

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2022-120

AN ORDINANCE GRANTING A VARIATION FROM APPENDIX C, ZONING, OF THE
VERNON HILLS CODE, RELATED TO THE DEVELOPMENT OF A DAY CARE CENTER
TO BE LOCATED AT 536 ATRIUM DRIVE

THE 15th DAY OF NOVEMBER 2022

Published in pamphlet form by the Authority of the
President and Board of Trustees of the Village of
Vernon Hills, Lake County, Illinois, this
15th day of November, 2022

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

CERTIFICATE

I, KEVIN TIMONY, CERTIFY THAT I AM THE DULY APPOINTED AND ACTING VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON NOVEMBER 15, 2022, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE NO. 2022-120 AN ORDINANCE GRANTING A VARIATION FROM APPENDIX C, ZONING, OF THE VERNON HILLS CODE, RELATED TO THE DEVELOPMENT OF A DAY CARE CENTER TO BE LOCATED AT 536 ATRIUM DRIVE.

THE PAMPHLET FOR ORDINANCE NO. 2022-120 INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF, WAS PREPARED, AND A COPY DATED NOVEMBER 15, 2022 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE VILLAGE CLERK.

DATED IN VERNON HILLS, ILLINOIS, THIS 15th DAY OF NOVEMBER 2022.


Kevin Timony, Village Clerk

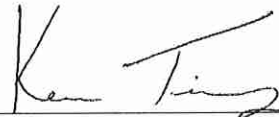
SEAL



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. 2022-120 AN ORDINANCE GRANTING A VARIATION FROM APPENDIX C, ZONING, OF THE VERNON HILLS CODE, RELATED TO THE DEVELOPMENT OF A DAY CARE CENTER TO BE LOCATED AT 536 ATRIUM DRIVE TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM NOVEMBER 15, 2022 TO NOVEMBER 25, 2022.



Kevin Timony, Village Clerk

SUBSCRIBED AND SWORN TO BEFORE
THIS 15th DAY OF NOVEMBER 2022



Notary Public



**VILLAGE OF VERNON HILLS
ORDINANCE 2022-120**

**AN ORDINANCE GRANTING A VARIATION FROM APPENDIX C, ZONING,
OF THE VERNON HILLS CODE, RELATED TO THE DEVELOPMENT OF A
DAY CARE CENTER TO BE LOCATED AT 536 ATRIUM DRIVE**

WHEREAS, the Village of Vernon Hills received a petition by Margarita Shvets, dba Vernon Hills Montessori Academy, contract lessee, requesting a variation from Appendix C, Zoning, of the Vernon Hills Code, associated with the development of daycare care center to be located on the property commonly known as 536 Atrium Drive, legally described below; and

WHEREAS, the petition is related to a Special Use Permit to be considered under separate ordinances; and

WHEREAS, the Planning and Zoning Commission of the Village of Vernon Hills conducted a public hearing, duly noticed, on October 12, 2022; and

WHEREAS, the Commission, after consideration of the materials and testimony provided by the petitioner, has filed a report making findings of fact in support of the petition in accordance with the standards listed in Section 21.5 of the Zoning Ordinance, and has recommended approval of the petition as described in **Exhibit A** (Planning and Zoning Commission report); and

WHEREAS, the Village Board, having considered the Planning and Zoning Commission report and recommendation at its Committee of the Whole meeting on November 1, 2022, found that sufficient facts were presented which, in its judgment, would justify approving the variation referenced herein.

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 listed recitals are incorporated into and made part of this Ordinance.

SECTION 2. The following variation from Appendix C, Zoning, of Village of Vernon Hills Code, to facilitate the development of the property commonly known as 536 Atrium Drive, zoned OR & D (Office, Research, and Development), and legally described in Section 3 of this Ordinance, is hereby approved:

1. Section 4.8, Fences, to allow fences to be constructed at distances of forty-seven and one half feet (47.5') from the west property line (maximum 12" permitted).

SECTION 3. The variations granted in Section 2 of this ordinance shall apply to the property legally described below and specifically to the areas of said property illustrated on the plans referenced in Section 4:

LOT 2 (EXCEPT THAT PROPERTY CONVEYED TO THE VILLAGE OF VERNON HILLS BY DOCUMENTS 6626143 AND 6626144, BEING PART OF ATRIUM DRIVE DEDICATED BY DOCUMENT 664550), IN DEERPATH ATRIUM SUBDIVISION, BEING A RESUBDIVISION OF PART OF LOT 1 IN DEERPATH SUBDIVISION PARCEL G- UNIT 2, AND LOTS 9 THROUGH 16 IN DEERPATH SUBDIVISION PARCEL G- UNIT 1, IN THE NORTHEAST QUARTER OF SECTION 5, AND THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED SEPTEMBER 21, 2000, AS DOCUMENT 4584694, IN LAKE COUNTY, ILLINOIS.

PIN: 15-02-202-027 (approximately 360,712.6 sq ft or 8.28 acres)

SECTION 4. The variations granted in Section 2 of this ordinance are associated with a petition that includes Special Use, site plan, landscape plan, and architectural plan approval, pursuant to Chapter 16, Article IV, and Appendix C, Section 4.12, and Section 21.6, and are illustrated on the following plans and exhibits, attached hereto as **Exhibit B:**

- Survey (partial, illustrating playground location)
- Site plan (partial, illustrating playground dimensions)

SECTION 5. The variation described in the Ordinance is subject to the following terms and conditions:

1. The fence style shall be modified to discourage climbing, such as a wrought iron style fence; and
2. The playground fence shall be separated by the back of curb by eighteen inches (18.0").

SECTION 6. 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 7. 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 8. SUCCESSORS AND ASSIGNS. All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of the petitioner and property owner.

SECTION 9. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

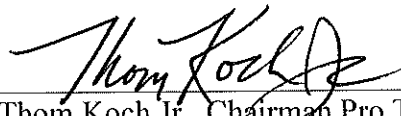
SECTION 10. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2022-120.

Adopted by roll call vote as follows:

AYES: 5 – Schenk, Marquardt, Forster, Oppenheim, Chairman Pro Tem Koch

NAYS: 0 – None

ABSENT AND NOT VOTING: 2 – Byrne, Takaoka


Thom Koch Jr., Chairman Pro Tem

PASSED: 11/15/2022
APPROVED: 11/15/2022
ATTEST: 11/15/2022

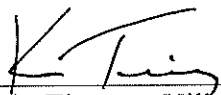

Kevin Timony, Village Clerk



EXHIBIT A

Planning and Zoning Commission Report

Vernon Hills Montessori Academy, 536 Atrium Drive

Planning and Zoning Commission
October 12, 2022
7:30 p.m.

I. Call to Order and Roll Call

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

Attendance: Chairman Morris, Commissioners Cotton, Hezner, Mulcrone, and Heidner. A quorum was established.

Also attending: Andrew Jennings, Director of Community Development, and Recording Secretary Heavrin.

II. Public Hearing

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

1. **Case #2022-012** being a petition filed by Margarita Shvets, dba Vernon Hills Montessori Academy, requesting approval of a Special Use Permit to allow a day care facility, pursuant to Articles 15, 18 and 21 and Section 21.6 of Appendix C, Zoning, of the Village of Vernon Hills Code of Ordinances, to be located on the property described below:

Subject Property: 536 Atrium Drive, Units A and B, Vernon Hills Illinois, 60061, Zoned OR&D, Office, Research and Development.

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

Margarita Shvets, dba Vernon Hills Montessori Academy
Robert Zgonena, Atrium Business Park LLC

The petitioner is requesting a special use, a zoning variation, and site plan / landscape plan / architectural approval to establish a day care facility within an existing office building. The proposal includes a 1200 sq ft outdoor play area attached to an indoor play area. The school has been located in the Congregation Or Shalom building (21 W. Hawthorn Parkway) for approximately 10 years, and is licensed for 53 students.

There is a fence proposed to the west of the unit to enclose the outdoor play area. Day care facilities are required to have a minimum of one parking space per 200 square feet of floor area. Based on a building size of 8,000 square feet, 40 parking spaces are required at this location. The location has adequate parking for the use. No changes are proposed to the existing building, lighting and signage.

Discussions took place regarding the following items noted in the staff report:.

1. Existing landscaping that should be removed to accommodate the play area and attention to removing trees in the center of the play area should be addressed.
2. Additional lighting option for the parking area adjacent to the entrance.

3. Regrading of the play area might impact the foundation of the building.
4. Play equipment should be placed far enough south of the wall to discourage climbing due to the drop off at the loading dock.
5. An alternative fence style that is more difficult to climb should be considered (aluminum wrought iron style fence).

Commissioners expressed safety concerns, thereby requesting that the police and building departments review the plans regarding accessible paths, general security for the school, and the plan for shared use of common areas. Commissioner Hezner wanted to make sure the area is big enough for the special use request. Margarita Shvets confirmed it sufficed and was bigger than her previous space. The consensus of the Commission was that the project should return for additional Commission discussion if the modifications required by the staff review affected the scope of the petition.

PUBLIC NOTICE

Public notices were sent out and no responses were received.

THE HEARING WAS OPENED FOR PUBLIC COMMENT

No one from the public spoke, therefore, public comment was closed.

Chairman Morris stated before the Commission that there is a standing motion to recommend approval. The following motion was made relating to the petition that the proposal meets the standards for a Special Use, Variations, Site Plan, Landscaping and Appearance Approval.

Recommend Approval of a Special Use for A Daycare Facility, for the property located at 536 Atrium 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 Margarita Shvets dba Vernon Hills Montessori Academy, received September 15, 2022, to be developed in accordance with the following plans and exhibits:

- Site plan (partial, illustrating playground location)
- Survey (partial, illustrating playground location)
- Floor plan

And with the following conditions of approval:

1. The petitioner shall install additional lighting for the parking area if it is determined that the existing light level is not adequate for the proposed daycare use;
2. The petitioner shall provide documentation to demonstrate that the foundation of the building is an adequate depth following the regrading of the play area;
3. The fence style shall be modified to discourage climbing, such as a wrought iron style fence;
4. Play equipment shall be placed to discourage climbing of the loading dock wall;

5. The floor plan shall be reviewed by the police department, and modified as needed to ensure adequate security of interior and exterior entrances to the school unit;
6. The floor plan and existing condition of the building and site shall be reviewed to ensure compliance with accessibility requirements; and
7. Modifications to the floor plan and site plan resulting from the security and accessibility reviews that cause a material/substantive change to the plans associated with the petition shall be referred back to the Commission for additional review.

Second by Commissioner Mulcrone

AYES: 4 – Mulcrone, Cotton, Hezner, Chairman Morris

NAYS: 1 – Heidner

ABSENT: 0 – None

Motion approved.

Chairman Morris stated before the Commission that there is a standing motion to recommend approval. The following motion regarding Section 4.8 with regards to fences, allows the petitioner to construct the said fence at a distance of 46.0' from the property line (maximum 12" permitted).

Recommend Approval of the following variations from Appendix C, Zoning, for the property located at 536 Atrium Drive, Vernon Hills, Illinois, as required by Section 21.5 (Variations), as described in the application by the application by Margarita Shvets dba Vernon Hills Montessori Academy, received September 15, 2022.

1. Section 4.8, Fences, to allow a fence to be constructed at a distance of 46.0' from the property line (maximum 12" permitted).

And with the following condition of approval:

1. The fence style shall be modified to discourage climbing, such as a wrought iron style fence.

Second by Commissioner Heidner

AYES: 5 – Hezner, Cotton, Heidner, Mulcrone, Chairman Morris

NAYS: 0 – None

ABSENT: 0 – None

Motion approved.

DCD Jennings communicated the next steps leading to the ordinance. Commissioner Hezner explained his hesitancy of the fence location but recognizes the facility usage does not work without the fence in place.

THE PUBLIC HEARING WAS CLOSED BY A VOICE VOTE AT 8:28 PM.

III. Public Hearing

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

2. **Case #2022-003** being a petition filed by Daniel Grove, Kimley-Horn and Associates, on behalf of Centennial Real Estate, property owner, requesting: (1) amendments to Ordinance 2013-014 (as amended) to revise the Hawthorn Mall PUD granting variations to the Zoning Code and Sign Code, and to allow for the subdivision of the property described below; and (2) amendments to Ordinance 2013-013 (as amended) to revise the site plan, landscape plan, and architectural plans associated with the Hawthorn Mall PUD to facilitate construction of restaurant on the property described below, in accordance with Appendix C, Zoning, of the Village of Vernon Hills Code of Ordinances, Section 4.12, Section 13.3, Article 18, Section 21.5 and 21.6, and Chapter 19, Sign Code, Section 19.3.

Subject Property: 750 Hawthorn Row, Vernon Hills, IL, 60061, zoning B-1, General Business District. Property is located at the southwest corner of Milwaukee Avenue and Ring Road.

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

Sam Whitebread, Centennial Real Estate

Brian Zielensky, Aria Architect

Daniel Grove, Kimley-Horn

Alex Turney, Kimley-Horn

The petitioner requested amendments to the existing Hawthorn Mall Planned Unit Development to facilitate the construction of an 11,500 sq ft restaurant with a 1,000 sq ft patio. The proposal includes the resubdivision of a 5 acre outlot located at the southwest corner of Ring Road and Milwaukee Avenue. The proposed restaurant will occupy the northernmost of the three new lots (102,107 sq ft, 2.34 acres). The restaurant will have a total of 339 seats (291 indoor and 48 on the patio), and 60 employees on a peak shift. The restaurant will be open for dinner every day, and is anticipating lunch service on Fridays.

It is required for restaurants to have a minimum of one parking space per every 2 seats and an additional stall for every 2 employees (200 total stalls based on the description of the restaurant provided). The proposed quantity of 138 stalls would be below the minimum requirement in the code, but within the planned unit development a flat ratio of 4.16 stalls per 1000 sq ft of non-residential applies.

The landscape plan incorporates a variety of shade trees, ornamental trees (serviceberries), evergreen shrubs, deciduous shrubs, perennials and decorative grasses. The area along Milwaukee would consist of decorative grass and big blue lilyturf (tufts of grass with spikes of purple/blue flowers). The building area would be planted with a mix of hydrangea, grasses, and spirea. The landscape plan ends abruptly at the south property line.

There are existing sidewalks on all three sides of the site. The plan shows pedestrian ramps pointing west on each side of driveway, however, it was recognized that single crossing, subject to final engineering review, may be more appropriate.

The primary exterior material is a precolored wall tile. This material is broken up by a mix of storefront glazing and backlit metal screens. There is a covered patio on the north elevation that will connect to an interior bar area with a movable partition wall.

The rooftop mechanicals will be screened by a parapet. Pole lights mounted at a height of twenty feet (20') will be located along the perimeter of the lot. Two taller lights mounted at a height of thirty three feet (33.0') will be located at in the parking area to the south of the building. The plan includes bollard lighting near the port cochere.

Signs have not been finalized, but locations and sizes of the signs have been identified on the elevations. The monument sign height will require a new variation from the sign code to be included in the PUD along with, possibly, the logo proportions.

Discussions took place regarding the following items from the staff report.

1. Trash enclosure door material
2. Design intention of the design for the south end of the parking lot, addressing striping for parking stalls
3. Location of valet parking area
4. Interim landscape plan along the south property line
5. Elimination of a pedestrian ramp, selecting a single crossing location
6. Parapet height

The Commission had concerns related to landscaping along Milwaukee Avenue. Chairman Morris requested that the petitioner revise the plan to improve the screening of headlights in the parking aisle along Milwaukee Avenue.

The Commission also discuss a concern regarding crosswalk locations. The petitioner agreed to review the master plan for crosswalks with the Village as the Phase I, Phase II, and outlot plans. Crosswalks would be located to provide safe and convenient crossings, connecting outlots to the access points for shared parking and discouraging midblock crossings.

The Commission requested clarification regarding the valet operation. Commissioner Heidner was concerned that parking directly on the restaurant parcel was limited, and that allowing valet on the parcel would reduce the stalls available to non-valet customers. The petitioner addressed the concern during by stating that the valet provider would develop an efficient layout to reduce the number of stalls used, and noting that the shared parking within the Phase I building garage was convenient.

Commission Hezner and Commissioner Mulcrone requested that the petitioner the elevations to extend the design features from the north and west elevations to the southeast corner of the building. The petitioner agreed.

Chairman Morris requested additional detail regarding the proposed windscreen. The petitioner indicated that it would be complementary to the building elevations, and allow the patio area to be used several additional months each year.

PUBLIC NOTICE

Public notices were sent out and no responses were received.

THE HEARING WAS OPENED FOR PUBLIC COMMENT

No one from the public spoke, therefore, public comment was closed.

Chairman Morris stated before the Commission that there is a standing motion to recommend approval. The following motion was made regarding the proposal meeting the standards for an amendment to Ordinance No. 2013-13.

Recommend Approval to Amend Ordinance No. 2013-13, as amended to revise the site plan, landscape plan, and architectural plans associated with the Hawthorn Mall PUD to facilitate the construction of a restaurant with outdoor dining, for the property located at 750 Hawthorn Row, Vernon Hills, Illinois, as required by Section 13.3 (Special Uses in the B-1 District), and Section 4.12 (Site Plan Review), as described in the application by Centennial Real Estate, dated September 27, 2022, as illustrated on the following exhibits:

- Project narrative by Aria Group, dated August 29, 2022
- Architectural Site Plan, Elevations, and Renderings, by Aria Group, dated August 9, 2022
- Preliminary engineering drawings (including landscape plan and photometrics), by Kimley-Horn, dated March 25, 2022

And with the Following Conditions of Approval:

1. The development shall comply with all requirements pertaining to site grading. The petitioner shall provide a site grading plan at the time of permit application that is subject to review and approval by the Village Engineer;
2. The materials illustrated on the building elevation plans are subject to approval of a waiver from the requirements of Section 5-78 (Special Architectural Provisions);
3. The development shall comply with all ordinances and standards of the Village except as may otherwise be provided;
4. Crosswalk locations shall be adjusted for consistency with the master site plan for the development;

5. The patio windscreen shall be a solid color complementary to the building materials;
6. The southeast corner of the building shall be modified to include additional design elements featured on other portions of the building; and
7. The landscape plan shall be reviewed and revised as needed to improve screening of headlights along Milwaukee Avenue.

Second by Commissioner Cotton

AYES: 5 – Cotton, Mulcrone, Hezner, Heidner, Chairman Morris

NAYS: 0 – None

ABSENT: 0 – None

Motion approved.

Chairman Morris stated before the Commission that there is a standing motion to recommend approval. The following motion was made regarding the proposal meeting the standards for an amendment to Ordinance No. 2013-14.

Recommend Approval to Amend Ordinance No. 2013-014, as amended, to revise the Special Use Permit for the Hawthorn Mall Planned Unit Development, for the property located at 750 Hawthorn Row, Vernon Hills, Illinois, as required by Section 13.3 (Special Uses in the B-1 District), as described in the application by Centennial Real Estate, dated September 27, 2022, including the following actions:

- a. Incorporate any additional variations to the zoning code and sign code as may be needed to facilitate the development of the restaurant; and
- b. Approve the Final Plat of Subdivision for Hawthorn Center Resubdivision No. 1

As illustrated on the following exhibits:

- Project narrative by Aria Group, dated August 29, 2022
- Architectural Site Plan, Elevations, and Renderings, by Aria Group, dated August 9, 2022
- Preliminary engineering drawings (including landscape plan and photometrics), by Kimley Horn, dated March 25, 2022
- Final Plat of Subdivision for Hawthorn Center Resubdivision No. 1, prepared by Compass Surveying Ltd., dated February 28, 2019, and last revised May 24, 2022

Second by Commissioner Hezner

AYES: 4 – Cotton, Mulcrone, Hezner, Chairman Morris

NAYS: 1 – Heidner

ABSENT: 0 – None

Motion approved.

Commissioner Heidner stated from his view, that there was no need for the south sign and the two signs at the west elevation points.

THE PUBLIC HEARING WAS CLOSED BY A VOICE VOTE AT 9:14 PM.

IV. Approval of the September 28, 2022 Planning & Zoning Commission minutes

Chairman Morris motioned, second by Commissioner Heidner to approve the minutes of the September 28, 2022 Planning & Zoning meeting.

All in favor vote.

Commissioner Cotton abstained from the vote.

Motion was unanimously approved.

V. Development Review

DCD Jennings updated the Commissioners on Village Board items, noting that Carson's Phase 2 will be on the Committee of the Whole Board Agenda for October 18, 2022. He added that Urban Air has applied for a special use permit located at 413 Milwaukee Avenue, Portillo's and Chick-Fil-A have applied for drive-through modifications and the water reservoir project at White Deer Run has been delayed. He also said that Belle Tire will be the next item for the Planning and Zoning meeting taking place in November.

VI. General Public Comments

There were no comments.

VII. Adjournment

With no further items on the agenda, Chairman Morris motioned, second by Commissioner Cotton, to adjourn the meeting.

All in favor vote.

Motion was unanimously approved.

The meeting adjourned at 9:22PM.

Respectfully submitted,

Andrew Jennings
Director of Community Development

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

11/16/2022
Approval Date


Chairperson Morris

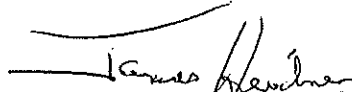
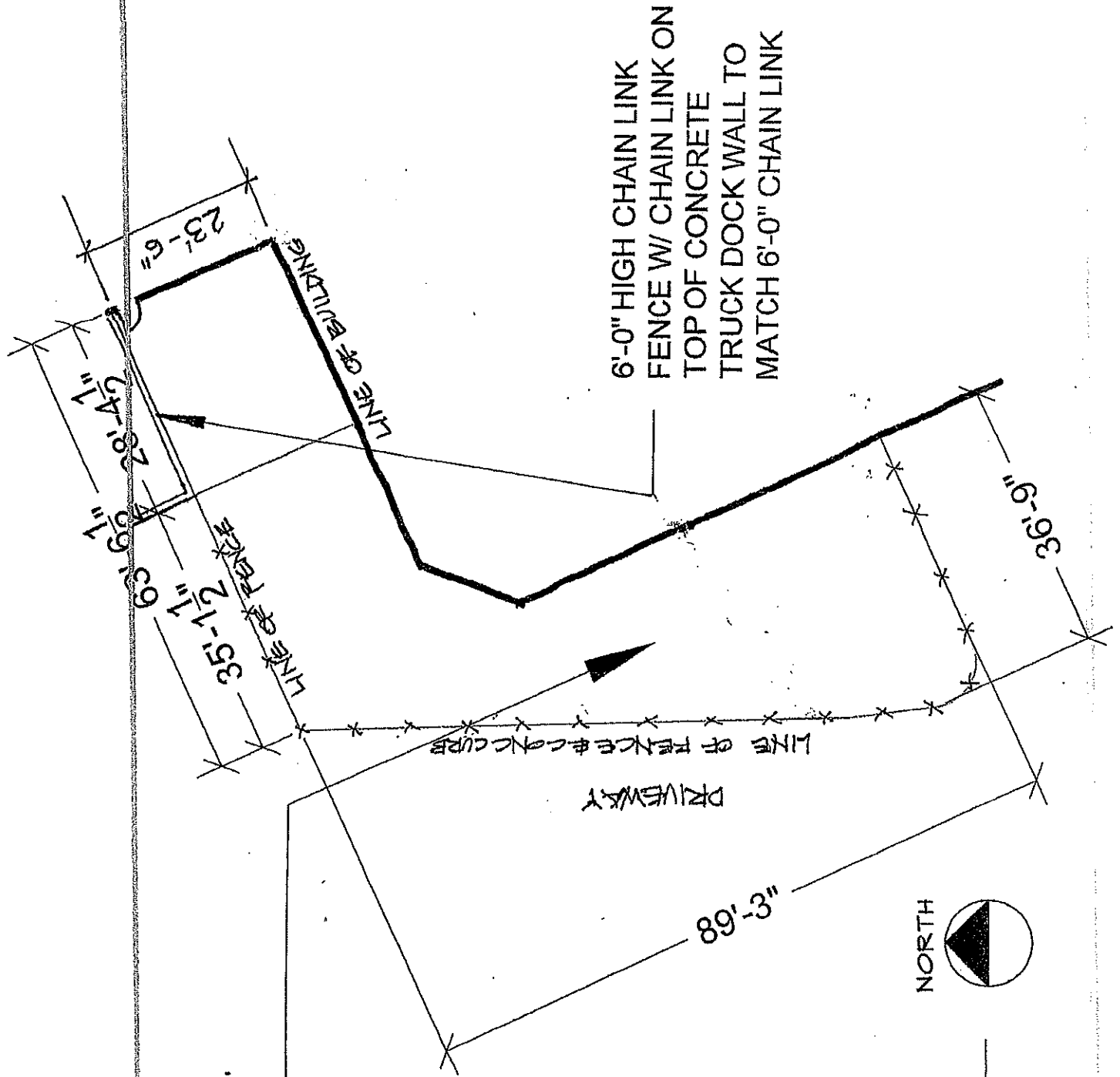

Secretary Heidner

EXHIBIT B

Plans and Exhibits (Zoning Variation)

Vernon Hills Montessori Academy, 536 Atrium Drive

PLAY GROUND
3030 SQ.FT.



6'-0" HIGH CHAIN LINK
FENCE W/ CHAIN LINK ON
TOP OF CONCRETE
TRUCK DOCK WALL TO
MATCH 6'-0" CHAIN LINK



SITE PLAN
SCALE: 1/8" = 1'-0"