

VILLAGE OF VERNON HILLS

ORDINANCE 2015-008

AN ORDINANCE GRANTING VARIATIONS FROM THE SIGN CODE FOR WESTFIELD HAWTHORN SHOPPING TOWN GENERALLY LOCATED AT THE INTERSECTION OF ROUTE 21 (MILWAUKEE AVE) AND ROUTE 60 (TOWNLINE RD), IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

THE 3rd DAY OF FEBRUARY 2015

Published in pamphlet form by the Authority of the President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois, this 11th Day of February 2015

ORDINANCE NO. 2015- 008

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FOR WESTFIELD HAWTHORN
SHOPPING TOWN GENERALLY
LOCATED AT THE INTERSECTION
OF ROUTE 21 (MILWAUKEE AVE)
AND ROUTE 60 (TOWNLIN RD), IN
THE VILLAGE OF VERNON HILLS,
LAKE COUNTY**

WHEREAS, Westfield, LLC, owner of the property located at 122 Hawthorn Center, known as Westfield Mall (the "Mall") being generally located at the intersection of Route 21 (Milwaukee Avenue) and Route 60 (Townline Road); and

WHEREAS, the Village Board finds that:

- a) the Mall contains approximately 1,256,000 square feet of retail and commercial floor area; and
- b) the major buildings in the Mall are set back from the travelled way of Illinois State Route 60 a distance of 415 feet and of the travelled way of Illinois State Route 21 a distance of 495 feet; and
- c) the individual stores inside the Mall are not visible from any of the public roadways upon which the Mall is located, nor are many of them visible from the parking lot of the Mall; and
- d) there are approximately 134 stores located in the Mall; and
- e) due to the number of internal stores in the Mall, the only way to provide advertising opportunities to those internal stores, is to allow LED advertising as part of the Mall's identity signs; and
- f) the Mall is by far the largest sales tax generating property in the Village; and
- g) retail sales from the Mall have been noticeably trending downward in the past several years; and
- h) the internal stores at the Mall will benefit from signage on the public roads,

WHEREAS, because the Mall is an indoor Mall without individual store visibility, the owner of the Mall has requested and the Village has chosen to enhance the advertising opportunities for the Mall and its internal stores so as to further enhance the sales transactions occurring in the Mall; and

WHEREAS, the Village does not impose a real estate property tax on any properties within the Village; and

WHEREAS, the Village's general fund is fueled by the retail sales tax generated by a significant retail area; and

WHEREAS, the Mall is the economic engine of the retail core of the Village; and

WHEREAS, the recent downturn in the economy has made the Village intimately aware of the financial burdens and strains on the Village when the retail sector of the Village is not healthy; and

WHEREAS, the owner of the Mall has petitioned the Village of Vernon Hills for approval of the following variations from the Sign Code to allow two (2) ground mounted media panel signs (Automatic changing copy), generally located at the Milwaukee Avenue and Townline Road Mall entrances:

1. *Section 19-3(9)b*: To allow the height of each sign structure to be 39'-11" rather than the maximum permitted height of 8'.
2. *Section 19-3(6)c*: To allow the size of each sign face to be 739 square feet rather than the maximum permitted size of 50 square feet.
3. *Section 19-3(7)b*: To allow the display of 6 tenants panels on each sign face rather than the maximum permitted number of 1.
4. *Sections 19-7(9) & 19-5(8)*: To allow automatic changing copy (LED Media Panel) on each LED Media Panel which is otherwise not permitted for this use.

WHEREAS, the Village approval of the LED advertising sign is intended to allow the products and services being offered to the public in the Mall to be advertised on the LED advertising signs; and

WHEREAS, the proposed signs are defined as Identity Signs in which advertising sign messages (as defined by section 19-2 of the Sign Code) shall be permitted and that billboards (off-premise advertising messages) as defined in Section 19-2 of the Sign Code is and shall be prohibited on such signs; and

WHEREAS, a public hearing was conducted on this request by the Planning and Zoning Commission at its meeting of January 30, 2013 and continued from time to time thereafter, after due notice thereof by publication, mailing and posting of the property; and

WHEREAS, the Planning and Zoning Commission, having fully heard the testimony, found that sufficient facts were presented which, in its judgment, would justify recommending approval of the variations; and pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, said Planning and Zoning Commission has filed its report with the Board of Trustees concerning the petition 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 I. The Findings of the Village Board are hereby adopted and made a part of this Ordinance.

SECTION II. Pursuant to the Vernon Hills Sign Code, as amended, the following variations to allow two (2) ground mounted media panel signs (Automatic changing copy), are hereby approved:

1. *Section 19-3(9)b*: To allow the height of each sign structure to be 39'-11" rather than the maximum permitted height of 8'.
2. *Section 19-3(6)c*: To allow the size of each sign face to be 739 square feet rather than the maximum permitted size of 50 square feet. The size of the LED portion of the sign shall not exceed 210 square feet. The size of the individual tenant panels shall not exceed 16.33 square feet.
3. *Section 19-3(7)b*: To allow the display of 6 tenants panels on each side of the sign rather than the maximum permitted number of 1.
4. *Sections 19-7(9) & 19-5(8)*: To allow automatic changing copy (LED Media Panel) on each sign which is otherwise not permitted for this use.

SECTION III. Pursuant to the Vernon Hills Sign Code and Zoning Ordinance of 1982, as amended, and the recommendation of the Planning and Zoning Commission, the following conditions are hereby approved and made a part of the approvals listed in section II of this Ordinance:

1. Elevation Drawings – The signs shall be designed and installed in accordance with the elevation drawings titled, "Westfield Hawthorn, Site Pylon", page 32 dated December 17, 2014.
2. Site Plan- The signs shall be located in accordance with the Westfield Hawthorn location plan, page 24, sign SP-1, 1.01 and sign SP-1, 1.02, dated December 17, 2014.
3. Height- The height of the signs shall not exceed 39'-11" above finished grade.
4. Sign Duration – Westfield shall comply with IDOT regulations except that the media panels will change no more often than every 10 seconds and that there will be no video, motion, or flashing graphics or similar activities.

5. Hours of Operation - The hours of the sign operation for the Site Media Pylon Signs shall be from Monday thru Sunday, 6AM to 12 Midnight. The signs will be turned off from 12 Midnight to 6AM on each day.
6. Sign Illumination & Brightness - For the illumination levels of the Signs, Westfield and its sign vendor shall work with Village staff regarding illumination levels to arrive at suitable lighting levels for the signs. The intent with this provision is that the Village will see how the signs operate (i.e. get bright and dim in different times of the day) and approve the appropriate lighting/brightness levels for the signs. Special consideration shall be given as to the impact of lighting levels and brightness on adjoining residential uses.
7. Contact Information - To assist the Village with all operational issues or problems, Westfield shall annually provide a contact name for the Westfield staff member and the vendor responsible for the sign. These individuals must have the authority and immediate ability to deal with and respond to problems such as the need to adjust illumination levels, etc.
8. On-Site Advertisement – Advertising on media panels shall be limited to on-site products and/or services offered at Westfield Hawthorn Mall, 122 Hawthorn Center, Vernon Hills. Off-site advertising shall be prohibited. Westfield shall display on each site media pylon sign, a statement that recognizes the goods and services advertised on the LED panel can be purchased at Westfield Hawthorn Shopping Mall. By way of example, but not as a limitation, the following or similar language shall be displayed on the sign: “Products sold on premises”. The statement shall be displayed at all times that advertising takes place on the panel.
9. Summary Log - Westfield will provide a quarterly summary log of all product advertisers and the stores in the Mall in which the products are sold.
10. Community Events - Westfield will provide the Village with 720, 10 second slides/signs annually to advertise special community event whenever there is space available. Westfield will provide a minimum of 12 viewings per day when requested. Westfield will further provide assistance and direction on the technical requirements for preparing the slides/signs to insure compatibility with the sign vendor and Daktronics systems for displaying the slide/signs.
11. Emergency Events – In the event of a public emergency, i.e. public safety or natural disaster, Westfield and/or its sign vendor will allow the immediate broadcast, using the media panels, of information to the general public regarding the event.
12. Compliance - Failure to comply with these conditions may result in the Westfield being required to appear at a public meeting before the Village Board and possible revocation of the approvals allowing the media panel signs to operate.

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

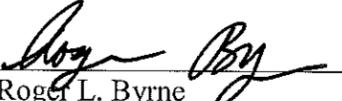
SECTION VII. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2015-008

Adopted by roll call vote as follows:

AYES: 6 Koch, Marquardt, Williams, Schultz, Schwartz, Hebda

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 - None

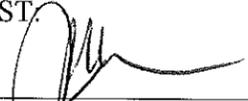

Roger L. Byrne
Village President

PASSED: 02/03/2015

APPROVED: 02/03/2015

PUBLISHED IN PAMPHLET FORM: 02/11/2015

ATTEST


John Kalmar
Village Clerk

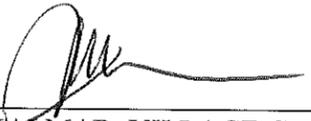
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

CERTIFICATE

I, JOHN M. KALMAR, 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 FEBRUARY 3, 2015, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE 2015-008 AN ORDINANCE GRANTING VARIATIONS FROM THE SIGN CODE FOR WESTFIELD HAWTHORN SHOPPING TOWN GENERALLY LOCATED AT THE INTERSECTION OF ROUTE 21 (MILWAUKEE AVE) AND ROUTE 60 (TOWNLINE RD), IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

THE PAMPHLET FOR ORDINANCE NO. 2015-008, INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF, WAS PREPARED, AND A COPY OF SUCH ORDINANCE WAS POSTED IN THE VILLAGE HALL, COMMENCING FEBRUARY 11, 2015 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 11th DAY OF FEBRUARY 2015



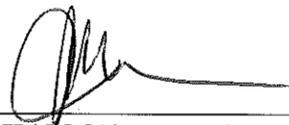
JOHN M. KALMAR, VILLAGE CLERK



AFFIDAVIT OF SERVICE

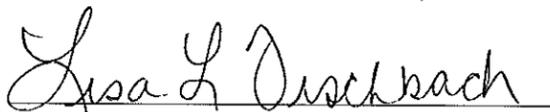
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, JOHN M. KALMAR, 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 2015-008 AN ORDINANCE GRANTING VARIATIONS FROM THE SIGN CODE FOR WESTFIELD HAWTHORN SHOPPING TOWN GENERALLY LOCATED AT THE INTERSECTION OF ROUTE 21 (MILWAUKEE AVE) AND ROUTE 60 (TOWNLINE RD), IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM FEBRUARY 11, 2015 TO FEBRUARY 21, 2015



JOHN M. KALMAR, VILLAGE CLERK

SUBSCRIBED AND SWORN TO BEFORE
THIS 11th DAY OF FEBRUARY, 2015



Notary Public

