

MINUTES
Committee of the Whole Meeting
Vernon Hills Village Board
September 8, 2010

President Pro Tem Koch called the meeting to order at 7:20pm. The following Trustees were present: Trustees Marquardt, Schultz, Schwartz, and Williams.

Also present were: Village Manager Allison, Assistant Village Manager Kalmar, Chief Fleischhauer, Public Works Director/Village Engineer Brown, Building Commissioner Atkinson, Village Attorney Kenny, and Recording Secretary DeAnda.

1. Approval of Committee of the Whole Minutes – August 17, 2010

Motion by Trustee Williams, second by Trustee Marquardt, to approve the August 17, 2010 Committee of the Whole Minutes.

Roll call vote:

AYES: 5 – Koch, Marquardt, Schultz, Schwartz, Williams

NAYS: 0 – None

ABSTAIN: 0 – None

ABSENT AND NOT VOTING: 1 – Hebda

Motion carried.

2. New Connections Academy II – Consideration of Report and Recommendation from the Planning and Zoning Commission regarding requests for amendment of the Zoning Ordinance and approval of a Special Use Permit to allow for the operation of private, therapeutic day school on a portion of property located at – 150 Fairway Drive, Suite 140-146 in Continental Executive Park

Assistant Village Manager Kalmar stated the petitioner was before the Village Board again in regard to 150 Fairway Drive, Suites 140-146 in Continental Executive Park. He stated the use, number of students, staff member, hours of operation, etc. was much the same as the other location.

He stated representatives from New Connections Academy II (NCA) appeared before the Planning and Zoning Commission at its September 1, 2010 meeting to request the following:

1. To amend Article 16, Section 16.3 of Appendix C of the Code of Ordinances, being the Vernon Hills Zoning Ordinance of 1982, by adding “private, therapeutic day school” to the list of special uses permitted in the BP, Business Park District; and
2. Pursuant to Articles 16, Section 16.2, Article 18 and 21, Section 21.6 of Appendix C of the Village of Vernon Hills Code of Ordinances approval of a Special Use Permit to allow for a private, therapeutic day school, known as New Connections Academy II, to be located in the portion of the building known as 150 Fairway Drive, Suites 140-146.

They indicated that the plans call for locating this private therapeutic day school into approximately 10,000 sq ft of the office building located just west of the intersection of Fairway Drive and Lakeview Parkway in the Rogers Office Park. The property is immediately adjacent to the Arborthheater.

Assistant Village Manager Kalmar stated the Commission was generally supportive of the location and concept for the proposed school.

Assistant Village Manager Kalmar stated one business owner located across from the proposed location appeared to express support for the petition.

The Planning and Zoning Commission recommended the following:

- A. The Commission voted 6-0 to recommend amending Article 16, Section 16.3 of Appendix C of the Code of Ordinances, being the Vernon Hills Zoning Ordinance of 1982, as amended from time to time, by adding "private, therapeutic day school" as set forth below, to the list of special uses permitted in the BP, Business Park District.

16.3.8 Private, therapeutic day school having the same curriculum as ordinarily given in the public schools; provided that:

- a. No rooms shall be used for housing or sleeping purposes; and
- b. All educational or recreational activities shall take place within the building unless designated areas have been reviewed and approved as a part of any special use permit process; and
- c. The property provides adequate parking and circulation for vehicles, including buses, within the parking lot as determined by the Village; and
- d. All signage shall conform to the Village's Sign Ordinance.
- e. Storage of trash and recyclable materials shall be provided pursuant to Section 16.7.3.

- B. The Commission voted 6-0 recommend approval of a Special Use Permit to allow for a private, therapeutic day school, known as New Connections Academy II, to be located in the portion of the building known as 150 Fairway Drive, Suites 140-146, subject to the above conditions.

- a) Receipt of all required licenses from the State of Illinois, Lake County Health Department and the Village prior to issuance of a final certificate of occupancy. Copies of all licenses shall be provided to the Village.
- b) Compliance with the Village Sign Ordinance
- c) Compliance with all ordinances and standards of the Village except as may otherwise be provided.
- d) If the New Connections Academy leaves the property or goes out of business, the special use permit shall expire.
- e) This Special Use Permit ("Permit") is not transferable to any entity in which either New Connections Academy II or an affiliate of New Connections Academy II does not have an ownership interest as a general partner in a partnership, a membership interest in a limited liability company, or a similar role unless such successor is presented to the Board of Trustees for the Village approval which shall not be unreasonably withheld. This restriction shall not apply to a transfer to a partner, member, or other owner in an ownership entity by reason of a default by New Connections Academy II. These terms and conditions remain in full force and effect. All the conditions and restrictions herein are binding on all successors and assigns.
- f) The Petitioner agrees to work with the Police and Fire District regarding the traffic flow into and out of the site.
- g) The property owner will provide a plan for providing additional parking spaces at the rear of the buildings and within the loading dock/service area for the buildings at 100 thru 166 Fairway drive. The plan shall be reviewed and, if found to be in compliance with the Development Ordinance, approved by the Village Engineer. Once approved the spaces shall be installed prior to issuance of a Certificate of Occupancy for New Connections Academy II.
- h) The 15 designated parking spaces pursuant to the plans provided in booklet dated September 1, 2010 shall be marked with signage limiting their use to the staff of New Connections Academy during normal business hours.
- i) The Petitioner will comply with Traffic Pattern 1 as proposed.
- j) The Petitioner will comply the floor plan dated September 1, 2010.

Copies of the site and floor plans and related information were attached to the packets.

Motion by Trustee Williams, second by Trustee Marquardt, to direct the staff to prepare the necessary ordinance granting approval to the amendment of the Zoning Ordinance and granting the Special Use Permit as specified in the booklet, subject to the conditions as set forth above.

Roll call vote:

AYES: 5 – Koch, Marquardt, Schultz, Schwartz, Williams

NAYS: 0 – None

ABSTAIN: 0 – None

ABSENT AND NOT VOTING: 1 – Hebda

Motion carried.

Assistant Village Manager Kalmar noted that at the Village Board meeting of September 21, he would bring, along with the ordinance to approve, an ordinance to repeal the previous Special Use Permit at the other location.

3. Non-Retail Sales Tax Generating Use Moratorium Update - Proposed Amendment of Zoning Ordinance

Assistant Village Manager Kalmar noted his memo updated September 3, 2010 that gave an overall description of the amendment to the ordinance.

He stated staff had been working with Village Attorney Kenny and Al Maiden of Rolf Campbell & Associates on development of an ordinance that addressed the Village Board's concerns about the need to preserve a retail tax base. He stated the Board extended the moratorium on the placement of non-retail sales tax generating uses within the core retail area of the Village. The Moratorium is set to expire on October 19, 2010. The draft ordinance amends the Zoning Ordinance to establish the Core Retail Area (CRA) as an overlay district for those commercial properties generally located at the intersection of Townline Road and Milwaukee Avenue. The amendment further creates a new section in Article 4 of the Zoning Ordinance to regulate "Retail Sales Establishments (RSE)" and non-RSEs within the Core Retail Area. The purpose of the ordinance is to regulate the conversion or elimination of existing RSEs so as to preserve and enhance the Village's primary source of revenue, being sales taxes, while trying to balance the interests of the property owners.

He stated the proposed ordinance provided for the following:

- Exempts buildings which are less than 20,000 sq ft from the provisions of the Ordinance.
- For buildings greater than 20,000 sq ft, it requires that for any changes from a Retail Sales Establishment (RSE) to a non-RSE, a Certificate of Building and Use Conversion must be approved by the Board's Committee of the Whole, except as noted below.
- Specific provisions for Westfield Hawthorn Mall due to the concentration of retail space on one property.
- Requires that affected buildings must maintain a minimum of 75% of the floor area for RSE's. Any proposed conversion to a non-RSE and when said conversion is completed, the affected building will still exceed 75%, does not need a Certificate of Building and Use Conversion.
- Provides that, when an RSE is converted to a non-RSE, that the Board may require an annual fee equivalent to the sales tax revenue previously generated from the site.
- Reduces the number of affected properties to those directly adjacent to the intersection of Milwaukee Avenue and Route 60 and the Gregg's Landing Commercial properties.

Assistant Village Manager Kalmar stated the overlay district in the map included in the packet had been reduced to exclude certain properties. Properties were exempted when the amendment was approved and included the TIF District, Evergreen, Vernon, and Butterfield Plazas, Aspen Pointe. Also excluded were the Woodbine commercial properties (Walter E. Smith) Oaks of Vernon Hills (mixed use on Route 45) the commercial area in front of American Hotel Register warehouse, vacant property east of Milwaukee Avenue (12 individual 2+ acre parcels south of the senior facility), CDW's retail space, Apple Orchard Square, Ernie's Shell, Peacock Oil, and restaurants at Lakeview and Hawthorn Parkway (Chris Georges' properties).

He stated Section 4.14 will be applicable to properties within the B1 (Westfield Hawthorn Mall, Rivertree, Hawthorn Hills Square, Marketplace, Hawthorn Village Commons, and the Gregg's Landing commercial properties) and BP (Townline Commons, Target, and Sports Authority) zoning districts and these were the districts that have properties covered by the overlay district. The proposed ordinance would have references to these sections.

Trustee Schultz stated he was pleased with the work done and requested that the minimum of the floor area as a RSE should be increased to 80%. The Village Board concurred.

Assistant Village Manager Kalmar stated they would be creating the necessary background information to quantify what uses are in centers to use as a basis moving forward. Vacant retail space would be considered as retail space in the future.

Village Attorney Kenny discussed timeframes.

Assistant Village Manager Kalmar requested direction from the Board, which included scheduling a public hearing before the P&Z Commission to formally consider the amendment. He stated after the public hearing, the Board could decide when to implement the ordinance.

4. Finger Printing Policy Review

Chief Fleischhauer outlined the finger printing process. He stated because of lawsuits and changes in legislation, background checks and finger prints are being required by many employers. The current Village policy is to provide the service free of charge. To deter non-resident and non-government requests, he recommend to the Board to change current policy and implement a finger printing fee of \$15. He stated this was not a revenue generating measure.

Trustee Williams recommended a \$30 fee for non-resident, non-government requests. The Village Board concurred. Chief Fleischhauer stated the change would be advertised on the website and put on The Blog.

5. Additional Aspen Drive Crosswalk

Public Works Director/Village Engineer Brown stated he will meet with Superintendent Zook on Monday to discuss the options for locations of the additional Aspen Drive crosswalk. He stated the work would be performed in-house. Chief Fleischhauer explained the history and current plans for the crosswalks and crossing guards.

Motion by Trustee Marquardt, second by Trustee Schultz, to authorize expenditure in a not to exceed amount of \$10,000 for the additional Aspen Drive crosswalk.

Roll call vote:

AYES: 5- Schwartz, Williams, Koch, Marquardt, Schultz

NAYS: 0 – None

ABSTAIN: 0 – None

ABSENT AND NOT VOTING: 1 – Hebda

Motion carried.

6. Emerald Ash Borer (EAB) – Update

Public Works Forestry Crew Leader Loar stated the EAB infestation in Vernon Hills had been confirmed by the Department of Agriculture in August. He stated it has been suspected the EAB infestation has been present approximately two years. He discussed the impacted areas and options of treatment. He stated unfortunately one of the approaches was to reduce the Village's ash population. The general strategy would be to remove selected ash trees in poor health, while trying to protect those in prominent areas.

7. Consideration of a text amendment to the Villages Code of Ordinances, Chapter 19, Section 19-4(5)(a), Political Signs

Building Commissioner Atkinson stated recently the State of Illinois passed a law effective January 1, 2010 which would allow the display of political signs on residential property during any time. He stated, based on the amended statute, the Village was obligated to amend its sign code regulations by removing any conflicting regulations. He asked the Board to direct the staff to prepare an ordinance amending Chapter 19, Section 19-4(5)(a), allowing outdoor political campaign signs on residential property to be displayed for any period of time in accordance with referenced text and become effective November 1, 2010.

Trustee Schultz stated he would prefer to wait until the last meeting of the year to comply with this amendment. He requested the Village Board send a letter to legislators asking for repeal during the fall veto session. The Village Board concurred.

Motion by Trustee Schultz, second by Trustee Schwartz, to direct staff to prepare an ordinance amending Chapter 19, Section 19-4(5)(a), allowing outdoor political campaign signs on residential property to be displayed for any period of time in accordance with the following text and become effective January 1, 2011.

Chapter 19, Section 19-4(5)(a)

“Political and public issue signs shall not be displayed longer than 30 calendar days prior to an election and shall be removed within 7 days following an election, except that such signs located on residential property may be displayed during any period of time”

Roll call vote:

AYES: 5- Koch, Marquardt, Schultz, Schwartz, Williams

NAYS: 0 – None

ABSTAIN: 0 – None

ABSENT AND NOT VOTING: 1 – Hebda

Motion carried

Lakeview Parkway Merge Lanes

Trustee Williams discussed the confusion regarding the merging of the lanes on Lakeview Parkway by the Post Office. She suggested painting “Merge with a directional arrow” on the pavement. Public Works Director/Village Engineer Brown stated he would look into it.

8. Adjournment

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

Roll call vote:

AYES: 5- Marquardt, Schultz, Schwartz, Williams, Koch

NAYS: 0 – None

ABSTAIN: 0 – None

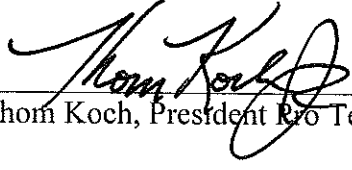
ABSENT AND NOT VOTING: 1 – Hebda
Motion carried

Meeting adjourned at 8:20p.m.

Approved this 21st day of September, 2010.



Michael S. Allison, Village Manager/Clerk



Thom Koch, President Pro Tem