

**MINUTES
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF VERNON HILLS
SEPTEMBER 6, 2016**

President Byrne called the meeting to order at 7:20 pm.

IN ATTENDANCE: President Byrne, Trustees Grieb, Schultz, Koch, Hebda and Marquardt. Trustee Williams was absent. A quorum was established.

Also present were: Village Manager Kalmar, Assistant Village Manager Carey, Chief Fleischhauer, Finance Director Larson, Building Commissioner Atkinson, Public Works Director Brown, Attorney Brankin and Recording Secretary Fischbach.

1. APPROVAL OF THE COMMITTEE OF THE WHOLE MINUTES OF AUGUST 9, 2016

Motion by Trustee Marquardt, second by Trustee Koch, to approve the Committee of the Whole Minutes for the August 9, 2016 meeting.

Roll call vote:

AYES: 4 – Marquardt, Koch, Grieb, Hebda

NAYS: 0 - None

ABSTAIN: 1 - Schultz

ABSENT AND NOT VOTING: 1 - Williams

Motion carried.

2. REQUEST FOR AN OUTDOOR DINING AND SEATING ESTABLISHMENT PERMIT FOR ORIGINAL BAGEL, 701 NORTH MILWAUKEE AVENUE, #268

Michael Krule, representing Original Bagel has submitted an application for an Outdoor Dining and Seating Establishment permit for their business located in the Rivertree Court Shopping Center. The proposed dining and seating area will be located on the sidewalk in front of the restaurant. Eight (8) tables with a seating capacity of sixteen (16) are proposed. A 10'-0" wide pedestrian walkway would be maintained between the storefront and dining area; and a 5'-0" walkway would be maintained between the parking lot and dining area.

In 2000, the Village Board approved Ordinance #2000-61 that outlines the permitting requirements and operating standards for all outdoor establishments. As this is the applicant's initial request, the Village Board has authority to consider the application.

If the Board feels that this request is appropriate, staff should be directed to prepare a Resolution approving the request subject to the following conditions:

1. Compliance with the requirements described in the Village of Vernon Hills Code of Ordinances, Chapter 10, Article VI.
2. Compliance with the application and plan, dated July 19, 2016.

Motion by Trustee Koch, second by Trustee Schultz, directing staff to draft the necessary Resolution approving the request subject to the conditions noted above.

Roll call vote:

AYES: 5- Koch, Grieb, Hebda, Schultz, Marquardt

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Williams

Motion carried.

3. CONSIDERATION OF A RECOMMENDATION FROM THE ZONING BOARD OF APPEALS FOR A SIGN VARIATION AT 701 N. MILWAUKEE AVENUE; UNIT 362 AND 364

Background

The petitioner is requesting a variation from the Sign Code to allow the installation of a ground sign. The sign would be located adjacent to Milwaukee Avenue and would serve DXL-Men's Apparel and MOD Pizza (Both establishments are located in an out-lot building adjacent to Rivertree Shopping Center). An existing tree would be removed to increase visibility of the sign.

The Sign Code allows one tenant to have a ground sign. The variation is requested to allow the display of two tenant panels. The sign would comply with all other requirements of the Sign Code, including:

- | | | |
|-------------------|------------------------|-----------------------|
| • <u>Height:</u> | Permitted - 8'-0" | Proposed - 8'-0" |
| • <u>Size:</u> | Permitted - 50 sq. ft. | Proposed - 30 sq. ft. |
| • <u>Setback:</u> | Required - 10'-0" | Proposed - 10'-0" |

A notice of public hearing was published on July 18, 2016. Legal Notices have been mailed to all surrounding property owners and tenants and a public hearing sign was posted on the property at least fifteen (15) days in advance of the meeting.

Public Hearing:

The Zoning Board reviewed this matter at its public hearing on August 4, 2016. The petitioner testified that the property cannot yield a reasonable use and return if the variation is not granted because feedback from customers indicates they are having difficulty finding the restaurant and men's apparel store because of the high volume of traffic on Milwaukee Ave. The plight of the owner is due to unique circumstances because the restaurant and men's apparel store are visually screened by a berm and mature landscaping. The petitioner further stated that the variation, if granted, would not alter the essential character of the neighborhood because other out-lot establishments at Rivertree have ground signs.

The Zoning Board of Appeals having reviewed this matter, hereby recommends approval of a variation from the Village Code of Ordinances, Chapter 19, Signs, Section 19-3(c)(7b)1 to allow a ground mounted sign to display 2 tenant panels rather than one tenant as permitted

Upon roll call the following vote was recorded:

Ayes:	5 - Baumann, Cashen, Kennedy, Newberg, VanDerMeulen
Nays:	0
Abstain:	0
Absent:	1 - Stier

The motion carried unanimously

Requested COW Action:

If the Committee feels that the variation is appropriate, staff should be directed to prepare an Ordinance approving the variation subject to the sign being installed in compliance with the elevation drawings and site plan attached to your packet and in accordance with the recommendation from the Zoning Board of Appeals.

Motion by Trustee Schultz, second by Trustee Grieb, directing staff to draft the necessary Ordinance approving the request subject to the conditions noted above.

Roll call vote:

AYES: 4- Koch, Grieb, Schultz, Marquardt

NAYS: 1 - Hebda

ABSENT AND NOT VOTING: 1 - Williams

Motion carried.

4. RIVERS EDGE – 425 BENJAMIN DRIVE – CONCEPT PRESENTATION TO AMEND THE SPECIAL USE PERMIT FOR THE RIVERS EDGE PLANNED UNIT DEVELOPMENT TO CONSTRUCT A RESIDENTIAL BUILDING WITH 60 UNITS

Jerry Weiss, President, Weiss Development appeared before the COW to present a proposal to complete the Rivers Edge development located at 425 Benjamin Drive. The property is located immediately south of the Depke Center and across the street from Walter E. Smithe and the Springs Memory Care facility on Milwaukee Avenue.

Ordinance 2005-025 granted Weiss Development Company approval for the construction of two, five-story condominium buildings with a total of 80 units. However, only one 40-unit building was constructed at that time. The petitioner is seeking to amend the Ordinance to allow the construction of the same five-story building with a total of 60 units.

According to the letter submitted by Weiss Development, the petitioner does not feel the market will allow for the addition of 40 residential units averaging 1,835 square feet. Instead, Weiss Development has expressed interest in constructing 60 units with the units averaging 1,225 square feet. The building would be predominantly 2-bedroom units in addition to one and three-bedroom units. The build height and elevations would remain unchanged from the previous approved plans. The building would contain parking on the ground floor and four stories of residential units.

The property is currently served by a right-in, right-out. A previous condition of approval on this development required certain improvements along Milwaukee Avenue including a left turn lane into the property if any future development were to occur. The petitioner has agreed to do so and has already received IDOT approval to complete the work.

To accommodate the existing and proposed residential units, a total of 230 parking spaces are required based on the Village's parking requirements of providing 2.3 spaces per unit. Weiss Development intends to construct the previously approved 188 parking spaces, many of which are already constructed. This results in 46 parking spaces less than required, or a 1.88 parking ratio. As the Committee is aware, there are no external locations for residents or guests to park which may create a parking situation.

The HOA of the current building at Rivers Edge sent a letter to Weiss Development that is included in the packet. The HOA has expressed concern over the future development of the building and the potential for impacts to the value of their condominiums. The developer has indicated that they will work with the HOA to address their concerns.

Mr. Allen Klein, 425 Benjamin Drive was present and stated he was concerned about security if the building was to be apartments. He has been in the condos for 10 years and concerned for his property values if the other building is to be a rental.

Mr. Jerry Weiss discussed the pros and cons regarding the building being rentals versus condos. He discussed the Homeowners Association and how it would work. He talked about the parking and Trustee Schultz said he would vote no unless parking upped to 2.0 for the development. Trustee Hebda was concerned that we were saturating the market with rentals and would prefer

condos. Trustee Marquardt complimented the development but was concerned about the rentals. Trustee Grieb was concerned about the parking.

5. SA VERNON LAND PARTNERS, LLC – WOODLAND CHASE - CONSIDERATION OF REPORT AND RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION REGARDING VARIOUS ITEMS INCLUDING THE PROPOSED REZONING, SITE PLAN, PLAT OF SUBDIVISION, AND SPECIAL USE FOR A PUD FOR PROPERTY LOCATED AT THE INTERSECTION OF ROUTE 45 AND BUFFALO GROVE ROAD

Representatives from SA Vernon Land Partners, LLC appeared before the Planning and Zoning Commission on February 24, 2016, and April 6, 2016 to review the proposed 51 single family lot subdivision known as Woodland Chase. The petitioner appeared before the Committee of the Whole on May 3, 2016 where the Committee tabled the discussion until a builder for the 51 single family homes had been selected.

Since the May 3 COW meeting, the petitioner has selected Pulte Homes to construct the buildings and has met with the Planning & Zoning Commission on August 10, 2016 to review the proposed architecture where it was recommended for approval.

The Commission reviewed the architecture which consists of three separate models – Bridgeview, Melrose, and Wildwood. Each of these models has three different styles that incorporate different brick, stone, and other design elements. The petitioner understands and has agreed to comply with the Village's monotony code which requires a minimum separation of 6 lots between houses with the same architectural design. Further, buildings of the same architectural design cannot be located within 100' when across the street. The Commission was supportive of the proposed architecture and recommended that any additional models or floor plans be required to meet the architectural design and aesthetics of the plans presented and would be subject to review and approval by the Village's Building Commissioner.

The Commission was advised that due to elementary and school district boundary lines dividing the property, staff had met with representatives from Districts 103 (Lincolnshire Prairie View Elementary), 73 (Hawthorn Elementary), and 125 (Stevenson High School) to discuss the ability to redistrict the school boundary lines. District 103 recently advised the Village that they would not be willing to accept a boundary change. District 73 has also not expressed a desire to accept the entire subdivision. The Village is awaiting a response from District 128 and 103.

The Commission voted 6-0 (Ballowe absent) on August 10, 2016 to recommend approval, subject to the Conditions of Approval, of the following:

1. Preliminary and final approval of the architectural elevations.

Conditions of Approval for the entire Site:

1. The builder will incorporate 8-10 foot wide front porches as an option for homebuyers.
2. Any additional models that are incorporated into this development shall be reviewed and approved by the Building Commissioner for consistency.

Generally Consistent with the following plans:

- Architectural Elevations prepared RM Swanson Architects with a received date of July 21, 2016 and consisting of 23 pages.

The new conditions of approval and revised plans will be incorporated into the approval documents. The Village is also working with the petitioner on an Annexation Agreement that would be entered into as part of the approval of this development. The information and recommendations identified below are from the previous report presented at the May 3 COW meeting.

Previous May 3, 2016 Report to the COW

SA Vernon Land Partners, LLC is requesting the following:

1. Approval to amend the zoning classification from Lake County E - Estate, to Vernon Hills R-5 Single-family Residential PUD for the property;
2. To approve the Special Use Permit for a Planned Unit Development to allow development of a single-family residential development along with certain variations, including but not limited to F.A.R. and setbacks;
3. Preliminary and final site and landscaping plan approvals;
4. Preliminary and final approval of a Plat of Subdivision; and
5. Preliminary and final approval of the architectural elevations and signage plans.

The properties are currently in unincorporated Lake County. The site is 32 total acres which is an assemblage of three separate properties including 13.6 acres of the Sislow property, 3 acres of the Konicek property, and 15.4 acres of the Martin property. The proposed development is contingent upon annexation into the Village.

As you will recall, the property abuts Willow Lawn Cemetery to the west, Centennial Crossing subdivision to the North, River Grove subdivision to the east, and one residential homeowner to the south.

Prior to the current proposal, the developer previously met with Village Board members in 2014 to discuss a 119 unit townhome development. After further deliberations, a concept review presentation for a 56 unit single family development occurred in January of 2015 where the Committee of the Whole directed the petitioner to technical review. Through the technical review process, the lots were reduced to 51.

Site Plan: The Site Plan calls for 51 lots ranging between 7,920 to 12,249 square feet and are designed to allow woodland views from each home. An HOA would be created to provide for common area maintenance and enforce the landscape and architectural design guidelines proposed as part of the approved development. An Oak Savannah and common open space is proposed in the middle of the development which will be maintained by the HOA. Berms are also proposed along property boundaries adjacent to Route 45, Buffalo Grove Road, and the property owner to the south. The proposed berms will be maintained by the HOA.

Topography and the presence of high quality wetland on the southern portion of the properties were major determining factors in the configuration of the development. Two detention basins are proposed to the south of the homes with emergency overflow going towards Indian Creek.

It should be noted that the Village's 2012 Comprehensive Land Use Plan calls for these properties to be annexed into the Village and zoned to allow single family detached dwellings.

Access into the subdivision will be from a full access off of Route 45. Lake County DOT has indicated they will only permit a right out due IDOT permitting a full access. However, future Route 45 expansion may result in this access becoming a right in/right out. Access from Buffalo Grove Road does not align with the River Grove subdivision due to the subdivision entrance being adjacent to a home whose owner has not indicated a willingness to create access for the Woodland Chase subdivision. Efforts to purchase the home by the developer in order to align the intersection have not been successful.

The petitioner is proposing the following setbacks:

Front Yard: Required: 20'
Proposed: 25' **OK**
Side Yard: Required: 6'- interior; 20'- corner side
Proposed: 8.5'- interior; 20'- corner side **OK**

Rear Yards: Required: 30'
Proposed: 20' **proposed. Variation will be required.**
Building Height: Permitted: 35'
Proposed: 35' **OK**

The petitioner is requesting approval of FAR variations on a lot by lot basis. FAR is floor to lot area ratio, or simply, the ratio of lot size to building size excluding porches basements, and garages. For R-5 zoning, the Village requires an FAR of .33 or 3,300 square feet for a 10,000 square foot lot. In light of the overall site being 32 acres with a majority of the homes abutting open space, the Commission recommended approval to permit variations of FAR up to 48% provided that the lot width and lot area would be maintained. The average lot size is 9,393 square feet. This equates to a 4,106 square foot home on a 9,393 square foot lot. The petitioner anticipates homes averaging 3,400 square feet with a range of 2,700 square feet to 4,250 square feet. This variation will allow for common area open space on the property to continue to be maintained.

A sidewalk is proposed along one side of the internal roadway adjacent to Lots 1-22 and 23-32 which is designed to enhance the front yard depth of the homes adjacent to the common area open space. The internal roads would be public and constructed to Village design standards. A 60 foot ROW is proposed en lieu of the standard 66 foot ROW requiring a variation. However, the paved surface will be 27 feet back of curb to back of curb which is consistent with Village standards. Combined with a 25 foot front yard setback, there will approximately 40 feet between the roads to front of the homes.

Variations: The petitioner is requesting the following variations:

- Rear Yard Setback: Allow a 20' rear yard setback instead of the required 30'
- Right-of-Way Dedication: Allow 60 feet ROW dedication en lieu of the required 66 feet ROW dedication.
- Variations pertaining to the FAR of Lots 1-51 as described in the attached FAR Matrix for Woodland Chase Subdivision dated March 31, 2016.

Architectural Design: For buildings on the same side of the street, the Village monotony code requires a minimum separation of 6 lots between houses with the same architectural design. Further, buildings of the same architectural design cannot be located within 100' when across the street. The petitioner has indicated their intent to follow the Village's monotony code. A variation by the Village Board will be required to permit non-masonry constructed materials.

Site Lighting: The petitioner intends to install light poles consistent with Village requirements – both in type and in separation (300 feet per light). The lighting will be designed on one side of the roadway to compliment the sidewalks which are proposed to be on only one side.

Signage: Two Development Identification signs are proposed measuring 5 feet 6 inches. The development identification signs will be setback a minimum of 15' from any property line. The height of the signs shall not be greater than 5' above the centerline of the street. The petitioner has indicated that the signs will comply with the Village Sign Ordinance.

Landscape Plan: Unfortunately, the lack of maintenance and the existing topographical condition of the property has not allowed quality trees to thrive and invasive trees to spread

throughout the existing woodland. This will likely result in the vast majority of trees within the buildable lot areas to be removed.

Urban Forest Management conducted a tree inventory of the property and identified the conditions of 1,927 trees. The developer intends to maintain as many quality trees as possible while establishing a new growth forest in the common area open space. As part of the proposed development, unhealthy and invasive trees would be removed and existing quality trees protected during construction. Of the 51 proposed lots, 22 are proposed to be walkout or lookout basements. With the mass grading involved with lookout and walkout lots, saving trees in proposed lots will not be possible. The other 29 flat grade lots still involve mass grading to provide drainage that will greatly impact those areas.

In order to address staff questions pertaining to tree preservation, a Tree Disturbance Plan provided by RM Swanson dated March 28, 2016 shows areas to be clear cut for roadways and storm sewers. The Commission acknowledged that the majority of trees within the proposed lots would not be saved. Conditions of approval pertaining to tree preservation have been included in the report with the primary focus being the approval of a site grading and tree preservation protection plan on a lot by lot basis prior to the issuance of a building permit. A condition of approval was made requiring that trees be replaced on a one for one basis only after construction is complete. The Village's Development Ordinance calls for a three to one replacement. A letter from Urban Forest Management, Inc. dated April 28, 2016 verifies the likelihood that preservation of existing trees within the buildable lots is not likely. In addition to the plantings currently proposed, the letter recommends an additional planting of one tree per rear yard.

The petitioner is proposing to plant Oak, Maple, or Walnut trees in the front yard of each lot and all evergreen trees to be planted at no less than 6 feet in height. Parkway trees will also be installed along the roadway on a one tree per 40 feet basis.

A 6 foot double sided cedar fence on top of a landscape berm will be installed adjacent to Buffalo Grove Road and Route 45 to assist with screening headlights sweeping onto the properties. The berm and fencing would be maintained by an HOA. The berm will be located in a location that will not be impacted by road improvements to Route 45. A 50 foot buffer is proposed along lots adjacent to Buffalo Grove Road and Route 45 with the exception of Lot 32 and 31. The developer is continuing to work with ComEd regarding the potential to burying of utilities along Route 45 and Buffalo Grove Road, but utility locates may also be impacted by Route 45 expansion. All interior utilities will be required to be buried.

Public Notice: Notices were sent out to the surrounding property owners. The adjacent homeowner to the south (Andy Brinkerhoff) expressed concern regarding stormwater runoff onto his property and the visibility of his property from the homes to the north due to the 10 foot grade differential. In order to accommodate the homeowners concerns, the petitioner agreed to install a landscaped berm along Lots 19-22 and to prohibit walkout conditions for those homes. The petitioner also agreed to install a split rail fence adjacent to Lots 18 and 19 to restrict individuals from accessing the homeowner's property and to delineate the properties. Staff worked with the homeowners engineering consultant to alleviate his concerns regarding stormwater runoff.

The Commission voted unanimously 7-0 on February 24, 2016 to recommend approval, subject to the Conditions of Approval, of the following:

1. Approval to amend the zoning classification from Lake County E - Estate, to Vernon Hills R-5 Single-family Residential PUD for the property;
2. Approval of a Special Use Permit for a Planned Unit Development to allow development of a single-family residential development along with the following variations:

- i. To allow a 20' rear yard setback instead of the required 30'
 - ii. To allow 60 feet ROW dedication en lieu of the required 66 feet ROW dedication.
3. Preliminary approval of a Plat of Subdivision

The Commission voted 4-1 (Heidner opposed) (Gorog, Cotton absent) on April 6, 2016 to recommend approval, subject to the Conditions of Approval, of the following:

1. To allow the FAR of Lots 1-51 as described in the attached FAR Matrix for Woodland Chase Subdivision dated March 31, 2016.

The Commission voted unanimously 5-0 (Gorog, Cotton absent) on April 6, 2016 to recommend approval, subject to the Conditions of Approval, of the following:

1. Preliminary and final site and landscaping plan approvals;
2. Preliminary and final approval of the signage plans.

The Commission voted unanimously 6-0 (Ballowe absent) on August 10, 2016 to recommend approval, subject to the Conditions of Approval, of the following:

3. Preliminary and final approval of the architectural elevations.

Conditions of Approval

General Compliance with the following plans:

- Proposed Engineering Plans prepared by Pearson, Brown & Associates, Inc. with a received date of February 5, 2016 and consisting of 6 pages.
- Architectural Elevations prepared RM Swanson Architects with a received date of February 5, 2016 and consisting of 10 pages.
- Signage plan prepared by RM Swanson Architects with a date of February 8, 2016 and consisting of 1 page.
- Preliminary Plan prepared by R.E. Allen and Associates, Ltd with a date of August 23, 2015 and consisting of 3 pages.
- Woodland Chase Subdivision Design Guidelines prepared by RM Swanson Architects with a date of February 19, 2016 and consisting of 7 pages.
- Proposed Site Plan prepared by Williams Architects with a received date of February 10, 2016 and consisting of 2 pages.
- Proposed Tree Disturbance Plan prepared by RM Swanson Architects with a date of March 30, 2016 and consisting of 1 page.
- Proposed Site Landscaping Plans prepared by McCallum Associates with a received date of March 31, 2016 and consisting of 6 pages.
- Existing Conditions and Geometric Plans prepared by Pearson, Brown & Associates, Inc. with a date of March 29, 2016 and consisting of 2 pages.
- FAR Matrix for Woodland Chase Subdivision prepared by RM Swanson Architects with a date of March 31, 2016 and consisting of 2 pages.

Conditions of Approval for the entire Site:

1. The Woodland Chase Subdivision Design Guidelines will be incorporated in the "General Compliance" section of the Ordinance approving the Special Use.
2. Additional landscaped screening shall be added in the side and rear yards adjacent to Route 45 right of way on Lot 32 and the rear lot of Lot 31.
3. An exhibit locating the sales trailer and related parking lot shall be included along with the location of the model homes.
4. Development identification signage shall be identified on the approved landscape plans and comply with the Village's sign regulations.

5. Front, side, and rear building elevations will be required to have design features of architectural significance that includes high quality exterior finished materials such as stone, brick, or masonry veneers. This includes ornamental features such as bay and box bay windows, dormers, covered porches and architectural trims.
6. Final approval of engineering and landscape plans by the Village Engineer and Landscape Technician prior to issuance of a building permit.
7. Compliance with the Village's Street Lighting Poles standards as set forth in the Development Ordinance.
8. Developer contributions shall be made to School Districts 73, 128, 125, 103, and Vernon Hills Park District pursuant to Development Ordinance. Fees will be collected prior to issuance of individual building permits.
9. Compliance with all ordinance and standards of the Village except as otherwise noted.
10. Final Plat of subdivision shall be modified reviewed and approved subject to Village Attorney and Village Engineer approval.
11. Stormwater outflow from the detention pond are subject to Village Engineer approval.
12. Fencing shall be permitted provided that they are wood cedar picket, split rail or decorative aluminum with a maximum height of 36 inches along the side and rear property lines subject to all state and local ordinances.
13. Split rail fencing shall be installed along all lots with side or rear yards adjacent to open space other than Lots 19-32.
14. The landscaped berm along Route 45 shall be installed in a location not impacted by future road improvements.
15. A 6 foot double sided cedar panel fencing shall be installed on the top of the berm along the rear yards of Buffalo Grove Road, and Route 45 and shall be maintained by the HOA.
16. Trees desired to be saved will be noted on the preliminary and final subdivision improvement plans.
17. A site grading and tree preservation protection plan, on a lot by lot basis, shall be provided and approved by the Village's Landscape Technician prior to building permit issuance. Building placement and driveway shall be designed in such a way as to avoid unnecessary removal of trees deemed to be in good health by a certified arborist.
18. Parkway tree plantings will be consistent with Village Ordinance and, on the non-sidewalk side, in the equivalent right of way area.
19. During construction, all reasonable steps necessary to prevent damage of trees designated to be preserved shall be taken, but trees designated to be preserved that require removal within landscape maintenance period will be replaced on a 1:1 ratio.
20. Appropriate protective fencing shall be temporarily installed for protection of trees and tree drip lines designated to be preserved. No fencing may be moved, altered, change or removed until completion of work without prior written permission from the Village's Landscape Technician or designee. Fencing shall comply with section 2.07 of the Village's Development Regulations.
21. Per the Woodland Chase Subdivision Design Guidelines, a minimum of one oak, maple, or walnut shall be planted in the front yard, but if an existing high quality tree exists, the new tree shall be planted in the rear yard or other location within the development at the discretion of the Village's Landscape Technician.
22. Invasive species shall be removed in coordination with the Village's Landscape Technician in the proposed detention basins, lots, and internal common area open space. Long term maintenance shall be the responsibility of the HOA.
23. A letter will be required to be signed by property owners at the time of closing acknowledging receipt of an exhibit indicating the high school and elementary school district boundary lines in the Woodland Chase development.
24. A letter will be required to be signed at the time of closing for owners of Lots 23-32 acknowledging understanding of IDOT's intent to conduct certain roadway improvements up to and including widening Route 45.

25. The Petitioner agrees to install split rail fence between Lots 18 and 19.
26. Petitioner will work with the Village engineer and adjacent property owner to the extent possible so there is a level of engineering comfort that the overland water flow on the adjacent property is not increased.
27. The petitioner agrees to prohibit walkout condition on Lots 19-22. Lookouts are permitted.
28. A tree preservation plan will be established on a lot by lot basis.
29. An additional one heritage (oak, maple, or walnut) tree shall be planted in the rear yard of each lot.

Variations - The following variations are recommended for approval

- To allow a 20' rear yard setback instead of the required 30'
- To allow 60 feet ROW dedication en lieu of the required 66 feet ROW dedication.
- To allow the FAR of Lots 1-51 as described in the attached FAR Matrix for Woodland Chase Subdivision dated March 31, 2016.

If the COW feels that the request is appropriate, it is recommended that the staff be directed to prepare the necessary ordinance granting approval to the following:

1. Approval to amend the zoning classification from Lake County E - Estate, to Vernon Hills R-5 Single-family Residential PUD for the property;
2. To approve the Special Use Permit for a Planned Unit Development to allow development of a single-family residential development along with certain variations, including but not limited to FAR and setbacks;
3. Preliminary site and landscaping plan approvals;
4. Preliminary approval of a Plat of Subdivision; and
5. Preliminary approval of the architectural elevations and signage plans subject to additional architectural review and recommendation by the Planning & Zoning Commission once a builder has been chosen.

The approvals would be subject to compliance with the variations and the Conditions of Approval.

Motion by Trustee Schultz, second by Trustee Marquardt, directing staff to draft the necessary Ordinance approving the Woodland Chase Development, subject to the conditions noted above.

Roll call vote:

AYES: 5- Koch, Grieb, Hebda, Schultz, Marquardt

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Williams

Motion carried.

6. INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF VERNON HILLS AND LAKE COUNTY, AND MELLODY FARM LLC REGARDING THE CUNEO INTERSECTION COMMERCIAL PROPERTY & SECOND AMENDMENT TO AGREEMENT FOR SANITARY SEWER AND WATER SUPPLY SERVICES TO THE CUNEO SERVICE AREA (AVM CAREY)

AVM Carey noted that the proposed Melody Farm development is located at the northeast corner of Milwaukee Avenue and Townline Road and is also known as the Cuneo Intersection Commercial Property. The developer, Regency Centers, is proposing a mixed-use commercial and residential development on this property. However, the proposed residential portion of the development on the property requires additional governmental approvals by the Village and Lake County. These approvals are required due to the 1996 agreements between the Village and Lake County regarding land management and water and sanitary service for Greggs Landing and the other Cuneo properties, including the Cuneo Intersection Commercial Property. The proposed changes are outlined below:

A. Intergovernmental Agreement By and Between Lake County and Vernon Hills

The proposed intergovernmental agreement codifies the changes required in the Joint Local Land Resource Management Plan and Agreement between Lake County and the Village to allow for the residential development on the Cuneo Intersection Commercial Property. The Agreement acts as an umbrella document for amending the Declaration of Covenants and Sewer and Water Agreement.

Staff is requesting direction from the COW on the appropriateness of the Intergovernmental Agreement. If the COW feels that the Intergovernmental Agreement is appropriate, staff should be directed to prepare the necessary Resolution authorizing execution of the Intergovernmental Agreement subject to review by the Village Attorney and approval by Lake County

B. Amended Declaration of Covenant

The original Declaration of Protective Covenant prohibited any residential use on the Cuneo Intersection Commercial Property. The Amended Covenant modifies the Declaration by allowing up to 265 dwelling units on the property.

Staff is requesting direction from the COW on the appropriateness of the Amended Declaration of Covenant. If the COW feels that the Amended Declaration of Covenant is appropriate, staff should be directed to prepare the necessary Resolution authorizing execution of the Amended Declaration of Covenant subject to review by the Village Attorney and approval by Lake County.

C. Second Amendment to Agreement For Sanitary Sewer and Water Supply Services to the Cuneo Service Area

The Sanitary Sewer and Water Supply Services Agreement was approved as part of the Greggs Landing development. As part of the Pulte Homes development on the Cuneo Mansion property, this agreement was amended to increase to 2,126 the number of homes to be serviced by Lake County for water and sanitary. This Second Amendment to the Agreement allows for an additional 265 homes (to a total of 2,391) to be serviced over and above the previously approved 2,126 dwelling units.

Staff is requesting direction from the COW on the appropriateness of the Second Amendment to Agreement For Sanitary Sewer and Water Supply Services Agreement. If the COW feels that the Agreement is appropriate, staff should be directed to prepare the necessary Resolution authorizing execution of the Second Amendment subject to review by the Village Attorney and approval by Lake County.

D. Amendment to Ordinance 96-30

The Cuneo Intersection Commercial property is subject to Ordinance 96-30 adopted by the Village in 1996. Ordinance 96-30 requires the County's prior written approval before the Village can grant any final land use entitlements that are less restrictive than the Land Management agreement also adopted in 1996, which prohibited residential use on the Cuneo Intersection Commercial property.

The Planning & Zoning Commission will meet on September 7 to review for approval amending Ordinance 96-30 to eliminate the County's pre-approval restrictions. The Public Works Committee of Lake County at its August 31, 2016 meeting also recommended approval of amending Ordinance 96-30.

Staff is requesting direction from the COW on the appropriateness of the Amendment to Ordinance 96-30. If the Planning & Zoning Commission recommends approval on September 7 and the COW feels that the Agreement is appropriate, staff should be directed to prepare the necessary Ordinance to adopt an amendment to Ordinance 96-30.

E. Escrow Instructions.

The Proposed Escrow Instructions are a mechanism by which Lake County can be assured that the Regency project is approved by the Village pursuant to the general parameters as currently proposed by Regency. The Escrow instructions call for the deposit into escrow of the above captioned documents (A thru D) as well as the actual ordinance granting the Planned Unit Development for Regency, should the Village adopt such an ordinance. Other documents, such as the Deed putting Regency in ownership will also be deposited into the escrow agreement, if in fact Regency closes on the property. Only if all of the documents are executed and adopted and deposited into the escrow, such as the Village actually adopting the PUD Ordinance and Regency actually closing on the property, will all these documents be effective. If one or more of those events do not occur then the County approval of the documents will not become effective.

Lake County's Public Works Committee approved the above documents at its August 31st Committee meeting and the Lake County Board of Commissioners is scheduled to consider approving the documents at its September 13th County Board meeting.

Motion by Trustee Schultz, second by Trustee Hebda, directing staff to prepare the necessary Resolution authorizing execution of the Escrow Instructions

Roll call vote:

AYES: 5 - Koch, Grieb, Hebda, Schultz, Marquardt

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Williams

Motion carried.

7. LASCHEN COMMUNITY CENTER UPDATE

Village Manager Kalmar indicated that in December of 2002, the Village and Park District entered into a lease agreement that allowed the Park District to become a tenant and operate the Laschen Center.

In early August, the District provided the Village with written notice that they intend on leaving the building sometime in March. With Sullivan Center expansion/renovation underway, they estimate that most of the work will be completed January 2017. Due to unforeseen construction delays and winter weather concerns, the District plans to move its office to the Sullivan Center in March.

In preparation for its move, the Park District has sent letters out to the various users who use or rent space in the Laschen Center advising them that, effective January 1, 2017, the District will no longer be renting space in the Laschen Center. The letter advises that the building is owned by the Village and that they have no information on the future use of the space. They directed any questions to us. To date, we have received 2-3 calls although I believe that we will receive additional calls the closer we get to the end of the year.

The Park District has provided the contact information for the current users. Initially, it appears that a total of 20 groups rent space which accounts for an estimated 113 meetings annually. The largest number of groups includes various HOAs and 6 scout troops. There is also a church that rents space weekly for its worship services and related activities. The building also serves as the home for the Vernon Hills Lion Club. The Village has previously approved a lease for Representative Carol Sente's district office in the building. Finally, the Sport Shed and baseball

& softball groups use the basement for equipment storage. The rental fees have been used by the Park District to recover a portion of the ongoing maintenance and manpower costs related to operating the center. Based on initial estimates, it appears that annual rental income from all users is \$22,590.

In talking with the Park District, room availability at the Sullivan Center is going to be limited and that they will not be able to accommodate a number of the current Laschen Center users.

For the Laschen Center building, the main portion of the structure is nearly 60 years old. Currently, it has significant HVAC and mechanical issues. The District has advised that the current AC unit in its Board Room is broken and will not be repaired. The roof is leaking in several of places and there are ADA related issues throughout the building. As you may recall, there were also environmental issues in the building which was one of the several reasons the Village decided to building a new Village Hall. Based on a structural and systems review by the Park District, they estimate that the building currently needs approximately \$250,000 in repairs.

Staff believes that there will always be some need for public meeting space. The questions are where, in what form, and provided by whom? Unfortunately, the current age of the building coupled with the needed repairs and ongoing O&M costs raises serious questions about future disposition of the Laschen Center. Staff's initial conclusion is that the Laschen Center should not be repaired and preserved for future use.

Going forward, does the Village Board want to consider providing meeting room space to offset a portion of the space lost with the closing of the Laschen Center?

If the Board wants to consider that question and what options are available, it is recommended that we explore the option of repurposing a portion of space within Village Hall. This would include determining what type of space could be created, the feasibility and probable cost of this option and how it might affect operations within the building. The Hezner Corporate has been asked to provide a cost estimate to perform this preliminary study. Hezner did the space analysis and design for the Police Department renovation. This information could then be used for discussions during formulation of the FY17/18 budget.

6. ADJOURNMENT OF THE COMMITTEE OF THE WHOLE

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

Roll call vote:

AYES: 5- Koch, Grieb, Hebda, Schultz, Marquardt

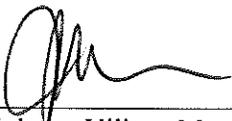
NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Williams

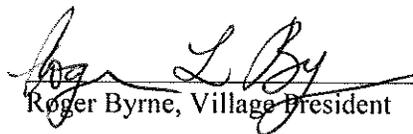
Motion carried.

Meeting adjourned 9:20 p.m.

Approved this 19th day of September 2016



John M. Kalmar, Village Manager/
Village Clerk



Roger Byrne, Village President

JMK/LLF