

**VILLAGE OF VERNON HILLS
ORDINANCE 2025-082**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND ASSOCIATED SITE PLAN,
LANDSCAPE PLAN, AND ARCHITECTURAL APPEARANCE FOR A DAYCARE
FACILITY, THE NEST SCHOOL, TO BE LOCATED AT 401 W. SULLIVAN DRIVE**

WHEREAS, the Village of Vernon Hills received a petition by NewLook Design Build Development on behalf of the Nest Schools, contract lessee, requesting a special use permit, per Section 15.3, Special Uses in the OR&D District, and Section 18.3, Special Use Standards, to facilitate the redevelopment of the existing building for use as a daycare at the property commonly known as 401 W. Sullivan Drive, legally described in Exhibit A; and

WHEREAS, the petition also included a request for zoning variations to be considered under a separate ordinance; and

WHEREAS, the Planning and Zoning Commission held a public hearing, duly noticed, on January 22, 2025 (Case 2025-01); and

WHEREAS, on review of the petition and Planning and Zoning Commission recommendation at its meeting on February 4, 2025, the Committee of the Whole determined that the project's consultants presented materials and testimony not available during the public hearing, and directed that a new hearing be published so that the record could include the additional materials and testimony; and

WHEREAS, the Planning and Zoning Commission held a public hearing, duly noticed, on March 19, 2025 (Case 2025-05); and

WHEREAS, the Commission, after consideration of the materials and testimony provided by the petitioner, filed a report making findings of fact in support of the petition in accordance with the standards listed in Section 18.3 of the Zoning Ordinance, and has recommended approval of the petition as described in Exhibit B (Planning and Zoning Commission reports, cases 2025-01 and 2025-05); and

WHEREAS, the Committee of the Whole discussed the recommendation of the Planning and Zoning Commission at its meeting on June 3, 2025, concurring with Planning and Zoning Commission and recommending approval of the requested special use permit; and

WHEREAS, the President and Board of Trustees, having determined that the requested special use permit is in the best interest of the Village of Vernon Hills and meets the relevant standards contained within the Zoning Code, hereby adopts this ordinance granting a Special Use Permit pursuant to its duty to regulate the uses of land within the Village of Vernon Hills.

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

SECTION 1. The above recitals are hereby incorporated into and made part of this Ordinance.

SECTION 2. Special use Approval. The Special Use Permit to facilitate the operation of a daycare facility, pursuant to Article 18 and Section 21.6 of Appendix C, Zoning, of Village of Vernon Hills Code, on the property commonly known as 401 W. Sullivan Drive, zoned OR&D (Office Research and Development District), and legally described in **Exhibit A**, is hereby approved.

SECTION 3. Plans and Exhibits. The Special Use Permit granted in Section 2 of this ordinance shall be developed in substantial conformance with the application by NewLook Design Build Development, on behalf of the Nest Schools, dated January 3, 2025, as illustrated on the following plans and exhibits, attached hereto as **Exhibit C**:

- Project Narrative
- Letter in response to March 19th hearing, Canning & Canning LLC, May 27, 2025
- Traffic discussion, NewLook Development, January 30, 2025
- Supplemental Brand Data, Nest Schools, January 30, 2025
- Traffic Study, Eriksson Engineering, January 30, 2025
- Plan Set by NewLook Development, dated January 3, 2025
 - Architectural Site Plan (SD-08)
 - Floor Plan (SD-09)
 - Elevations (SD-10)
 - Materials (SD-10.1)
 - Photometric Plan (SD-17)
 - Landscape Plan and Plant Palette (SD-18 and 19)
- Engineering Plans by Bono Consulting, last revised January 14, 2025
 - Grading and Utility Plan (Sheet 3)
 - Site Plan and Fire Truck Exhibit (Sheet 4)

SECTION 4. Conditions of Approval. The Special Use Permit granted in Section 2 of this Ordinance is subject to the following terms and conditions:

1. The fencing shall extend to close the gap along the front of the building.
2. The perimeter fence is to be replaced with a six-foot board-on-board fence, similar to the trash enclosure.
3. The landscape plan shall be revised to add plantings in front of the building, near the trash enclosure, and at the base of the sign, and the existing stumps would be removed.
4. The site lighting shall be dimmed overnight subject to Staff and Police Department review of security requirements.
5. A clear walkway shall be provided through the parking lot to the front entrance.
6. The eight parking stalls along the northwest corner of the parking lot would remain.
7. The special use shall be specific to The Nest School as the operator as described in the materials and testimony, and may not be transferred with the review and approval of the Village Board.
8. That “Do Not Block Intersection” signage be installed on US Highway 45 if possible, with the understanding that signage would be subject to IDOT approval.

SECTION 5. SEVERABILITY. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this

ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

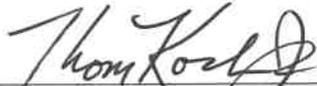
SECTION 6. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 8. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2025-082.

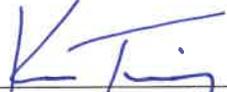
Adopted by roll call vote as follows:

AYES: 5 – Oppenheim, Schenk, Marquardt, Forster, Koch
NAYS: 1 - Lundeen
ABSENT AND NOT VOTING: 1 - Takaoka



Thom Koch, Jr., Village President

PASSED: 06/17/2025
APPROVED: 06/17/2025
ATTEST: 06/17/2025



Kevin Timony, Village Clerk



EXHIBIT A

Legal Description

401 W. Sullivan Drive
PIN: 15-05-429-109

LOT 1 IN SECOND ABACUS SUBDIVISION UNIT-2, BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 25, 1985AS DOCUMENT NUMBER 02335109, AND CERTIFICATE OF CORRECTION RECORDED JUNE 17, 1985AS DOCUMENT NUMBER 02362640, IN LAKE COUNTY, ILLINOIS.

EXHIBIT B

Planning and Zoning Commission
Findings of Fact and Recommendation

Case 2025-01 and 2025-05: Special Use Permit with Associated Site Plan, Landscape Plan, and
Appearance Approval for a Daycare Facility

The Nest School
401 W. Sullivan Drive

Planning and Zoning Commission – Meeting Minutes
January 22, 2025 - 7:30 p.m.

I. Call to Order and Roll Call

Chairman called the meeting to order at 7:30 PM.

Attendance: Chairman Morris and Commissioners Fluno, Heidner, Lis, Nabat, and Smith. Commissioner Cotton had given prior notice of her absence.

Also attending: Andrew Jennings, Director of Community Development.

II. General Public Comment

No one from the public came forward to speak.

III. Items for Review

Chairman Morris called for the opening of the following public hearing:

1. Public Hearing for Case #2025-01. A petition filed by NewLook Design Build Development on behalf of the Nest Schools, contract lessee, requesting the following actions to facilitate the operation of a child daycare facility at 401 Sullivan Drive: (1) Special Use Permit with associated site plan and appearance approval per Section 15.3 and 18.3 of the Zoning Code; and (2) Variations from Article 15, OR&D District lot and yard requirements, per Section 21.5 of the Zoning Code.

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

Michael Freiberger, NewLook Development, and Rochelle Kinder, The Nest Schools, were present on behalf of the petition and sworn in.

Mr. Freiberger introduced the project. He explained that Nest is rapidly growing and will soon have 54 operating locations in 10 states, including two currently in Illinois. He showed images of a project NewLook recently completed with the exact same team in Barrington. He highlighted the landscape and the buffering as examples of how this project would be handled. He also noted that the building materials would be similar.

He reviewed photos of the subject property, and explained it was previously used as an ambulance service. He showed the location map and noted that the aerial view provided an opportunity to start talking about traffic, one of the bigger concerns from the Committee of the Whole meeting. He stated that they hired Eriksson Engineering Associates for a full traffic study. Their findings generally made a handful of statements. The ultimate conclusion was that it will not disrupt the current or future traffic flow in the area.

He explained that Eriksson studied the left turn impacts and found that this was typical of an unsignalized intersection on a state arterial roadway, and they made the conclusion that no

roadway improvements are recommended. The proposed daycare facility will have nominal impact on the surrounding properties and will not disrupt the current or future traffic flow in the area. The study notes existing crash data, which Eriksson considered a very low number at 1.2 crashes per year at the intersection. There should be no real disruption to neighbors or anyone passing through this intersection, including the widening referred to as "2030" in the study.

Chairman Morris asked whether the widening of US 45 was going to proceed. Director Jennings said that it is not likely. All of the right-of-way had been acquired though.

Chairman Morris asked whether they are suggesting a left turn lane on US 45. Mr. Freiberger referred to the traffic study, which concluded no changes were recommended.

Commissioner Nabat requested an explanation of the staggered drop off time. Ms. Kinder stated that kids come and go throughout the day. The main times are 7 to 9 AM and 4 to 6 PM. Mr. Freiberger added that the data from other locations shows it is typically between six and eight cars at any one time, coming or going, with a max of 12, because of the way that they stagger. It's not a drop off facility; parents park the car, get out, and walk their kid in.

Commissioner Nabat noted that the road is frequently backed up. Mr. Freiberger said that they were aware of the concern and commissioned an independent traffic study, which says it will work.

Chairman Morris stated that the traffic is bad, and probably wouldn't be graded worse because it is already so bad. He asked how left turns in or out could be made without disrupting traffic. Mr. Freiberger referred to the study which concluded it would not make the situation worse.

Commissioner Fluno asked if they reviewed cut-through traffic going from Sullivan to Creekside. Mr. Freiberger referred to the study, which projects a percentage going right. The engineer did not recommend restricting right turns.

Chairman Morris asked about the dimensions of the parking stalls. Mr. Freiberger thought it was 9 by 18 or 20, and Chairman Morris noted it was 20 on the plan. Chairman Morris requested confirmation of the parking provided vs. required. Mr. Freiberger explained that they planned to leave 68, removing the north lot with no changes on the south side of the building.

Chairman Morris asked why they were proposing 68 if they project a need of 12 at a given time. Mr. Freiberger explained it was for staff. The north 23 stalls would be replaced with a pervious surface.

Mr. Freiberger displayed the proposed floor plan. It includes 13 classrooms and is designed for 209 children. Children are age six weeks to five years old. They have defined play areas that they exit directly to. At full capacity there will be 30 full time employees and up to 10 part time employees.

Commissioner Heidner asked how the overhead doors would be handled. Mr. Freiberger displayed the proposed elevations. They would fill in the area with brick. He passed the material samples to the commission, and referred to photos of the building in Barrington. The stucco would be a true cement stucco and not EIFS. There is a no-maintenance panel with a composite wood look. The paint treatment would be appropriate for masonry.

Commissioner Heidner asked whether the sign in the rendering was accurate, and Mr. Freiberger said that it was moved in the rendering so it wouldn't block the building. They plan on re-using the existing sign structure.

Mr. Freiberger referred to the rendering of the playground. The Nest invests a lot in the playground design. The playgrounds wrap the corners and are visible from the streets.

Mr. Freiberger referred to the Technical Review comments. He displayed the photometric plan, and noted the lighting was designed to meet code requirements. Regarding the visibility of the lights from the north, he noted that there is an elevation change. The height of the pole is necessary to provide minimum light levels.

Commissioner Fluno asked whether the poles would remain. Mr. Freiberger confirmed that they plan to change out the fixtures only. There are only two pole lights in the front and then all the lights on the building would be replaced.

Commissioner Fluno asked whether the landscaping would help screen the lights. Mr. Freiberger explained the lighting was designed to meet code requirements.

Commissioner Smith asked for clarification of the grade change. Mr. Freiberger said it is a six foot drop, plus the house is about 200 feet from the lights.

Director Jennings asked for confirmation of the plan for the lights in the north parking lot. Mr. Freiberger confirmed they would be removed. They don't need much lighting in the playgrounds.

Commissioner Lis asked whether the lights are on all the time. Mr. Freiberger was not sure of the code requirement. Director Jennings said that the code doesn't address it, but the Commission can include a cutoff time in their recommendation on the Special Use.

Mr. Freiberger said that there may be a security or insurance reason to keep some lights on. Commissioner Fluno thought that the wall lights could remain on.

Mr. Freiberger reviewed the landscape plan. It features a mixture of tall oak trees, mid height, trees, visual separation, decorative grasses, and shrubs. All the species are child friendly. It provides a significant buffer. Most of the landscaping is dedicated to be for the playgrounds themselves and around the building. They don't have a proposal to do anything around the rest of the site. The Nest would prefer to have as much visibility to the building as possible.

Commissioner Fluno asked about the surface material. Mr. Freiberger stated that is a natural mulch made from several materials.

Commissioner Fluno asked about the landscaping south of the building. He noted that there are no plants directly in front of the building. He would like to see something permanent, rather than seasonal, in that area. Mr. Freiberger agreed; they had done something similar in Barrington.

Commissioner Fluno noted that the trash enclosure could also use some plantings. He stated that the enclosure is placed in the middle of the lot. There is no planting space to the side of it and it will be visible. He asked for the striped area to be replaced with lawn and planting space. Mr. Freiberger agreed that they could add a planting area as suggested.

Commissioner Fluno requested an upgrade to the plants around the monument sign. Mr. Freiberger explained that the boxwoods would be removed; they didn't provide a detailed plan but they do intend to plant the sign area.

Chairman Morris requested a discussion on access to the southeast play area from the building. He noted that the fence in that location looks open and not fully attached to the building. Mr. Freiberger thought that perhaps it was open to maintain a walkway.

Ms. Kinder noted that they have to keep the playground fully separate. The age groups can't mix on the playground. The path allows a class to walk by a play area without entering it.

Commissioner Fluno agreed with Chairman Morris; the southeast area is open between the building and the play area. Ms. Kinder explained that some rooms have an additional door that isn't a code requirement, but they are existing. Director Jennings confirmed that the police and fire department did not indicate a concern.

Chairman Morris requested a discussion on security of the building. Mr. Freiberger stated that there is a vestibule. You can't get all the way into the building without being let in.

Commissioner Lis asked about the egress requirement in the code. Director Jennings said that each space would have less than 50 occupants based on DCFS requirements. He didn't think any room would require a second exit but that would be reviewed on the building permit.

Commissioner Smith requested that the existing tree stumps on the property be removed. Mr. Freiberger agreed they would clean it up.

Mr. Freiberger displayed the demolition plan, grading plan, and utility plan. He reiterated that they would increase the pervious surface. He showed the firetruck access plan and noted that they do not intend to remove the 8 spaces as shown on the plan.

Commissioner Heidner asked if Fortec already owned the property, and Mr. Freiberger replied that they are under contract.

Commissioner Lis stated that she has questions about the traffic study. As cars back up she thinks people will turn right and cut through the neighborhood. She asked if they had considered restricting right turns. Mr. Freiburger said that Eriksson did not recommend it. A traffic engineer has an obligation to follow certain standards in preparing a study.

Chairman Morris referred to Melody Farm. The actual traffic doesn't follow the markings. There is a credibility gap with the study; they are familiar with the roads.

Commissioner Nabat asked for an explanation of the staggered arrivals. Mr. Freiburger said that based on other Nest locations they see 6-8 cars at a time on average with 12 maximum. Commissioner Nabat was concerned that parents will have difficulty; there are times when the traffic backs up to Milwaukee.

Commissioner Fluno agreed. He thought cut-through traffic would be likely.

Commissioner Heidner asked if the signage will be lit and Mr. Freiburger confirmed that it would be.

Mr. Freiburger referred to the concerns about traffic. They took the concern very seriously; he visited the property and watched the traffic pattern and did not see traffic back up. He saw that it was busy. They used a credible traffic engineer. He read the introduction, which included the conclusions:

1. The proposed daycare facility will have nominal impact on the surrounding properties and will not disrupt the current or future traffic flow in the area;
2. Existing traffic counts identified the peak hour volumes on the road system, occurring from 7 to 8 AM on weekday morning and from 4 to 5 PM on a weekday evening;
3. Existing crash data from the Illinois Department of Transportation indicated a low number of crashes at the intersection, 1.2 crashes per year.
4. The development plan is to convert a vacant building, 12,000 square feet into a daycare with the capacity for 209 children using this in parking lot and expected hours of operations are 7AM to 6PM.
5. The directional distribution analysis indicates that 95% of site traffic would access the site from US 45 to access the site, with the remaining 5% total using Sullivan drive.
6. The year 2030 total traffic volumes were projected based on a combination of existing traffic, regional traffic growth and the site generated traffic volumes. Two scenarios were analyzed for the existing two lane cross section of US 45 in the future, widening of 45 to four lanes. [He noted that they used the information available; he doesn't know if they were aware the widening was unlikely]
7. The left turns from Sullivan Drive to US 45 will work. They will experience higher delays, which is typical of unsignalized intersections on a state arterial roadway. Traffic on the west leg experiences delays today and in the future. No roadway improvements are recommended.

8. The existing site driveway with one inbound lane and one outbound lane will be maintained, and no roadway improvements are required. A stop sign should be added for outbound traffic.
9. The existing site plan will replace the road on the north and west side of the building with play areas. Parents will park and walk their children into the facility.

He stated that the study goes on to define existing traffic conditions and traffic volumes, includes multiple figures, multiple data, and so on. He noted that they use professionals to give their opinion whether they like it or not. They are presenting the data that has been presented to them by Eriksson.

Commissioner Lis stated that towns sometimes hire traffic consultants of their own and wondered if the Village would consider. Director Jennings said that they have done it previously but the staff did not find it necessary in this case. He offered to speak with engineering again.

Commissioner Lis had additional parking lot questions and asked Mr. Freiberger to display the plan again. She was concerned that there was no clear path to walk children to the front door. Mr. Freiberger stated that they didn't plan to have an aisle, and thought the plan met Village requirements. Commissioner Lis was concerned that kids could bump their heads on mirrors, scratch cars, and there is a chance that they could run out into the drive aisle.

Commissioner Fluno asked if employees would park in the last row. Mr. Freiberger said that they would, but he was unsure if the Nest would be ok with signage. He offered to see if the Nest would reduce the total parking count to provide a walking aisle.

PUBLIC NOTICE

Chairman Morris noted that notice had been provided as described in the Staff report. Director Jennings confirmed that no written comments had been received.

Commissioner Heidner asked if the public hearing sign had been posted. Director Jennings confirmed it was posted but had blown down a few days ago.

THE HEARING WAS OPENED FOR PUBLIC COMMENT

Vladimir, a resident of the Westwood Condo Association, requested that the Commission deny the petition. He stated that the building was designed for offices and that adding 200 children would produce significant traffic and hurt the neighborhood. He trusts science generally and trusts engineering studies. However, he drives Sullivan every day and turning left is extremely difficult, especially at peak hours.

Theresa Calabrese, Westwood resident of 27 years, explained that her bedroom window and front door face the back of the property. She questioned the need for another preschool; she doesn't think that the existing schools are at capacity. She noted that there is a stretch of Indian Creek that will not have a sidewalk. It's a hazard to pedestrians and people who are riding a bike to the train station.

She is also concerned with traffic. If you turn left from 45 you hold up traffic on 45. She doesn't think the widening of 45 will happen in her lifetime. The light from Butterfield is very close, and just as soon as you're ready to go the turn, traffic comes off Butterfield, and it's almost impossible to get out of there. She doesn't have faith in the traffic study. Having lived there for 27 years, staggering 200 cars doesn't matter because a single car will back up traffic on 45. She doesn't know what the accident rate is there, but she thinks it's very treacherous. She attends church at Christ Lutheran and knows the preschool has plenty of openings. The Goddard School and the location on Route 60 also opened recently.

Yadira Reyes stated that she has lived for 6 years on the same street. There is a lot of traffic on 45. It's a fight for ten minutes to get across 45.

Chairman Morris asked if anyone else wished to speak. There being no additional speakers, he closed the public comment portion of the meeting.

QUESTIONS FROM THE COMMISSION

Commissioner Heidner asked whether the sign would be new, and Director Jennings said that the support structure would be re-used. Staff has not yet reviewed a sign package.

Commissioner Smith referred to the traffic study. Syncro is a reputable software program. It isn't clear what the existing level of service is. If it's D, E, or F already, 200 more cars in a time frame may not be a meaningful impact. It's difficult to say.

Chairman Morris asked the petitioner to also address the questions from the public regarding traffic and demand for the facility.

Mr. Freiberger explained that the traffic study indicates the current situation is not good, but that the daycare doesn't make it worse. With regard to need, he noted the Nest does significant research to select a location.

Commissioner Heidner asked if the school on Route 60 had opened. Director Jennings explained that they have switched operators twice since the building was completed. The new operator plans to open in a few months.

Chairman Morris asked the petitioner if he would like to make a closing statement. Mr. Freiberger explained that they enlist trusted professional engineers. They have a record of delivering a good product. The school is a beautiful and peaceful enhancement to the neighborhood. His first reaction to the site in Barrington was that it wasn't a good site, but they committed to the job and it was a beautiful transformation. Change is difficult, but it is for the good of the community.

Director Jennings referred to the staff report comments. The plan previously called for a board on board fence, and the current plan is to retain the existing fence. Mr. Freiberger agreed that the fence would be replaced if it helped secure a positive recommendation.

The Commission reviewed photos of the fence. Mr. Freiburger noted that a wood fence would be more opaque and provide a better sound barrier.

Chairman Morris acknowledged Theresa Calabrese. She stated that the fence has fallen down three times and they keep patching it up.

DISCUSSION OF RECOMMENDATION

Chairman Morris stated there is a standing motion by the Chair to approve, and read the draft motion for approval of zoning variations in the staff report. Commissioner Heidner asked for clarification as to whether the variations were for existing conditions. Director Jennings confirmed that the variations address existing conditions. Staff could not find a record of how the site configuration was permitted. The Village often recommends formal approval of existing conditions to ensure a property can be rebuilt if damaged.

Commissioner Fluno seconded the motion.

There being no additional discussion, the Commission voted on the motion, as follows:

Make Findings of Fact and Recommend Approval of the following variations from Appendix C, Zoning, of the Village Code, Article 15 (OR&D District) and Article 19 (Off Street Parking and Loading), for the property located at 401 Sullivan Drive, Vernon Hills, Illinois, as required by Section 21.5 (Variations), as described in the application by NewLook Development, dated January 3, 2025, and illustrated on the Site Plan and Firetruck Exhibit (Sheet 4) by Bono Consulting, last revised January 14, 2025:

1. Section 15.4.1, to reduce the minimum lot area from 160,000 sq ft to 85,638 sq ft
2. Section 15.6.3, to reduce the rear setback (east) from 40.0' to 35.56'
3. Section 15.6.5, reducing the required landscape buffer from 50.0' to 38.0' (west) and 24.0' (southwest); and from 25.0' to 10.0' (south)
4. Section 19.4.3.3, to permit parking stalls to be located within required landscape buffer strips.

AYES: Fluno, Heidner, Lis, Nabat, Smith, Morris

NAYS:

ABSENT: Cotton

Motion approved (6-0, 1 absent).

Chairman Morris stated there is a standing motion by the Chair to approve, and read the draft motion for approval of a special use and associated site plan, landscape plan, and appearance approval in the staff report. He referred to the additional conditions suggested during the hearing by the Commission:

- The fencing would extend to close the gap along the front of the building.
- The perimeter fence is to be replaced with a six foot board-on-board fence, similar to the trash enclosure.

- The landscape plan shall be updated to include foundation plantings along the front of the building.

Chairman Morris requested consensus of the Commission regarding overnight lighting. Commissioner Lis stated that the lights should be dimmed. Commissioner Heidner and Commissioner Fluno agreed, as long as there was adequate lighting for safety / security. Chairman Morris phrased the additional condition as:

- The site lighting shall be dimmed overnight subject to Staff and Police Department review of security requirements.

Director Jennings, referring to site lighting, interpreted the recommendation as turning the parking lot lights off overnight and keeping the wall mounted lights on if needed.

Chairman Morris requested consensus of the Commission regarding pedestrian access through the parking lot. Commissioner Lis recommended a condition that was received without objection:

- A clear walkway shall be provided through the parking lot to the front entrance.

Chairman Morris requested consensus of the Commission regarding traffic. Director Jennings referred to two concepts floated in the discussion: (1) restricting right turns out of the site; and (2) an independent consultant review of the traffic study.

In response to a question from Commissioner Smith, Director Jennings confirmed that the Village does not control traffic signal timing near the site. Commissioner Lis thought that a sign restricting right turns wouldn't work; the curb would have to be configured to prevent a right turn.

Commissioner Smith thought it would be beneficial for the traffic consultant to come in and answer questions about the study. There are concerns from the public and there are some things that don't make sense to him after a brief review. He doesn't feel like he has enough information yet.

Director Jennings explained that there are two options: vote on a recommendation or vote on a continuation. The recommendation could require the consultant to explain the study to the Board. Once the recommendation is made, the case leaves the Commission.

Chairman Morris suggested splitting to separate the expectations for the traffic study prior to the Board review. He rephrased the question as whether the Commission wants to see additional details on the traffic study prior to voting. Commissioner Smith thought the Board should get additional information. There was no objection to the suggestion, and Chairman Morris phrased the additional condition as:

- The traffic consultant is required to attend the Committee of the Whole meeting to address the questions that had been raised at the hearing.

Director Jennings requested clarification on the landscape plan suggestions. He read a suggested condition, which the Commission agreed to:

- The landscape plan shall be revised to add plantings in front of the building, near the trash enclosure, and at the base of the sign, and the existing stumps would be removed.

Director Jennings read the full list of conditions (as included in the motion below).

Commissioner Smith seconded the motion.

There being no additional discussion, the Commission voted on the motion, as follows:

Make Findings of Fact and Recommend Approval of a Special Use for a Daycare Facility, with associated site plan, landscape plan, and appearance approval for the property located at 401 Sullivan Drive, Vernon Hills, Illinois, as required by Section 15.3 (Special Uses in the OR&D District), Article 18 (Special Use Standards), and Section 21.6 (Special Use Procedures), as described in the application by NewLook Development, dated January 3, 2025, to be developed in accordance with the following plans and exhibits:

- Project Narrative
- Plan Set by NewLook Development, dated January 3, 2025
 - Architectural Site Plan (SD-08)
 - Floor Plan (SD-09)
 - Elevations (SD-10)
 - Materials (SD-10.1)
 - Photometric Plan (SD-17)
 - Landscape Plan and Plant Palette (SD-18 and 19)
- Engineering Plans by Bono Consulting, last revised January 14, 2025
 - Grading and Utility Plan (Sheet 3)
 - Site Plan and Fire Truck Exhibit (Sheet 4)

And with the following conditions of approval:

1. The fencing shall extend to close the gap along the front of the building.
2. The perimeter fence is to be replaced with a six foot board-on-board fence, similar to the trash enclosure.
3. The landscape plan shall be revised to add plantings in front of the building, near the trash enclosure, and at the base of the sign, and the existing stumps would be removed.
4. The site lighting shall be dimmed overnight subject to Staff and Police Department review of security requirements.
5. A clear walkway shall be provided through the parking lot to the front entrance.
6. The eight parking stalls along the northwest corner of the parking lot would remain.
7. The traffic consultant is required to attend the Committee of the Whole meeting to address the questions that had been raised at the hearing.

AYES: Fluno, Heidner, Nabat, Smith,
NAYS: Lis, Morris
ABSENT: Cotton

Motion approved (4-2, 1 absent).

THE PUBLIC HEARING WAS CLOSED AT 9:01 PM.

Chairman Morris requested consensus from the Commission to take the third agenda item next as there were members of the public present. The Commission agreed.

Chairman Morris called for the opening of the following public hearing:

3. **Public Hearing for Case #2025-03.** A petition filed by the Village of Vernon Hills requesting approval of an amendment to Appendix C, Zoning, of the Village of Vernon Hills Code of Ordinances, Article 4, General Regulations, Section 4.7.3, Home Occupations, related to the requirements for home daycares.

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

Andrew Jennings, Director of Community Development for the Village of Vernon Hills, was present on behalf of the petition and sworn in.

Director Jennings distributed a revised motion. There was an error in the staff report.

Director Jennings provided the background of the petition. The village of Vernon Hills was recently approached by three home daycare operators who were going through their annual license renewal with DCFS. DCFS has not previously required the home daycare operators to confirm local zoning code compliance as part of their licensing process, and this year, during the renewal process, they did that for the first time. All seven of the currently licensed daycare operators were informed that they do not comply with the existing code.

The code considers home daycares to be a permitted type of home occupation; it's an accessory use that has no Village approval, but it does have a strict limit in the code of six children in a given home. He spoke with DCFS and determined the appropriate way to handle the current daycares is to allow them to continue operating for the duration of any sort of zoning entitlement process. The purpose of this amendment zoning code is to establish a procedure for requesting more than six children.

Commissioner Heidner asked whether the daycare operator's children are excluded from the limit of 6. Director Jennings thought they are included. Commissioner Heidner thought the code read the opposite.

Director Jennings stated that he had reviewed the codes of other municipalities and all have some type of special use process to request more than six children. He summarized the draft amendment. A special use would be required for 7 or more children. During the public hearing the Commission would consider whether the addition more children would negatively impact adjacent properties or if the subject property is unsuitable for accommodating more children. Factors to be considered would include drop off and pick up configuration, proximity to other home daycares, availability of outdoor space and comments from life safety inspections. Staff is also recommending a \$100 application fee to match the residential variation fee.

He noted that DCFS has two categories of licenses. The standard license allows up to 12 children. A group license, which requires an additional certification, allows up to 16 children.

The home daycare operators in town have requested that a group license be an option. They have indicated that the additional children are usually older children briefly at the house between school and pickup.

He reviewed the Committee of the Whole discussion. The general consensus was that the amendment to require a special use for seven or more children is appropriate. Out of the six members present last night, two were in favor of reducing the special use threshold to four. The rest of the committee was not in favor of that. Two members were in favor of an absolute cap of 12; others were open to the idea of the case by case review. They did also request that staff contact DCFS to check for violation history. Finally they were in favor of the \$100 application fee, but asked that it be waived for the current operators.

Commissioner Lis asked how the daycares are currently monitored. It came to the attention of the Village because DCFS caught it. Director Jennings explained that there wasn't a complaint; DCFS required operators to confirm local zoning compliance. Each operator would need to come in for a special use hearing if the proposed amendment passes.

Commissioner Lis asked whether there is any type of certificate. Director Jennings explained that the local fire districts inspect them, but there had been no verification of the total number of kids until this year. Commissioner Lis asked how it would work going forward. Director Jennings stated that they would only provide verification to DCFS for the number allowed in each individual special use permit.

Chairman Morris asked whether it could have been a variation request. Director Jennings explained that he discussed it with the Village attorney and they thought the way it was handled in other towns seemed appropriate.

Commissioner Heidner asked if there were requirements for staffing by the age of the children. Director Jennings stated that DCFS has specific requirements based on the number of children in each age group.

Commissioner Fluno was curious whether the ratio matched commercial daycare staffing ratios. Director Jennings was not sure. He noted that DCFS does inspect home daycares.

Director Jennings added that the amendment would also allow additional employees if required by the DCFS license. The current code only allows one employee that doesn't reside in the home.

PUBLIC NOTICE

Chairman Morris noted that notice had been provided as described in the Staff report. Director Jennings confirmed that no written comments had been received. They had been contacted by the current operators though. He noted that there is no specific property involved so only the newspaper notice was required.

THE HEARING WAS OPENED FOR PUBLIC COMMENT

Juan Celon, home daycare operator for Happy J Home Daycare, stated that his daughter would translate for him. Jollette Celon stated that she is 19 years old and is present to translate if needed.

Mr. Celon stated (as translated by Ms. Celon) that they follow all DCFS rules, including education, fingerprints, house visits, etc. They are requesting the opportunity to expand. They are professionals with certificates to take care of kids. They serve families with low income. They have been operating for 16 years. The kids are graduating from high school and not out on the street. Some are in the Army. They teach them good manners and they follow the rules. The kids are good people for Vernon Hills. They help the families that need money, and sometimes help house them if they have a hard situation.

Ms. Celon explained that they provide for the kids and also the families. They have worked hard to obtain certificates, and provide everything the children need.

Mr. Celon (not translated) added that they are not babysitters. They are professional childcare providers.

Ms. Celon explained that there is a structure; they call it mini-school. There are courses and they have their meals.

Ana Lopez, home daycare operator for Happy J Home Daycare, also provided comments translated by Ms. Celon. She stated that they have many low income families.

Ms. Celon added that the home daycares are more affordable than commercial daycares.

Mr. Celon stated that they are very proud of the impact they have on the kids' lives.

Commissioner Fluno asked how many kids each provider is caring for.

Bildad Weber, operator for Kids Growing United, has 12 including her own children.

Yadira Reyes, operator for Charmed Kids, is licensed for 12 and has 11. She has kids age 3 and up now.

Commissioner Fluno asked what the maximum number would be.

Ms. Weber said that she has 12. She added that they were present to show the Commission who they are, what they are doing, and that they are capable just like a daycare center. She worked in a center for over five years and what the home daycares provide isn't any different. They have benefits, such as emotional stability from not changing staff like a commercial daycare. The kids learn how to behave, which is very important when they go to school.

She grew up in a poor country and being exposed to different types of people changed her life. This allows children to see a different perspective, and dream of something better.

Ms. Reyes stated that she has a family with three kids and one daughter has asthma. She works with the child's school now to help if there are any problems. They have the kids early, from three months, and educate them before they go to school.

Ms. Celon added that they enter preschool knowing all the basics. They are currently taking classes at the College of Lake County.

Chairman Morris asked each operator to identify themselves and their daycare (as noted above).

Chairman Morris asked for clarification about the amendment related to the number of employees. Director Jennings explained that home occupations have a limit of 1 non-resident. The amendment would allow flexibility specifically for home daycares if the DCFS license requires a certain staff level.

QUESTIONS FROM THE COMMISSION

Commissioner Fluno asked whether background checks and other vetting would be through DCFS. Director Jennings confirmed that DCFS manages the review and licensing.

Commissioner Heidner asked whether DCFS specifies a certain square footage. Director Jennings was not sure of the requirements. Ms. Weber stated that DCFS has rules. If a daycare wants more kids, more space is needed.

Chairman Morris addressed the providers. He explained that if this amendment is approved, the individual daycares would need to apply for their own special use permits. He noted that it was impressive that they serve an underserved portion of the community.

DISCUSSION OF RECOMMENDATION

Chairman Morris stated there is a standing motion by the Chair to approve, and read the draft motion for approval of zoning variations in the staff report.

Commissioner Heidner asked for clarification as to whether the operator's children count toward the total. Ms. Weber confirmed that DCFS counts the operator's children. Director Jennings stated that the current code would be incorrect, and the motion could be adjusted to remove the word "not."

Commissioner Nabat seconded the motion. There being no additional discussion, the Commission voted on the motion, as follows:

Make Findings of Fact and Recommend Approval of the following Amendments to Appendix C, Zoning, Article 4, General Regulations, Section 4.7.3, Home Occupations, as required by Section 21.7 (Amendments), and as described in the application by the Village of Vernon Hills:

4.7.3.3. No more than one person who is not a member of the family residing on the premises shall be employed, with the exception of day care homes that may require additional employees per State regulations;

...

4.7.3.13. Day care homes are permitted, **subject to the following: when the operator is:**

1. **The home daycare is subject to the licensing requirements of the Department of Children and Family Services, and periodic inspections as may be required by the State and local fire marshals. Licensed in accordance with Illinois Child Care Act of 1969 (225 ILCS 10) Title 89 Chapter III Subchapter (e) Part 406.**
2. The licensed operator shall reside on the property where the home occupation is operated.
3. **As a permitted accessory use, the maximum number of children served at one time, not including the operator's children, is six.**
4. **In order to care for seven (7) or more children, a Special Use Permit is required, subject to the procedures described in Article 18. The recommendation of the Planning and Zoning Commission may be to approve fewer children than requested if, in its determination, additional children would negatively impact adjacent properties or the subject property itself is not configured to accommodate additional children. In reviewing a home daycare special use petition, the Commission may consider factors such as: drop-off / pick-up configuration, proximity to other home daycares, availability of outdoor space, and comments from life safety inspections.**

AYES: Nabat, Fluno, Heidner, Lis, Smith, Morris

NAYS:

ABSENT: Cotton

Motion approved (6-0, 1 absent).

Director Jennings stated that the recommendation would be sent to the Board on February 4th.

THE PUBLIC HEARING WAS CLOSED AT 9:45 PM.

Chairman Morris called for the opening of the following public hearing:

2. **Public Hearing for Case #2025-02.** A petition filed by the Village of Vernon Hills requesting approval of the following amendments to Appendix C, Zoning, of the Village of Vernon Hills Code of Ordinances, related to zoning regulations for electric vehicle charging: (1) Section 3.2, inserting definitions for terms associated with electric vehicle charging; (2) Section 4.16, inserting a new section to establish regulations for electric vehicle charging stations; and (3) Section 13.3, amending the B-1 district to permit retail charging stations as principal use, subject to a Special Use Permit.

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

Andrew Jennings, Director of Community Development for the Village of Vernon Hills, was present on behalf of the petition and sworn in.

Director Jennings introduced the background for the petition. The Village of Vernon Hills is currently participating in the Metropolitan Mayors Caucus Electric Vehicle (EV) Readiness Program. The structure of the program guides the staff of the municipality through training exercises intended to improve support for electric vehicle infrastructure, prepare for internal fleet management, enhance/streamline permitting procedures, and educate the public. The Village hopes to achieve enough points to earn an EV Ready Bronze designation by May 2025.

One of the primary components of the program is to modify the zoning code to reduce barriers to electric vehicle charging stations (EVCS). Most of the points earned toward certification come from the zoning code amendments. There are other components, such as a training session for inspectors and education for fleet managers.

The draft amendments include inserting definitions in Section 3.2 for terms associated with electric vehicle charging and inserting a new section (Section 4.16) to establish regulations for EVCS. Other unique uses, such as cell towers, have regulations described in this Article. The last change is an amendment to the B-1 district list of special uses to include primary use EVCS. Director Jennings noted that this is optional for Bronze certification, but he is recommending it because Staff has been contacted by a primary use EVCS developer requesting guidance on the zoning restrictions for the use.

Commissioner Fluno asked if the stations require payment. Director Jennings said that it varies. Some have advertising to offset the cost. Level 3 charges are more like a gas station, so they typically cost the most. Multi-family buildings may do Level 2 free to the residents.

Chairman Moris asked how it compared to cell towers in terms of a revenue source for the property owner. Director Jennings said that cell tower rent is significant, and chargers are minimal. The Metra lot for example might just charge for parking and not the use of the charger.

Commissioner Smith said that the cost of installation is significant. Director Jennings added that the installation at Village Hall is roughly \$70,000.

Commissioner Fluno said that some might encourage you to shop or go to a restaurant. The Hawthorn Row chargers are free. Commissioner Nabat asked if Target had any. Director Jennings said that Target doesn't but Kohl's does. There is one at Depke. Commissioner Heidner asked about the different types of connections. Commissioner Nabat said that Tesla has a different style.

Director Jennings explained that the version referenced in the motion had been passed out at the meeting, and included some updates based on the comments from the mayors caucus staff.

Commissioner Fluno asked if the limit is one or two sides. Director Jennings said that two-sided signs only count once. He added that the new version also includes some updates based on observations of charging stations in other towns. Some vendors have taller units with bright lighting on them, and he recommends restricting the total height and limiting the lighting.

Chairman Morris asked whether the spaces are ADA sized. Director Jennings said that guidelines have been developed but there is no law yet. The draft zoning code amendment is intended to maintain existing accessible paths to buildings by not allowing the charger or signs to block the walkway.

Chairman Morris asked the Commission if the current amendment should require a larger space. Commissioner Heidner noted that the sample photograph shows spaces close to the entrance. The two concepts could be combined.

Director Jennings explained that there are guidelines from the Accessibility Board that are likely to be a law at some point. The mayors caucus advised that communities can adopt the guidelines. He offered to add a reference if that was the consensus.

Commissioner Lis said that all of EV spaces shouldn't need to be accessible. Only if there were several in a row. Commissioner Smith suggested waiting to see what is adopted and then amending the zoning code again.

Chairman Morris was in favor of including a larger stall size. He asked whether fees contributed to road taxes. Director Jennings stated that annual registration for electric vehicles costs more because the vehicles use roads but don't pay motor fuel tax.

Commissioner Nabat asked whether any towns have charging stations like a gas station. Director Jennings referred to the group that was looking at a site in Vernon Hills. The company they were representing was starting to build them. Commissioner Smith said that Tesla is building a large charging facility near the airport.

Commissioner Fluno asked about the design guidelines. Director Jennings summarized the section. It would distinguish between advertising displays and identification signage, and restrict features like strobes that might be hazardous. Sounds audible directly at the charger would be allowed, but excessive noise audible at a distance would be prohibited.

Commissioner Fluno asked whether a two-sided display would be permitted. Director Jennings said that they would be permitted but the intent was to prevent signs designed to display advertising off the property.

Director Jennings requested the consensus of the Commission. He summarized the discussion: low level noise would be ok, displays to be viewed from the street would be prohibited, and wait for accessibility guidelines to be firmed up.

Chairman Morris wondered if the amendment presented a conflict by counting EV stalls toward the total count but restricting non-EVs from using them. The purpose is to discourage gas cars. Director Jennings explained that the purpose is to decrease constraints to installing chargers.

Commissioner Heidner asked how long a level 3 charger would take to charge a vehicle. Director Jennings said that it would depend on how low the initial charge is, but 45 minutes.

PUBLIC NOTICE

Chairman Morris noted that notice had been provided as described in the Staff report.

THE HEARING WAS OPENED FOR PUBLIC COMMENT

Chairman Morris opened the hearing to public comment. No one from the public was present to speak and public comment was closed.

DISCUSSION OF RECOMMENDATION

Chairman Morris requested clarification on the motion. Director Jennings referred to the revised section 4.16 distributed at the meeting.

Chairman Morris stated there is a standing motion by the Chair to approve, and read the draft motion for approval of zoning variations in the staff report.

Commissioner Heidner seconded the motion. There being no additional discussion, the Commission voted on the motion, as follows:

Make Findings of Fact and Recommend Approval of the following Amendments to Appendix C, Zoning, as required by Section 21.7 (Amendments), and as described in the application by the Village of Vernon Hills and illustrated in the Zoning Code excerpt “Draft for Public Hearing – January 22, 2025”:

1. Section 3.2, inserting definitions for terms associated with electric vehicle charging;
2. Section 4.16, inserting a new section to establish regulations for electric vehicle charging stations; and
3. Section 13.3, amending the B-1 district to permit retail charging stations as a principal use, subject to a Special Use Permit.

AYES: Nabat, Fluno, Heidner, Lis, Smith

NAYS:

ABSENT: Cotton

PRESENT: Morris

Motion approved (5-0, 1 absent, 1 present).

Chairman Morris explained that his present vote was regarding the question of fairness. Electric vehicles are not affordable, and the placement near the door favors electric vehicle owners.

Commissioner Heidner referred to Kohl’s, and stated that the EV stall is not the closest. Commissioner Fluno noted that the installation is more expensive if they are farther from the building.

THE PUBLIC HEARING WAS CLOSED AT 10:16 PM.

IV. Approval of Minutes

Chairman Morris requested comments from the Commission on the October 16, 2024 meeting minutes. Chairman Morris referred to the standing motion to approve the minutes of the October 16, 2024 Planning & Zoning Commission meeting. The motion was seconded by Commissioner Heidner. All were in favor by a voice vote (5-0, Morris abstaining).

V. Development Review

Director Jennings provided updates on the following items:

- Ace Pickleball is open
- Work continues at Yard House. They are at the drywall stage.
- The Hawthorn Mall Phase II revisions are in technical review.
- A restaurant called Hacienda Real is working to open in the former Chili's.
- Two grocery stores are in permit review. One at the former Bed, Bath & Beyond and the other in the former Golf Galaxy unit.
- A restaurant, Guzman y Gomez, was discussed at the Committee of the Whole meeting last night.

Commissioner Fluno asked whether Raising Cane's was progressing. Director Jennings said that they were moving ahead with technical review.

VI. Adjournment

With no further items on the agenda, Chairman Morris moved to adjourn. Commissioner Heidner seconded. The motion was approved by a voice vote.

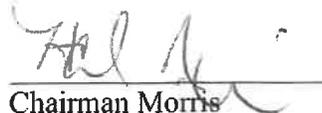
The meeting adjourned at 10:24 PM.

Respectfully submitted,

Andrew Jennings
Director of Community Development

Distribution:
President and Board of Trustees
Village Manager/Village Clerk
Commission Members

March 19, 2025
Approval Date


Chairman Morris


Secretary Heidner

Planning and Zoning Commission – Meeting Minutes
March 19, 2025 - 7:30 p.m.

I. Call to Order and Roll Call

Chairman called the meeting to order at 7:30 PM.

Attendance: Chairman Morris and Commissioners Fluno, Heidner, Lis, Nabat, and Smith. Commissioner Cotton had given prior notice of her absence.

Also attending: Andrew Jennings, Director of Community Development.

II. General Public Comment

No one from the public came forward to speak.

III. Items for Review

Chairman Morris called for the opening of the following public hearing:

1. Public Hearing for Case #2025-04. A petition filed by Aged In Oak, contract lessee, requesting the following actions to facilitate the operation of a bourbon tasting room offering live and online auctions, merchandise sales, and packaged liquor sales at 935 Lakeview Parkway: (1) Zoning Code Text Amendment, per section 21.7, establishing a definition of Tasting Room, and inserting Tasting Room as a Special Use in the B-1 General Business District; and (2) Special Use Permit with associated site plan and appearance approval per Section 13.3 and 18.3 of the Zoning Code.

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

James Hall and Justin Pantle were present on behalf of the petition and sworn in.

Chairman Morris requested that the microphones be used and invited them to speak.

Mr. Hall introduced the project. He was one of the founding members of Aged in Oak. They proposed to locate their business within Suite 111. They would host bourbon tastings within the location and have a bar to serve specialty bourbons. The primary business would be an online auction with supplemental in-person auctions hosted every month. The location itself was reviewed with Director Jennings, and they understood there were concessions to be made to update the building. The business owner was willing to make all necessary adjustments, including doing a photometric survey of the parking lot to ensure that they were up to code. There were two entrances. One was located where there was a parking lot to the north.

Commissioner Heidner asked which entrance was the main one. Mr. Hall stated that the entrance by the parking lot on the south would not be the main entrance but would facilitate cars. Commissioner Heidner asked if the lot needed repaving. Mr. Hall stated that it was correct. If the north lot was the primary public entrance, that was more recently maintained. Director Jennings

said that if the Commission was in favor, staff would not have any issue with extending the timeframe for the lot. He noted there were dumpsters currently taking up space in the parking lot.

Commissioner Nabat requested clarification on the business. Mr. Hall stated that they would primarily have private events, mainly for auctions, but there would be public events. Commissioner Nabat asked if they needed a full kitchen. Mr. Hall stated that they would have catering and also provide snacks, such as popcorn, nuts, and chips.

Chairman Morris reported that there was an ordinance that required a full kitchen to help discourage businesses from only serving alcohol. Director Jennings noted each license class had its own description of how food service could be handled. Between the special use, the text amendment, and the liquor code amendment, they could describe the terms under which they operated.

Commissioner Heidner asked why they chose the location. Mr. Hall stated that since the primary function was the auction, they needed sufficient warehouse space to store the bottles. Commissioner Heidner asked if they were a distributor since they did not make the bourbon. Mr. Hall stated no and clarified that they did not make the bourbon.

Commissioner Nabat asked if individuals could auction their bourbon off. Mr. Hall stated that was correct. He noted that they also liked the location because of the security. The bottles of bourbon could vary between \$50 and \$50,000.

Commissioner Fluno commented on the floor plan. It seemed to show that the back entrance was the main entrance. Mr. Hall stated that they were proposing to change it. The floor plan showed the current layout of the space. When coming into the north entrance, people would not be directed into an office space as shown on the plan.

Commissioner Lis asked if it was a full bar. Mr. Hall confirmed it was. Commissioner Lis commented that it was close to another bar. Mr. Hall stated bourbon, a small amount of beer, and other items to cater to wives would be provided.

Commissioner Fluno asked for a tasting event to be explained. Mr. Hall stated that they took one to two hours. Guests sat at high-top tables to emphasize the experience of tasting bourbon. Each bourbon was graded on four aspects: color, taste, aroma, and finish. There were typically six glasses provided. The intent was to raise awareness of the sale of the bourbon. Private tastings would also be available, and the private individual's requests would be catered to. The goal was to promote something new and expand palates.

Commissioner Heidner asked if there would be signage on the building. Mr. Hall stated that they were currently receiving bids to put up signage on both doors.

Commissioner Lis asked if the back parking lot was for other businesses and if there were any other business doors. Mr. Hall stated that other businesses did have doors to that parking lot. It

was asked if it would be a pickup lane. Mr. Hall confirmed that there would be no pickup lane, and people would come in.

Chairman Morris asked if there were any businesses within the building where the primary purpose was to sell liquor. Director Jennings reported that there was one liquor auction business, but it closed. It was primarily an industrial type of use. The majority of liquor licenses had some type of service. There was a license that was the most comparable. The Liquor Barn allowed limited on-site service.

Chairman Morris noted that the tasting room was limited to liquor products and asked why. Director Jennings stated that the business use was specific to liquor. Tastings for other businesses, such as bakeries, were typical and would not require a special license.

Chairman Morris asked if the noted volumes were state volumes for samples versus tastings. Director Jennings reported that it was the state's requirements. Liquor Barn was above the sample limit.

Chairman Morris asked if there was an issue with the liquor license being so close to the park. Director Jennings stated that he believed it was a non-issue, but he would double-check.

Chairman Morris asked for clarification on the bar in the request. Mr. Hall stated that it would be an opportunity for customers to learn more about products and sit down and taste products before purchasing. They also hoped to have regular customers come by and enjoy a beverage. Chairman Morris asked why it was not just sampling and raised concerns that they were getting closer to the type of standalone bar usage. Mr. Hall explained that the bar was not the primary function of the business. The auction was the main purpose.

Commissioner Nabat asked if the business would be promoted to come for dinner. Mr. Hall stated that it was not the intended use.

Chairman Morris asked if there was an age limitation for entry. Mr. Hall stated that the minimum age was 21. Children would not be allowed, and people would be carded at the entrance.

Chairman Morris asked about security. Mr. Hall stated that the back door would be the access for people to come in. The door would be equipped with a key card or punch card.

Chairman Morris noted that there were two requests. The first was a text amendment to define a tasting room and make it a special use, and the second was a granting of a special use.

THE HEARING WAS OPENED FOR PUBLIC COMMENT

No one from the public spoke. Chairman Morris closed the public comment at 7:52PM.

PUBLIC NOTICE

Chairman Morris stated that notice had been provided as described in the Staff report. Director Jennings confirmed that no written comments had been received.

DISCUSSION OF RECOMMENDATION

Director Jennings reviewed the conditions for the special use request:

1. That the special use be subject to the approval of the zoning code text amendment.
2. A garbage corral was required within the southeast parking area prior to occupancy.
3. The southeast parking lot shall be repaired, seal-coated, and restriped in accordance with the Illinois Accessibility Code prior to occupancy.
4. Photometric study must be done to confirm that the southeast parking lot lighting was adequate, with additional wall-mounted lights to be installed as needed.
5. The floor plan may be adjusted, including but not limited to relabeling the north entrance as the primary public entrance and removal of the overhead door.

Director Jennings noted that the north lot was the primary lot, and if the Commission wanted to adjust the condition to repair the south lot within a year, they could request that.

Chairman Morris asked if there was a price associated with the tasting. Mr. Hall confirmed that there was. Chairman Morris asked if there would be any free alcohol over the sample limits. Mr. Hall stated that there would be none.

Commissioner Smith commented on the very limited lighting. Director Jennings stated that the pole was very tall, but the photometric study could explain how well the lot was lit. Mr. Hall stated that they also had an agreement with the owner to ensure that conditions were met.

Chairman Morris asked who the neighbor to the west was. Mr. Hall stated that he was unsure. The neighbor to the north was asked about. Mr. Hall stated that he believed it was an accounting firm. Director Jennings reported that there was a business that rented salon space.

Director Jennings noted that the signage was considered exempt from sign permitting as long as they were only doing window graphics. Mr. Hall stated that they were also getting a proposal for a larger sign, which would be presented. Director Jennings explained that they would be somewhat limited in their signage due to the frontage.

Chairman Morris asked if there was a monument sign. Director Jennings reported that there was a directory-style sign for each group of buildings.

Chairman Morris asked how customers would find out that the business existed. Mr. Hall stated it would be word of mouth. He was part of bourbon groups, and word spread quickly. They would also do some marketing. They were developing a website as well.

Commissioner Hediner asked if the Village collected sales tax on auction items. Director Jennings confirmed that they did.

Chairman Morris stated there is a standing motion by the Chair to approve and read the draft motion for approval of a text amendment in the staff report. He noted the standards for rezoning and text amendment were included in the packet.

Commissioner Nabat seconded the motion.

There being no additional discussion, the Commission voted on the motion, as follows:

Make Findings of Fact and Recommend Approval of a Zoning Code Text Amendment, in accordance with Section 21.7 (Amendments) of the Zoning Code, as described in the application by Aged in Oak LLC, dated February 11, 2025, to amend the zoning code as follows:

1. Insert definition of Catering Service in Section 3.2, Definitions, to read as follows:

Tasting Room. A retail outlet with a customer facing area for persons to sample, consume for on- premise consumption, and purchase for off-premise consumption, liquor products. Such premises need not be attached to the manufacturing facility, nor owned by a manufacturer.

2. Insert “Tasting Room” Section 13.3, Special Uses in the B-1 District, as subsection 13.3.37:

13.3.37 Tasting room, subject to the following:

1. Features such as on-site processing/production, entertainment, or liquor auctions shall be identified as part of the special use permit.
2. The establishment must obtain applicable liquor licenses from the Village and State to permit all activities conducted on the premises.
3. A tasting room accessory to a package liquor store, offering servings above the State threshold for samples (1/4 oz spirits, 1 oz wine, 2 oz beer), must be identified as part of the package liquor store.

AYES: Fluno, Heidner, Lis, Nabat, Smith, Morris

NAYS:

ABSENT: Cotton

Motion approved (6-0, 1 absent).

Chairman Morris stated there is a standing motion by the Chair to approve and read the draft motion for approval of a special use in the staff report.

Commissioner Lis asked for the parking lot to be repaired within six months.

The construction of the trash corral was asked about. Director Jennings reported that it had to be a certain height and made of durable materials, and it was recommended that gates be on separate supports. The standard was six feet, and they could go above that subject to staff review. The location of it would be worked on with the business.

Commissioner Heidner seconded the motion.

There being no additional discussion, the Commission voted on the motion, as follows:

Make Findings of Fact and Recommend Approval of a Special Use for a Tasting Room, for the property located at 935 Lakeview Parkway Suite 111 as required by Section 13.3 (Special Uses in the B-1 District), Article 18 (Special Use Standards), and Section 21.6 (Special Use Procedures) as described in the application by Aged in Oak LLC, dated February 11, 2025, and in substantial conformance with the following plans and exhibits:

- Project Narrative / Introduction Letter
- Floor Plan, Aged in Oak

And with the following conditions of approval:

1. The special use is subject to the approval of the associated Zoning Code Text Amendment;
2. A garbage corral constructed to standards listed in Section 13.7 is required within the southeast parking area prior to occupancy;
3. The southeast parking lot shall be repaired, seal coated and restriped in accordance with the Illinois Accessibility Code within six (6) months of occupancy;
4. A photometric study is required to confirm whether the parking lot lighting is adequate, with additional lighting to be installed if needed; and
5. The floor plan shall be adjusted to allow the north entrance to function as the primary customer entrance, and to remove the overhead door.

AYES: Fluno, Heidner, Lis, Nabat, Smith, Morris

NAYS:

ABSENT: Cotton

Motion approved (6-0, 1 absent).

Director Jennings reported that the item would go to the Committee of the Whole on March 31 for discussion and then advised to put together an ordinance if in agreement.

THE PUBLIC HEARING WAS CLOSED AT 8:03 PM.

Chairman Morris called for the opening of the following public hearing:

2. Public Hearing for Case #2025-05. A petition filed by NewLook Design Build Development on behalf of the Nest Schools, contract lessee, requesting the following actions to facilitate the operation of a child daycare facility at 401 Sullivan Drive: (1) Special Use Permit with associated site plan and appearance approval per Section 15.3 and 18.3 of the Zoning Code; and (2) Variations from Article 15, OR&D District lot and yard requirements, per Section 21.5 of the Zoning Code.

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

Michael Freiburger, NewLook Development, Rochelle Kiner, The Nest Schools, and Steve Corcoran were present on behalf of the petition and sworn in.

Mr. Freiburger, Ms. Kiner, and Mr. Corcoran introduced themselves.

Ms. Kiner provided a recap of the project. They were unique in childcare and education. They were founded five years ago and were excited at the potential of having the Village of Vernon Hills being one of their locations. They had two other sites in Illinois. They worked hard to provide amazing playgrounds, a play-based curriculum, which was very different than more structured preschools, to have top-notch staff, to be a family extension and to ensure that they were an extension of the community. Ms. Kiner noted that they always made sure that they provided exceptional care and a quality program. The last time they presented to the Planning and Zoning Commission, they had discussed the needs assessment. There was a deficit of about 30% based on the number of children in the area and childcare spots available. Childcare was unique, and their business was unique. The preschool was not typical in that it had a staggered pick-up and drop-off. The parents dropped off students, the teacher checked them in, and then the parents left. The staggered departures and arrivals allowed for there to not be large numbers of traffic. The breakdown of students' arrival was presented, and it was noted that it was counting students not vehicles. The capacity at the site was 209 children. The average family had 1.9 children, which resulted in approximately 110 families coming and going. The capacity was generally at 70%.

Commissioner Nabat asked about the drop-off times. Ms. Kiner stated that the parents could come at any time. Commissioner Nabat noted that the average person went to work at the same time and asked why there was not a rush at the same time. Ms. Kiner stated that it was not usually the case. It varied tremendously as to when people came and went. There were no assigned times. There were people who came part-time and who worked from home.

Mr. Freiburger stated that they had looked at logs over multiple schools in 10-minute increments, and there were never more than six to eight people coming and going. Since parents had to go in, it took time and helped with the staggering.

Chairman Morris asked how part-time enrollment worked. Ms. Kiner stated that people did not have to be full-time and could come for certain days. Staff were also staggered.

Chairman Morris commented on the difference between 209. Mr. Freiburger stated that 209 was the actual capacity of the school by code. In reality, there was another number they were discussing.

Chairman Morris asked if the licensed slots counted home daycare. Ms. Kiner stated that they counted licensed home daycares. Chairman Morris noted that there was a difference between the Illinois licensing requirements and the Village's. Ms. Kiner stated that since they were all licensed through the state, they would have been included.

Chairman Morris commented on the demand from the neighborhood to the north. Ms. Kiner stated that most customers, 40% or more, came from within two miles of the site. Chairman Morris commented that they only had five cars going north and that there appeared to be a disconnect between the population and traffic. He commented that the gap assumed that no one would care at home for their children themselves. Ms. Kiner acknowledged that it was what they meant, but they wanted to provide high-quality care.

Chairman Morris discussed the wealth gap between home care and commercial care. Ms. Kiner stated that they took childcare subsidies, so it was not all private pay. Generally, they were on the higher end of costs, but the subsidies helped reduce or eliminate the costs.

Ms. Kiner shared why the site made so much sense for them. Nearly all of the customers came from nearby. It was also visible and had a large space for playgrounds. They typically had a 15,000-square-foot playground compared to the typical 5,000-square-foot playground. The property also was set a bit off the road and near the train station. Price-wise, it worked for their budget and made it so that they could pay the teachers the right amount.

Chairman Morris asked how being close to the train station worked well and the hours did not work with most of the trains. Ms. Kiner stated that it was not uncommon for parents to need proximity to the trains.

Chairman Morris asked if there were any material changes from the last time and if the fence issues were addressed.

Mr. Freiburger reported that there were no material changes to the plans, and they had addressed the fence issues. He presented the project that was done in Barrington. There was a significant increase in community value with what happened on the sites. The Barrington site was old and needed many repairs, and updating it provided a great sense of community. Mr. Freiburger stated that they reached out to parents near the Barrington site and had testimonials from them.

Mr. Freiburger reviewed the entitlement process. There were many other early education providers interested in the site. All of the factors in the last conditional approval were agreed to. Mr. Freiburger commented on the condition of the Village as a whole, agreeing to the traffic. They attended the Committee meeting, and the Committee did not approve nor deny and asked the Planning and Zoning Commission to hear from Mr. Corcoran.

Mr. Corcoran reviewed the traffic study that was provided. For all traffic studies, they go to the site, look at roadways, examine how traffic was working, collect traffic counts, and examine the impacts the site would have. They also consider the growth rate to determine how traffic would work in the future. The roads around the site were reviewed. The site is an existing building with parking all around. The back would be turned into the playground.

One concern was the safety around the intersection of Sullivan and US 45. Crash data for the past five years was collected for the intersection, and there was 1.2 per year. About half of the crashes were rear-enders. One of the crashes was due to a U-turn. There were also three turning crashes, one of which was between a bus and a cyclist. From the data, there was not a crash problem at the intersection. Traffic counts were also done.

Trip generation was based on the full capacity of the building of 209 children. There were 70 parents generated coming in during peak hours, with slightly more people coming in during the morning and evening. Where traffic was coming from was examined. The majority of people would come from Route 45. The traffic was assigned to the road system. There was one existing entrance on Sullivan for the facility. There would primarily be right turns in and left turns out.

Chairman Morris asked about the approach. Mr. Corcoran explained that Sullivan and onto US 45 was westbound left. Chairman Morris clarified that westbound left was really southbound left and westbound right was really northbound right. Mr. Corcoran discussed that the roads were at an angle, and he turned it. Chairman Morris discussed that there were several inconsistencies in the report. An expert's opinion could not be fact, and by examining the report they could not examine what everything meant. Director Jennings explained that the axes were turned.

Commissioner Nabat asked what the general summary was because she took the road every day and it was heavy traffic. Mr. Corcoran discussed that they were adding turning traffic to the road.

Chairman Morris commented that they were going to a D rating from an F rating to make turns. Mr. Corcoran confirmed that it was, but it was typical when people had to turn left at an unsignalized intersection onto a state route.

Chairman Morris commented that the business was great, but the site location was not great.

Ms. Kiner stated that many of the people already lived within two miles of the site, so they were likely part of the traffic already.

Chairman Morris asked what the daily number of cars was. In 2023, there were 15,100 vehicles for two-way daily traffic at that intersection.

Chairman Morris discussed the disconnect between the business model and the traffic study, which was giving the Commission a lot of pause. He stated that the traffic study did not help him, but it only made it more difficult to understand how it would be workable. Due to the way it was described, he was unsure of the credibility of the study.

Commissioner Smith asked why a gap study was done. Mr. Corcoran stated that the model was based on inputs that the traffic engineers had developed over the years, and sometimes traffic varied by location. A gap study was done to see how many gaps there were to make left-hand turns. There were also courtesy gaps recorded, which was when people allowed others trying to make left turns in. It was asked why the rating was going from D to F. Mr. Corcoran stated that the rating was from the capacity manual. The F rating was due to the delay. A minute day was considered unacceptable. The difference was from 30 seconds to one minute.

Commissioner Smith asked what standards or guidelines were used for the gap study. Mr. Corcoran stated that it was from the Transportation Research Board (TRB).

Mr. Freiburger stated that, from a practical matter, theoretically, every unsignalized driveway would have to be closed.

Commissioner Lis discussed her concerns about the traffic at peak times.

Mr. Freiburger stated that the additional cars did not materially change what was actually happening. Commissioner Nabat stated that they needed to consider the individuals in the neighborhood and the community as a whole.

Ms. Kiner stated that they believed they brought a huge value to the neighborhood.

Commissioner Lis asked which staff reviewed the study. Director Jennings reported that he and Director Venatta reviewed the study. Many of the confusions from the initial study were revised. The remaining question was the left turns exiting. The primary exit was the users of the facilities and the relatively small numbers of left-turners, who were lumped into the delay. There was nothing in the study that suggested that the overall road network was negatively impacted. The most impacted individuals were from the Nest themselves.

Commissioner Heidner asked if they could turn left onto Butterfield. It was reported that they could.

Commissioner Nabat asked if they gathered data from the surrounding neighborhood on income since the Nest would be the most expensive. Ms. Kiner stated that they had not looked into it. Ms. Kiner stated that most people came from within two miles of the two comparable sites.

Chairman Morris asked if there was sufficient space and if a left-turn lane would be permitted off of 45. Director Jennings stated that he did not believe there was enough space. There was no median. Mr. Corcoran stated that IDOT did not do bypass lanes like the Village, but there would be room.

Commissioner Fluno asked if there was any signage to not block the intersection. Mr. Corcoran stated that there was not, but it could easily be added. IDOT would have to approve it, but that had been done in many places.

Commissioner Heidner asked if the gap study was from the actual location or from a study. Mr. Corcoran stated that the TRB provided numbers on how big a gap needed to be. That number of 6.42 seconds was used, and the gaps were measured and recorded at the actual site. He confirmed that he physically observed them with the established guidelines. He did the parking counts himself.

Commissioner Smith asked if the gap peak hours were truly representative of when the peak hours were on typical days. Mr. Corcoran confirmed they were.

Mr. Freiburger thanked the staff and stated that the Nest believed it was a great location due to the site location and asked for the benefits and potential downsides to both be weighed when making a decision.

PUBLIC NOTICE

Chairman Morris noted that notice had been provided as described in the Staff report. Director Jennings confirmed that no written comments had been received.

THE HEARING WAS OPENED FOR PUBLIC COMMENT

Vladimir Redko, a resident of Westwood Condominium Association, appreciated the Commissioners for raising concern about the traffic. He stated that he disagreed that the left turn would only be delayed by an additional 30 seconds to a minute. He stated his other concern was the noise. The building was used as an office, so the comparison was too different. He reviewed property appraisals and knew from first-hand experience that a location with close proximity to a daycare decreased value from 5 to 10%. He had not heard anything regarding the strain on public utilities, and he expected that it would affect it a lot. He asked if the grid was up to the strain or if the property owners would end up having to pay for the upgrades. He urged the Commission to object.

Natalie Hillburg, resident of Westwood Condominium, stated that the traffic situation was multiple. She had tried to get out of Sullivan onto 45 at various times and would go all the way up to Butterfield and Creekside to go to the train station due to the traffic. She expected it would be two to three days before people discovered that route, and Creekside was very tight. Ms. Hillburg stated that she was on the Board at Westwood and did not think it was a good fit. The playground would come up to a fence, and beyond the fence, there was a fairly steep drop-off. The individuals living down that drop-off would be impacted. Going from Sullivan to 45 was an issue. There was a chewed-up part of the shoulder because people went around cars waiting to make left turns, which could result in an accident.

Chairman Morris asked if the Westwood Association had a specific resolution. Ms. Hillburg stated that they did not, but the people she had spoken to were not fond of it.

Director Jennings discussed utilities in response to Mr. Redko's comments. When a permit is reviewed to change the use of the building, there is a tap-on and impact fee to calculate the projected increase on facility demand. The fee to fund the capital improvements was covered by the development itself, not the residents.

Mr. Freiburger stated that they were adding significant stormwater management and offered more pervious surfaces. He stated that they were willing to hear any options to try to make it work. He stated that they believed strongly in making the site work.

QUESTIONS FROM THE COMMISSION

Commissioner Nabat asked if there was any way to add a stop light or any other improvements because it was how she would base her decision. Director Jennings stated that there was not because the warrants would likely not meet the requirements to install a light. Mr. Corcoran stated that there were nine warrants, and one had to be met for installation. There was not one that would be met. IDOT also looked at spacing, and they were too close to Butterfield to qualify.

Chairman Morris asked about the long-term plan for 45. Director Jennings stated that there was a future condition and that the project was not on any level of horizon yet. It was considered to be highly unlikely. It was not part of the program anymore, but right-of-way had been acquired. It was removed from the traffic study for that reason.

Commissioner Nabat asked if the Village would ever take on the project. Director Jennings expected that they would not.

Chairman Morris commented on the rating from D to F and discussed the 100% increase and potential decreased patience of drivers.

Commissioner Nabat asked to see the study of where the children would be coming from because it would make a big difference.

Director Jennings stated that the petitioner had agreed to the initial conditions. Should the Board wish to approve it, there was specific testimony from the petitioner related to the pickup and drop off for the site. He recommended including one more condition that referenced the user in the event that it is approved:

- The approval of the special use is specific to the Nest as the operator, as described in the materials and testimonies in this hearing, and may not be transferred to another operator without Village Board review and approval.

Director Jennings stated that special use could often transfer, and he recommended against it in this case due to the specific testimony.

Chairman Morris asked what was different that they were voting on. Director Jennings reported that the petitioner had agreed to the previous conditions posed.

Commissioner Fluno asked to add a sign not to block the intersection.

Chairman Morris asked if they were sure they could not have a left turn on southbound 45 and some sort of median. Mr. Freiburger was unsure. Mr. Corcoran stated that if they could, that was the direction they should go. Making those adjustments would cost around \$150,000 to \$200,000. Chairman Morris asked if they would consider doing that if it was a condition. Mr. Freiburger stated that he would have to speak with everyone else, but the team was open to ideas so that they could continue forward.

Chairman Morris asked if Public Works could be behind that. Director Jennings was unsure if an answer could be obtained in two to three weeks.

It was commented that the turn lane would also be of benefit to the residents.

Commissioner Nabat asked if they should base their decision on the median being done. Director Jennings stated that he was not sure if it could be done due to the permit, but the phrasing of the condition could be that it was recommended.

Chairman Morris asked if they could vote on both scenarios, and it was stated that they could.

It was commented that going to the median would be illegal. Director Jennings stated that they could not drive into the median, but they could turn to the median and wait until there was a safe turn.

Director Jennings recommended against having a condition for using police officers for traffic control permanently.

The Nest could have a person at the entrance at Sullivan, but a police officer would be needed to direct traffic on US 45.

DISCUSSION OF RECOMMENDATION

Chairman Morris stated there is a standing motion by the Chair to approve and read the draft motion for approval of zoning variations in the staff report.

Director Jennings clarified that the vote was needed again.

Chairman Morris reported that the packet included the January 22, 2025, meeting minutes with the various conditions that were accepted.

Commissioner Heidner seconded the motion. There being no additional discussion, the Commission voted on the motion, as follows:

Make Findings of Fact and Recommend Approval of certain variations for the property located at 401 Sullivan Drive, Vernon Hills, as required by Section 21.5 variations:

1. To reduce the minimum lot area from 160,000 to 85,638 square feet.
2. To reduce the setback on the east side from 40 to 35.56 feet.

3. To reduce the required landscape buffer from 50 feet to 38 on the west and from 25 feet to 10 feet on the south.
4. To permit parking stalls to be located within landscape buffer strips.

AYES: Nabat, Fluno, Heidner, Lis, Smith, Morris

NAYS:

ABSENT: Cotton

Motion approved (6-0, 1 absent).

Chairman Morris stated there is a standing motion by the Chair to approve and read the draft motion for approval of special use in the staff report.

Commissioner Heidner asked if the police had reviewed the lighting plan. Director Jennings stated that they had not yet reviewed the dimming of the lights.

Commissioner Fluno asked if there would be a condition for the signage. Director Jennings stated that the do-not-block intersection was more likely to be approved. It would also be subject to IDOT approval. The Commission agreed to add the condition.

Commissioner Nabat seconded the motion. There being no additional discussion, the Commission voted on the motion, as follows:

Make Findings of Fact and Recommend Approval of a Special Use for a Daycare Facility, with associated site plan, landscape plan, and appearance approval for the property located at 401 Sullivan Drive, Vernon Hills, Illinois, as required by Section 15.3 (Special Uses in the OR&D District), Article 18 (Special Use Standards), and Section 21.6 (Special Use Procedures), as described in the application by NewLook Development, dated January 3, 2025, to be developed in accordance with the following plans and exhibits:

- Project Narrative
- Plan Set by NewLook Development, dated January 3, 2025
 - Architectural Site Plan (SD-08)
 - Floor Plan (SD-09)
 - Elevations (SD-10)
 - Materials (SD-10.1)
 - Photometric Plan (SD-17)
 - Landscape Plan and Plant Palette (SD-18 and 19)
- Engineering Plans by Bono Consulting, last revised January 14, 2025
 - Grading and Utility Plan (Sheet 3)
 - Site Plan and Fire Truck Exhibit (Sheet 4)

And with the following conditions of approval:

1. The fencing shall extend to close the gap along the front of the building.

2. The perimeter fence is to be replaced with a six foot board-on-board fence, similar to the trash enclosure.
3. The landscape plan shall be revised to add plantings in front of the building, near the trash enclosure, and at the base of the sign, and the existing stumps would be removed.
4. The site lighting shall be dimmed overnight subject to Staff and Police Department review of security requirements.
5. A clear walkway shall be provided through the parking lot to the front entrance.
6. The eight parking stalls along the northwest corner of the parking lot would remain.
7. The special use shall be specific to The Nest School as the operator as described in the materials and testimony, and may not be transferred with the review and approval of the Village Board.
8. That “Do Not Block Intersection” signage be installed on US Highway 45 subject to IDOT approval.

AYES: Nabat, Fluno, Heidner, Lis, Smith

NAYS: Morris

ABSENT: Cotton

Motion approved (5-1, 1 nay, 1 absent).

Commissioner Nabat asked for clarification on the motion. The first motion approved the project with the condition of the sign if so approved. She stated that she thought the motion meant that IDOT did not approve the sign, the site would not go forward. Director Jennings suggested that since it was an IDOT road, they did not have the authority to approve it. He stated that if they wanted the motion to be subject to the sign, the vote would need to be adjusted. Ultimately, the traffic impacted the Nest the most, so it was in their best interest to improve traffic.

Director Jennings recommended having a revote on the previous motion with clearer language on the last condition:

8. That “Do Not Block Intersection” signage be installed on US Highway 45 if possible, with the understanding that the sign would subject to IDOT approval.

Chairman Morris stated there is a standing motion by the Chair to approve. Commissioner Lis seconded the motion. The Commission voted on the motion, nullifying the prior vote:

Make Findings of Fact and Recommend Approval of a Special Use for a Daycare Facility, with associated site plan, landscape plan, and appearance approval for the property located at 401 Sullivan Drive, Vernon Hills, Illinois, as required by Section 15.3 (Special Uses in the OR&D District), Article 18 (Special Use Standards), and Section 21.6 (Special Use Procedures), as described in the application by NewLook Development, dated January 3, 2025, to be developed in accordance with the following plans and exhibits:

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And with the following conditions of approval:

1. The fencing shall extend to close the gap along the front of the building.
2. The perimeter fence is to be replaced with a six foot board-on-board fence, similar to the trash enclosure.
3. The landscape plan shall be revised to add plantings in front of the building, near the trash enclosure, and at the base of the sign, and the existing stumps would be removed.
4. The site lighting shall be dimmed overnight subject to Staff and Police Department review of security requirements.
5. A clear walkway shall be provided through the parking lot to the front entrance.
6. The eight parking stalls along the northwest corner of the parking lot would remain.
7. The special use shall be specific to The Nest School as the operator as described in the materials and testimony, and may not be transferred with the review and approval of the Village Board.
8. That “Do Not Block Intersection” signage be installed on US Highway 45 if possible, with the understanding that signage would be subject to IDOT approval.

AYES: Fluno, Heidner, Lis, Smith

NAYS: Nabat, Morris

ABSENT: Cotton

Motion approved (4-2, 2 nays, 1 absent).

Chairman Morris asked if it would be better to recommend that the Village work with IDOT on the roadway improvement. Director Jennings stated that it had been discussed, and a motion with a recommendation could reflect the Commission’s suggestion.

Chairman Morris stated that the motion was as follows:

To recommend to the Village Board that the petitioner and the Village work with IDOT to accomplish roadway or intersection improvements at Sullivan and 45 with a left turn and associated median.

Commissioner Lis seconded the motion.

AYES: Fluno, Heidner, Lis, Nabat, Morris, Smith

NAYS:

ABSENT: Cotton

Motion approved (6-0, 1 absent).

Director Jennings clarified that there was a positive recommendation on the variation. The second special use motion nullified the first to clarify the signage question. The final motion was an advisory recommendation regarding working with IDOT on intersection improvements.

Chairman Morris stated that the only hesitation was regarding traffic, not the business itself.

Director Jennings stated that, based on the volume of other items going to the Board, he would try for the March 31st meeting. It would require a lot of work to be done in the next two days. He asked the petitioner to contact him to let them know if that was possible. The next meeting was on April 15th. It would be posted on the agenda. Mr. Freiburger asked if it would go to the Committee of the Whole and then then the final Village Council. Director Jennings clarified that they were the same body, meeting for different purposes. They would first meet to discuss the recommendation and then meet again for a vote.

IV. Approval of Minutes

Chairman Morris requested comments from the Commission on January 22, 2025. Director Jennings reported that all requested corrections were made. Chairman Morris referred to the standing motion to approve the minutes of the January 22, 2025, Planning & Zoning Commission meeting. The motion was seconded by Commissioner Heidner. All were in favor by a voice vote (6-0, Cotton absent).

V. Development Review

Director Jennings provided updates on the following items:

- Items that the Planning and Zoning Commission had recommended approval of had gone on to the Village Board.
- There were two zoning code amendments, one for electrical vehicle charging regulations and one for home daycare regulations, which were both approved.
- A public hearing was scheduled for April 2. Director Jennings asked to confirm a quorum. It was confirmed. Five Commissioners would be in attendance. The public hearing was for Raising Cane's and a home daycare.

Commissioner Fluno asked about the opening date for Yard House. Director Jennings reported that they were targeting later in summer.

Commissioner Nabat asked for an update for Guzman Y Gomez. Director Jennings stated that they were working on their technical review. Their location was near Nothing Bundt Cakes.

Chairman Morris asked if there were plans for the shopping center that would be vacant with the closure of JoAnn Fabric. Director Jennings stated that it had been purchased and interior demolition work was ongoing. There were no plans yet.

Commissioner Heidner asked for an update on the two grocery stores. Director Jennings stated that the plans had not come through yet.

VI. Adjournment

With no further items on the agenda, Chairman Morris moved to adjourn. Commissioner Heidner seconded. The motion was approved by a voice vote.

The meeting adjourned at 9:45 PM.

Respectfully submitted,

Andrew Jennings
Director of Community Development

Distribution:
President and Board of Trustees
Village Manager/Village Clerk
Commission Members

Approval Date

Chairman Morris

Secretary Heidner

EXHIBIT C

Plans and Exhibits

Case 2025-01 and 2025-05: Special Use Permit with Associated Site Plan, Landscape Plan, and Appearance Approval for a Daycare Facility

The Nest School
401 W. Sullivan Drive

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2025-082

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND ASSOCIATED SITE PLAN,
LANDSCAPE PLAN, AND ARCHITECTURAL APPEARANCE FOR A DAYCARE
FACILITY, THE NEST SCHOOL, TO BE LOCATED AT 401 W. SULLIVAN DRIVE

THE 17th DAY OF JUNE 2025

Published in pamphlet form by the Authority of the
President and Board of Trustees of the Village of
Vernon Hills, Lake County, Illinois, this
17th day of June, 2025

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, KEVIN TIMONY, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE NO. 2025-082 AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND ASSOCIATED SITE PLAN, LANDSCAPE PLAN, AND ARCHITECTURAL APPEARANCE FOR A DAYCARE FACILITY, THE NEST SCHOOL, TO BE LOCATED AT 401 W. SULLIVAN DRIVE TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM JUNE 17, 2025 TO JULY 1, 2025.



Kevin Timony, Village Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 17th DAY OF JUNE, 2025



Notary Public

