

PLANNING AND ZONING COMMISSION
MINUTES
September 14, 2016

I. Call to Order and Roll Call

The meeting was called to order at 7:33 p.m.

Attendance: Chairperson Morris, Commissioners Hezner, Heidner, Ballowe, Cotton and Mulcrone, were present. Commissioner Gorog was absent. A quorum was established.

Also in Attendance: Joe Carey, Assistant Village Manager (AVM)

II. Continuation of Public Hearing

1. Case #16-03 being a petition filed by Matthew Hendy of Regency Centers d/b/a Mellody Farm LLC , 1211 W 22nd, Street, Suite 300, Oak Brook, IL 60523 and Tim Anderson of Focus Acquisitions, LLC, 211 Waukegan Road, Suite 220, Northfield, IL 60093, to amend and seek relief from Ordinance-683, Ordinance 96-30 and Appendix C of the Village of Vernon Hills Code of Ordinance, Articles 13, 18, 20 and 21, Section 21.6, and to grant the following:
 1. Approval of an amendment to Ordinance 96-30 to allow residential development on the northeast corner of Milwaukee Avenue and Townline Road
 2. Approval of a Special Use Permit for a Planned Unit Development to allow development of a mixed use residential and retail commercial center along with certain variations, including but not limited to, building height, landscape buffer, yards and setbacks, building separation, signage and parking requirements.
 3. Approval of certain Special Use Permits to allow restaurants, which may serve alcohol, and restaurants with carry-out and fast food (included but not limited to coffee) with drive-thru, a bank with a drive-thru facility and a pharmacy with a drive thru facility.
 4. Preliminary and final site and landscaping plan approvals
 5. Preliminary and final architectural elevations approvals
 6. Preliminary and final Plat of Subdivision approvals

The property, commonly known and is located on the northeast corner of Milwaukee Ave (Route 21) and Townline Road (Route 60) in Vernon Hills, Illinois. The Property Index Number for this property is 11-34-300-013 and 11-34-300-012

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

The petitioner acknowledges that the 34 conditions that the Staff has proposed, they are in agreement with. He indicated that they will be reviewing signage this evening. Before reviewing the signage package, the petitioner presented updated elevations. Matt Hendy discussed the project and noted that they are willing to work with Staff to make the project work. He noted that access to the Des Plaines River Trail wasn't in the cards due to cost and approvals from various governing bodies. He talked about the Whole Foods building elevations. He covered some of the retail architecture revisions that were discussed last week. There were five areas of concern and he presented updated elevations that would enhance the buildings. Commissioner Mulcrone asked a couple questions regarding the elevations of Building K. Commissioner Hezner provided input on the elevations. Mr. Hendy indicated that they would not be doing a dog park due to insurance, cross access and liability issues.

Ms. Vicki Lee presented the sign package for the residential portion of the project. She pointed out the monument signs for the residential development. The design and location of the three directional signs was discussed. She talked about the building sign in terms of design, lighting and location on the building. Commissioner Mulcrone asked if the stone on the residential sign matches the stone on the building and Ms. Lee responded that it did.

Mr. Cogland discussed the signage for the retail portion of the project. He discussed wall signs, canopy signs, painted signs, marquee signs, blade signs and landlord signs. Chairman Morris asked about the painted signage and it was noted that if a tenant did not want to paint a sign on the side of the building then Regency Centers has the option to do a painted sign promoting the development or just artwork. He noted that Whole Foods would be doing a painted sign on the north elevation of the building.

The Petitioner discussed the variances they would be requesting for signage. He presented a power point presentation of all the facades and what signage would be allowed. Commissioner Cotton noted that she was not in favor of six foot signage. The Commission discussed individual buildings and the signage that would be allowed on each building. Chairperson Morris questioned signage that faces Milwaukee and Townline Road versus the signage that faces inward to the development. The Petitioner went over their signage plans and how they would fit onto each building. When the tenants sign their lease they would create a sign the fits within the descriptions provided and it would have to be approved by the developer and the Village. Commissioner Hezner suggested looking at the back of the elevations and breaking them up so that it does not look like one long sign. Commissioner Mulcrone asked what the approval process the painted signage need. AVM Carey noted that there would not be a specific approval but it would have to be specific to the use. It was noted that the painted signs would not be advertising but identity related signage. There will be Melody Farms landlord signage on the Whole Foods building. They discussed the pylon signs in detail and the possible use of logos on the signs. Chairperson Morris asked if any of the painted wall signs are visible from Milwaukee or Townline. It was noted that a couple of them would be visible. Commissioner Cotton was concerned about the painted signs weathering. Commissioner Ballowe though the weathered signs would be rustic and add character to the building. Commissioner Mulcrone thought a design competition for the painted signage would be appropriate.

THE PUBLIC HEATING WAS OPEN FOR PUBLIC COMMENT. THERE BEING NONE, THE PUBLIC HEARING WAS CLOSED.

Chairperson Morris discussed conditions of approval that would be added to the list regarding access to the forest preserve and signage. He noted there were currently 34 conditions that the Petitioner had indicated they are satisfied with. In addition, Condition 35; that the petitioner would work with Village staff to provide access to lots 1 and 2 to the eastern portion of the property which is referred to as the conservation easement. Another condition would be that there is no individual use of personal advertising signs. They would also encourage flexibility with the public art and signage. Condition 38; would be subject to the September 14, 2016 memo from Building Commissioner entitled Project Melody Farms Updated Sign Plan as well as the comments presented tonight related to some additional explanations. Also subject to the revised architectural elevations presented tonight with an agreement to at least consider the rear facades of the buildings that were differentiation of elevation of signage on each building on the western elevation advancement to Milwaukee Ave. Chairperson Morris asked if the Commission would like to make a condition on the southern most entry on Milwaukee which is a right-in right-out. The Commission decided to vote on this issue separately.

- a) Chairperson Morris made a motion to recommend approval of a Special Use Permit for a Planned Unit Development to allow development of a mixed use residential and retail commercial center known as Melody Farm, subject to the following conditions for the entire site excluding Conditions 36 and 38, which will be considered separately:

Conditions of Approval for the entire Site:

1. Final Engineering Plan approval by the Village Engineer and Final Landscape Plan approval by Landscape Architect to determine substantial conformity to approved preliminary plans, prior to issuance of a building permit.
2. No outdoor sales are permitted on the site without prior approval by the Village Board of Trustees.
3. IDOT approval of the proposed roadway and intersection improvements.
4. The Building Commissioner shall review and approve the type of building protection, i.e. bollards, curbing, etc, to prevent damage to the building for those portions of the building not protected by curbs.
5. Developer contributions shall be made to School Districts 73, 128, and Vernon Hills Park District pursuant to Development Ordinance. Fee's will be collected prior to issuance of individual building permits.
6. The Village Attorney shall review and approve the REA Documents for the project prior to recordation of the Plat of Subdivision.
7. Final Plat of subdivision shall be modified reviewed and approved subject to Village Attorney and Village Engineer approval.
8. Except as modified on the approved signage plan, , all signage shall comply with the Village's sign ordinance, being Chapter 19 of the Code of Ordinances.
9. Cart return corrals shall be of the same aesthetic design and quality as the Shoppes of Gregg's Landing development.
10. Signage for Cart Return Pens shall be informational. The maximum size of these signs shall be 3 sq ft.
11. All off loading activity for Building L will occur within the screened enclosure.
12. Petitioner is hereby encouraged to work with Vernon Hills building supply stores and to shop locally.
13. The Village and Petitioner/Co-developers shall work together to address the following:
 - a. Maintain the residential development in single ownership by one entity.
 - b. The Village recognizes that there might be a desire to convert all or a portion of this project to condominiums. In that event, we further recognize there will be multiple residential owners. The Village wants the ability to approve a conversation before it could occur to insure the proper association documents and related standards are in place.
 - c. Share common area maintenance costs for the entire development.
14. The landscape plans for Lot 1 and Lot 2 require the inclusion of bike racks. The number and locations of these racks will be reviewed and approved by the Village Landscape Architect.
15. The Developers will work with the Village Staff to address all current technical review comments.
16. Shared parking between Lot 1 and Lot 2 will be provided in the manner discussed and presented by Developer at the Public Hearing, and shall be included in the REA documents or other documents as required.
17. There shall be no overnight parking or idling of trucks on Lot 1.
18. Landscaping with perennial flowers will be required at each ground mounted sign subject to review and approval by the Village Landscape Technician.

19. Regency shall maintain consistency of building materials between the architectural elevations and the monument signs.
20. Automatic changing copy signs are prohibited for any wall mounted sign.
21. Provide screening from all sides for the RTU's that are visible from Milwaukee Avenue or Townline Road and utilize a metal roof mounted system.
22. Parking lot islands, median entrance magazines and adjacent parkways, grass areas of the magazine shall be irrigated.
23. Compliance with all ordinance and standards of the Village except as otherwise noted on the approved plans.
24. Annual approval of outdoor dining permits for any restaurant which provides outdoor seating.
25. For any new tenant or building whose leasable space has its own exterior storefront, the Building Commissioner shall review the proposed storefront elevation to determine the general compatibility with the previously approved architecture and signage criteria. He may require changes to the elevations or the tenant may request to appear before the Village Board to request approval of the proposed elevation.
26. After final plan approval by the Village Board, any minor plan amendments proposed by Regency and Focus shall be reviewed and approved by the Village Engineer, Building Commissioner, the Assistant Village Manager, and the Landscape Architect prior to Regency and Focus submitting construction plans for a building permit.
27. Plat of subdivision is subject to IDOT approval
28. Plat of dedication subject to drainage and utility easements and the required future IDOT right of way dedication being incorporated into a plat to be reviewed by the Village.
29. Increase the colored articulation of the residential architecture.
30. Landscaping subject to additional staff review and approval in the event site plan modifications impact the current proposed landscaping.
31. Village staff will ensure no species and planting types are on the Midwest Invasive Plant Network list of invasive.
32. Light poles adjacent to Milwaukee and Townline Road must be reduced to the parapet height of the adjacent buildings
33. Shields shall be installed on light posts closest to the Lake County Forest Preserve District property
34. Except as modified in the approved lighting plan, comply with all Village ordinances that pertaining to lighting
35. Work with Village staff to provide access from Lots 1 and 2 to eastern portion of property (conservation easement)
36. No individual sale or offsite advertising permitted in any signage depicted on the approved signage plan
37. Differentiate elevation of signage on western elevations of Buildings F, H, and K adjacent to Milwaukee Avenue to break up profile of signage.
38. Encourage public art or painted signs

Seconded by Commissioner Ballowe

Vote

Ayes: 6 - Hezner, Heidner, Ballowe, Cotton, Mulcrone, Morris,

Nays: 0 - None

Absent: 1 - Gorog

The Commission voted 6-0 to recommend approval of a Special Use Permit for a Planned Unit Development to allow development of a mixed use residential and retail commercial center

known as Mellody Farm, subject to the above conditions for the entire site excluding Conditions 36 and 38, which will be considered separately

- b) Chairperson Morris made a motion to recommend approval of the signage variation subject to the following conditions:

1. No individual sale or off site advertising permitted in any proposed painted sign areas.
2. Encourage public art and painted signs throughout the development.
3. Approval of signage and associated variations identified in the Memorandum from Mike Atkinson, Building Commissioner dated September 14, 2016, as well as the variations that were presented at the September 14, Planning & Zoning Commission.

Seconded by Commissioner Hezner

Vote

Ayes: 5 - Hezner, Heidner, Ballowe, Mulcrone, Morris,

Nays: 1 - Cotton

Absent: 1 - Gorog

The Commission voted 5-1 to recommend approval of the signage variation subject to the above conditions:

- c) Chairperson Morris made a motion to recommend approval of a right-in right-out access on the southern most access on Milwaukee Ave.

Seconded by Commissioner Cotton

Vote

Ayes: 2 - Hezner, Cotton

Nays: 4 – Heidner, Mulcrone, Morris, Ballowe

Absent: 1 - Gorog

The Commission 2-4 to recommend as a condition of approval of a right-in right-out access on the southern most access on Milwaukee Ave. Motion failed.

- d) Chairperson Morris made a motion to recommend approval of a right-in only access on the southern most access on Milwaukee Ave.

Seconded by Commissioner Cotton

Vote

Ayes: 3 - Cotton, Morris, Ballowe

Nays: 3 – Heidner, Mulcrone, Hezner

Absent: 1 - Gorog

The Commission voted 3-3 to recommend as a condition of approval of a right-in only access on the southern most access on Milwaukee Ave. Motion failed

- e) Chairperson Morris made a motion to recommend approval no access on the southern most access on Milwaukee Ave.

Seconded by Commissioner Heidner

Vote

Ayes: 2 - Mulcrone Heidner

Nays: 4 – Hezner Cotton, Morris, Ballowe

Absent: 1 - Gorog

The Commission voted 2-4 to recommend as a condition of approval no access on the southern most access on Milwaukee Ave

- f) Chairperson Morris made a motion to close the Public Hearing.

Seconded by Commissioner Mulcrone

Vote

Ayes: 6 - Mulcrone Heidner, Hezner Cotton, Morris, Ballowe

Nays: 0 - None

Absent: 1 - Gorog

The Commission voted 6-0 to close the Public Hearing.

2. Case #16-09 is a petition filed by Forge Club Partners, LLC, 700 Osterman Ave, Deerfield, IL 60015, requesting pursuant to Appendix C of the Village of Vernon Hills Code of Ordinances, Article 12, 18, 20 and 21, Sections 21.6 and 21.7, the following:

- a) Approval to amend the zoning classification from B-1 General Business to R-7 Multi-family Residential PUD for the property; and
- b) Approval of a Special Use Permit for a Planned Unit Development to allow development of a multi-family residential subdivision along with certain variations, including but not density, setbacks and parking requirements.
- c) Preliminary and final site and landscaping plan approvals.
- d) Preliminary and final approval of the architectural elevations
- e) Preliminary and final approval of the Plat of Subdivision

The proposed development is located at 634 Milwaukee Avenue and is zoned B-1 General Business. The property is located on the site of the former Forge Club. The Property Index Numbers for this property is 15-10-300-003.

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

Mr. Cal Bernstein, Attorney for the Applicant introduced members of the team. He provided an overview of the project location, lot size, site plan, elevations and architecture. The variations they are requesting are density, town home separation of 20 feet versus 30 feet and rear yard setback of 120 feet. They are acceptable to all conditions recommended by Staff with the exception of item 13, 17 and 20. They have not completed all engineering plans and want to defer these three items until they finalize engineering and also talk with the Fire Department. They have a sample board and are available to answer any questions.

Commissioner Heidner asked where the fire connection would occur. Scott Anderson, Anderson Engineering, noted they are proposing an access off the loop road by Lifetime Fitness.

Commissioner Mulcrone asked about density and felt that this project is almost double the density for an urban project. Commissioner Hezner discussed variations and felt that the magnitude of the variations is disconcerting. Chairperson Morris noted the plans they have are dated July 7, 2016 and show a 15 foot building separation on the buildings to the north. The correct plans are dated August 5, 2016. He asked about the driveway stacking and Building Commissioner Atkinson noted that you could get up to four cars on the driveway. It was noted there were 21 on street parking spaces and 2 cars per garage which meets the parking requirement of 161 spaces.

Chairperson Morris was concerned with the width of the garages. The petitioner noted that the garages were narrow but the homeowners do not have lawnmowers, snow blowers and the like. There is also room under the staircases for the trash receptacles. Chairperson Morris asked what type of green space did these residents have available to them and the petitioner noted the forest preserve across the street and a bike trail that runs in front of the property. He noted the north units have a balcony on the first floor. Commissioner Mulcrone asked the locations of the A/C units and it was noted they would go in between the driveways and on the back of the buildings. It was noted that there is full access off of Milwaukee Ave with a dedicated turn lane. AVM Carey asked about restricting the U turns on Woodlands parkway and the petitioner noted they would not.

Chairperson Morris noted that he was concerned about the density, access onto Milwaukee for the residents and the secluded nature of the development. Commissioner Heidner echoed Chairperson Morris's concerns and also commented on the driveway and garages.

THE PUBLIC HEARING WAS OPEN FOR COMMENTS. THERE BEING NO COMMENTS, THE PUBLIC HEARING WAS CLOSED.

- a) Chairperson Morris made a motion to recommend approval to amend the zoning classification from B-1 General Business to R-7 Multi-family Residential PUD for the property, subject to the following conditions:

Conditions of Approval for the entire Site:

1. An exhibit locating the sales trailer and related parking lot shall be included on a separate exhibit along with the location of the model homes.
2. Development identification signage shall be identified on the approved plans and comply with the Village's sign regulations.
3. Roof covering shall be architectural random tab shingles, slate or cedar shake shingles.
4. EIFS finishes shall only be used as an accent material and limited to architectural elements such as bays, entry's, or dormers.
5. All plumbing stacks and vent ducts shall be earth-tone or black in color, said color shall be approved prior to issuance of a building permit.
6. 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 would also include ornamental features such as bay and box bay windows, dormers, covered porches and architectural trims.
7. Design elements shown on the front elevation shall be incorporated into the side and rear elevations.

8. Final approval of plans by the Village Engineer and Landscape Technician prior to issuance of a building permit.
9. Compliance with the Village's Street Lighting Poles standards as set forth in the Development Ordinance.
10. Developer contributions shall be made to School Districts 125 and 103, and Vernon Hills Park District pursuant to Development Fee. Fee's will be collected prior to issuance of individual building permits.
11. Compliance with all ordinance and standards of the Village except as otherwise noted.
12. Final Plat of subdivision shall be modified reviewed and approved subject to Village Attorney and Village Engineer approval.
13. The roadway is to be crowned and the mainline storm sewer is to be shifted to the south side of the street.
14. Prior to final approval of the improvement plans, the petitioner must provide a letter from IDOT which approves the detention pond setbacks from Milwaukee Avenue.
15. All sump pumps and downspouts shall be connected directly to storm sewers.
16. The Village Attorney shall review and approve the REA documents for the project and maintenance of the buildings and common area space.
17. The roads and drive aisles shall be considered privately-owned. These private roads and drive aisles shall be built to public road standards as set forth in the Development Ordinance, being Appendix B of the Code of Ordinances.
18. A letter of awareness be required to be signed by all homeowners acknowledging their property is surrounded by property zoned BP- Business Park and may be developed as office/industrial/or warehouse use.
19. Site approvals are subject to Village Engineer, I.D.O.T., LCPW, Lake County SMC and USACOE approval as appropriate.
20. The Developer shall provide an emergency access connection, paved and gated, which shall be provided from the southwest corner of the property to the adjacent property to the south, currently owned by Lifetime Fitness.

Seconded by Commissioner Ballowe

Vote

Ayes: 0 - None

Nays: 6 – Ballowe, Cotton, Hezner, Heidner, Mulcrone, Morris

Absent: 1 - Gorog

The Commission voted 0-6 to recommend approval to amend the zoning classification from B-1 General Business to R-7 Multi-family Residential PUD for the property. Subject to the above conditions. Motion failed.

- b) Chairperson Morris made a motion to recommend approval of a Special Use Permit for a Planned Unit Development to allow development of a multi-family residential subdivision along with certain variations

Seconded by Commissioner Cotton

Vote

Ayes: 0 - None

Nays: 6 – Ballowe, Cotton, Hezner, Heidner, Mulcrone, Morris

Absent: 1 - Gorog

The Commission voted 0-6 to recommend approval of a Special Use Permit for a Planned Unit Development to allow development of a multi-family residential subdivision along with certain variations. Motion failed.

- c) Chairperson Morris made a motion to recommend preliminary and final site and landscaping plan approvals.

Seconded by Commissioner Cotton

Vote

Ayes: 0 - None

Nays: 6 – Ballowe, Cotton, Hezner, Heidner, Mulcrone, Morris

Absent: 1 - Gorog

The Commission voted 0-6 to recommend preliminary and final site and landscaping plan approvals

- d) Chairperson Morris made a motion to recommend preliminary and final architectural elevation approvals

Seconded by Commissioner Hezner

Vote

Ayes: 1 – Heidner

Nays: 5 – Ballowe, Cotton, Hezner, Mulcrone, Morris

Absent: 1 - Gorog

The Commission voted 1- 5 to recommend preliminary and final architectural elevation approvals. Motion failed.

- e) Chairperson Morris made a motion to recommend approval of the Plat of Subdivision

Seconded by Commissioner Heidner

Vote

Ayes: 0 - None

Nays: 6 – Ballowe, Cotton, Hezner, Heidner, Mulcrone, Morris

Absent: 1 - Gorog

The Commission voted 0 - 6 to recommend approval of the Plat of Subdivision. Motion failed

III. Development Review

IV. Discussion

AVM Carey noted the next meeting would be on October 19th to discuss the Pulte Home development on the Cuneo/Loyola grounds. He noted they recently had a meeting with the Village and Pulte and the residents main concern was that access onto the property from Museum Blvd. He also noted that Chase Bank is in Technical Review and may go to the Commission in

October. He is also looking at the second building in the River's Edge development. They will be requesting in increase in density.

V Adjournment

With no further items on the agenda, Chairperson Morris made a motion to adjourn the meeting. Commissioner Cotton seconded and on a voice vote, the motion was approved unanimously.

Meeting adjourned 10:15 pm.

Respectfully submitted,

Joseph T. Carey
Assistant Village Manager

Distribution:

Village President and Trustees
Village Clerk
Village Manager
Commission Members

11/30/16

Approval Date

Chairperson

Secretary

File

Videotape of the meeting retained on file pursuant to Village policy