being conducted, or will it be conducted, by a manager or agent? NO If "YES," the following questions must be answered by such manager or agent:

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ U.S. Citizen? \_\_\_\_\_

Place of Birth: \_\_\_\_\_

If naturalized citizen, when and where naturalized?

\_\_\_\_\_  
\_\_\_\_\_

Have you ever been convicted of any crime as stated below in Section F, Question 28? NO

If "YES," state offense and disposition: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

If this is an application for license renewal, were you listed as a manager last year? Yes

If "NO," you must be fingerprinted. The Wheeling Police Department will contact you to arrange an appointment for fingerprinting. If you have questions regarding fingerprinting, please call (847) 459-2632.

**SECTION F**

29. Have you or any officer or the corporation ever been:

- A. Convicted of a gambling offense?       YES       NO;
- B. Issued a Federal Gaming Device Stamp?       YES       NO;
- C. Issued a Federal Wagering Stamp?       YES       NO.

Have you or any of the partners, incorporators, directors, officers or agents ever been convicted of a felony or a misdemeanor? NO If "YES," please explain:

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- 30. Illinois Close Corporation: Applicant acknowledges the requirement to report to the Liquor Control Commission, in writing, the name and address, not previously reported, of any person who acquires in excess of five percent of the total issues and outstanding stock of the corporation, together with the dates of such acquisition. The aforesaid report(s) shall be made within five (5) days following such acquisition.
- 31. Applicant acknowledges and agrees that any change in the business entity during the license year shall be reported in writing to the local Liquor Control Commission within ten (10) days of such change.
- 32. Applicant acknowledges and agrees that any change of manager or agent during the license year shall be reported in writing to the local Liquor Control Commission within ten (10) days of such change.
- 33. Applicant acknowledges and agrees that any change of the lease of the subject property during the license year shall be reported in writing to the local Liquor Control Commission within ten (10) days of such change with a copy of the new lease.
- 34. Applicant agrees to permit the local Liquor Control Commission to conduct or cause to be conducted a background search and credit check on the applicant.
- 35. Applicant agrees to provide to the Village of Wheeling Health Officer(s) access to the premises for purposes of inspection hereof.
- 36. Applicant agrees to submit any information concerning the applicant, the premises, or the applicant's business that changes, adds to or subtracts from the information supplied herein after the submission of this application to the Wheeling Liquor Control Commission.
- 37. Applicant acknowledges that (s)he has read and is familiar with the Village of Wheeling liquor control ordinance.

**AFFIDAVIT**

I, (or we) swear (or affirm) that I (or we) will not violate any of the laws of the State of Illinois or the United States of America, in the conduct of the place of business described herein, that I (or we) am/are the partner(s) or the duly constituted and elected officer(s) of said applicant and as such are authorized and empowered to execute this application on behalf of said applicant, and that the statements contained in this Application are true and correct to the best of my (or our) knowledge and belief.

INDIVIDUAL OR PARTNERSHIP:

  
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

(NOTE: AT LEAST TWO (2) MEMBERS OF A PARTNERSHIP MUST SIGN.)

CORPORATION OR LLC

XO Restaurant at Bungalow Hall INC  
(Corporate or LLC Name)

BY: Verolym Potayegayev

TITLE: owner / president

SUBSCRIBED AND SWORN TO BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(NOTARY SEAL)

No. 140A-1

This License shall expire on April 30, 2018

Amount \$1,750.00

**Retail Dealer's Liquor License**  
**Village of Wheeling**  
Wheeling, Illinois 60090

*Permission is hereby given to XO Restaurant & Banquet Hall, Inc. to engage in the sale of alcoholic liquors at retail in the Village of Wheeling under and in accordance with the terms and provisions of an ordinance entitled "An Ordinance to Regulate the Sale of Alcoholic Liquor," adopted by the President and Board of Trustees of the Village of Wheeling and as is from time to time amended.*

**XO Restaurant & Banquet Hall, Inc.**

Name of Business

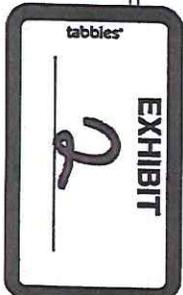
**1057 & 1063 Lake Cook Road**

Location of Business

The said *XO Restaurant & Banquet Hall, Inc.* to be subjected to all ordinances of the said Village of Wheeling which now or hereafter may be in force touching the premises.

GIVEN under the hand of the Chairperson of the Local Liquor Commission of the Village of Wheeling, and the Seal hereof, this 17<sup>th</sup> of April, A.D. 2017.

  
\_\_\_\_\_  
CHAIRPERSON  
LOCAL LIQUOR COMMISSION  
VILLAGE OF WHEELING



PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 17CR0506101

VADYM

POBYEGAYEV

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION

Charging the above named defendant with:

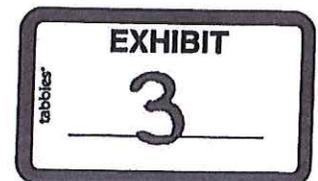
720-5/16-25 (A) (1)

F 3

RET THEFT/DISP MERCH/>\$300

The following disposition(s) was/were rendered before the Honorable Judge(s):

04/04/17 IND/INFO-CLK OFFICE-PRES JUDGE		04/12/17 1701	
04/12/17 TRANSFERRED TO SUBURBAN DIST		04/12/17 0378	
05/08/17 DEFENDANT ON BOND			
KARAHALIOS JAMES N			
05/08/17 INTERPRETER APPOINTED			
RUSSIAN			
KARAHALIOS JAMES N			
05/08/17 APPEARANCE FILED			
KARAHALIOS JAMES N			
05/08/17 DEFENDANT ARRAIGNED			
KARAHALIOS JAMES N			
05/08/17 PLEA OF NOT GUILTY			
KARAHALIOS JAMES N			
05/08/17 CONTINUANCE BY AGREEMENT		06/05/17 0379	
KARAHALIOS JAMES N			
05/08/17 MOTION FOR DISCOVERY		F	1
KARAHALIOS JAMES N			
05/08/17 DISCOVERY ANSWER FILED		F	2
KARAHALIOS JAMES N			
06/05/17 PLEA OF GUILTY	C001		
KARAHALIOS JAMES N			
06/05/17 FINDING OF GUILTY	C001		
KARAHALIOS JAMES N			
06/05/17 JGMT ON FINDING/VERDICT/PLEA		P	2
KARAHALIOS JAMES N			
06/05/17 DEF SENTENCED TO PROBATION	C001		
24 MTH			
KARAHALIOS JAMES N			
06/05/17 DEFENDANT FINED	C001		\$ 634
KARAHALIOS JAMES N			



PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 17CR0506101

VADYM

POBYEGAYEV

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION  
06/05/17 DEFENDANT TO SUBMIT DNA SAMPLE E 4  
KARAHALIOS JAMES N  
06/05/17 DEF ADVISED OF RIGHT TO APPEAL  
KARAHALIOS JAMES N  
06/05/17 CASH BOND REFUND TO ATTORNEY B001  
D1260488  
KARAHALIOS JAMES N  
06/05/17 DISCOVERY ANSWER FILED F 2  
KARAHALIOS JAMES N  
06/05/17 JURY WAIVED  
KARAHALIOS JAMES N  
06/05/17 PRESENTENCE INVESTIGATION WAIV  
KARAHALIOS JAMES N  
06/07/17 CBR PROCSED FRWD ACCT DEP

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date 12/06/17



---

DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT OF COOK COUNTY

BEFORE THE LIQUOR CONTROL COMMISSION  
VILLAGE OF WHEELING, ILLINOIS

IN RE THE MATTER OF THE  
LICENSE OF XO RESTAURANT &  
BANQUET HALL, INC.

)  
) Docket No. 17-02  
)  
)

TO: Vadym Pobyegayev, Manager  
XO Restaurant & Banquet Hall, Inc.  
1057-1063 Lake Cook Road  
Wheeling, IL 60090

Vadym Pobyegayev  
Registered Agent for  
XO Restaurant & Banquet Hall, Inc.  
1081 Valley Stream Drive  
Wheeling, IL 60090

Vadym Pobyegayev, President  
XO Restaurant & Banquet Hall, Inc.  
1081 Valley Stream Drive  
Wheeling, IL 60090

**NOTICE OF HEARING**

**YOU ARE HEREBY NOTIFIED** that the charges which are attached hereto were filed against you before the Liquor Control Commission of the Village of Wheeling, Illinois, under the provisions of Section 4.32.225 of the Wheeling Municipal Code by James L. Dunne, Police Chief. A hearing will be held on said charges in the Board Room of the Wheeling Village Hall, 2 Community Blvd., Wheeling, Illinois, on January 8, 2018, at 6:30 p.m., at which time and place you may appear and be heard in your defense, if you see fit.

LIQUOR CONTROL COMMISSION OF THE  
VILLAGE OF WHEELING

By: \_\_\_\_\_

  
Counsel

**REQUEST FOR BOARD ACTION  
Committee of the Whole  
May 28, 2019**

**Subject:** Social Media Communication Categories for the Lincolnshire Police Department

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**Action Requested:** None (Informational)

---

**Originated By/Contact:** Joseph Leonas, Chief of Police

---

**Referred To:** Mayor and Board of Trustees

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**Summary / Background:**

The Lincolnshire Police Department strives to provide community members with relevant, timely information and recognizes social media is a communication platform utilized by a great number of people. At times, social media can be guilty of “information overload” providing users with too much information to process at one time. In order to improve communications with its users, the Lincolnshire Police Department devised a new information color coding system to lessen the burden of information overload and make it easier for users to readily determine if the message is worthy of further reading. Users will see messages delivered in red, orange, or green. Each color is connected to a specific information category. Below is the list of categories with the type of message users can expect to receive from the police department:

**GREEN – Information (Advisory)**

- Announcements
- Tips and information related to crime prevention
- Reminders for police/community events
- Press releases
- Recruitment of personnel

**ORANGE – Caution (Watch)**

- No immediate threat detected for Lincolnshire, however, an incident(s) has occurred in the surrounding vicinity
  - Conditions exist for resident precaution
  - Limited information is known
- Investigative requests for information
- Traffic information

**RED – Emergency (Warning)**

- Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information
- An immediate threat detected for Lincolnshire
- An emergency is developing
- More information will be shared as soon as possible or within constraints of ongoing police investigation

**PROHIBITED CONTENT**

The Village will not share content that includes, but is not limited to:

- Content that is abusive, discriminatory, inflammatory or sexually explicit.

- Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- Any information that could compromise an ongoing investigation.
- Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

The Village may utilize other forms of communication in addition to, or in lieu of social media when appropriate.

**Budget Impact:**

None

**Service Delivery Impact:**

The notification category system will provide community members with relevant, timely information and allow for easily prioritizing that information.

**Recommendation:**

None - Informational only

**Reports and Documents Attached:**

None

Meeting History	
Initial Referral to Village Board (COW):	May 28, 2019