

**VILLAGE OF VERNON HILLS
MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
OF JANUARY 17, 2023**

President Byrne called the meeting to order at 7:21PM.

IN ATTENDANCE: Trustees Marquardt, Oppenheim, Forster, President Byrne via telephone, and Trustee Koch. Trustees Schenk and Takaoka gave prior notice that they would not be in attendance. A quorum was established.

Also present were: Village Manager Timony, Assistant Village Manager Petrillo, Director of Community Development Jennings, PW Director Brown, Chief Kreis, Outgoing Finance Director Flori, Incoming Finance Director Lyons, Village Attorney Ferolo, Village Attorney Forte and Recording Secretary Koehl.

President Byrne called for a motion to appoint a Chairman Pro Tem for the duration of the Committee of the Whole meeting.

Motion by Trustee Oppenheim, second by Trustee Marquardt to appoint Trustee Koch as Chairman Pro Tem for the duration of the meeting.

Voice vote:

All in Favor.

Motion carried.

**1. APPROVAL OF THE COMMITTEE OF THE WHOLE MEETING MINUTES OF
JANUARY 3, 2023**

Motion by Trustee Marquardt, second by Trustee Forster to approve the Committee of the Whole meeting minutes of January 3, 2023.

Roll call vote:

AYES: 5 –Marquardt, Oppenheim, Forster, Byrne, Koch

NAYS: 0 – None

ABSENT AND NOT VOTING: 2 – Schenk, Takaoka

Motion carried.

**2. URBAN AIR, 413 MILWAUKEE AVE UNIT 200, SPECIAL USE FOR A CHILDREN'S
RECREATION FACILITY / AMUSEMENT RECREATION OR TRAINING FACILITY
FOR ADULTS**

Attorney Lenny Asaro of Faegre, Drinker, Biddle & Reath LLP, 320 S. Canal Suite 3300, Chicago, Illinois 60606, counsel for Sky Zone, approached the Board to present opposition to the project. He was given additional time beyond the three minute limit to complete his comment.

Community Development Director Jennings gave a summary of the proposed use.

The Planning and Zoning Commission held a public hearing on November 30, 2022, continued to December 14, 2022 to consider a petition by Wynn-Hoff Air, Inc. (dba Urban Air Adventure Park), contractual lessee of 413 Milwaukee Avenue, Unit 200), requesting approval of a Special Use for a Children's Recreation Facility / Amusement, Recreation or Training Facility for Adults.

The petitioner is requesting a special use to allow for the operation of an indoor amusement park featuring go-karts, climbing walls, obstacle courses, laser tag, a ropes course, and trampolines. There are currently 153 Urban Air parks with an additional 80 under development. The subject location is the vacant unit south of Bed Bath & Beyond (61,612 sq ft, previously Ashley Furniture). The project narrative (attached) includes the following details regarding the operation:

- Hours: Monday-Thursday 3pm – 8pm; Friday/Saturday 10am – 11pm; Sunday 10am-8am. Weekday hours may be earlier in summer or for special events.
- Peak hours: Friday through Sunday
- Ticket options: Day Pass, membership, birthday parties, special events
- Food service: café serves pizza, fries, chicken tenders, fountain drinks, bottled beer & wine.
- Employee count: 130-150 (mix of part time and full time); 30-50 employees on a shift, highest at peak times
- Capacity: 779 (based on square footage / existing)

Objection to Petition

A representative of a nearby amusement/recreation business (Sky Zone, 701 Milwaukee Avenue, Suite 244) attended both hearings to ask questions of the petitioner and Staff, and to provide testimony in opposition to the petition. Materials provided by the objecting party included:

1. Zoning Map
2. Appraisal of Subject Property
3. Emails from March 2022 referring to building conversion certificate calculations
4. Printout from assessor showing ownership of subject parcel
5. Printout from assessor showing ownership of adjacent Home Depot parcel
6. Lake County Gazette, article dated August 18, 2022
7. IL Sec. of State LLC report showing agents/managers for subject parcel owner
8. IL Sec. of State LLC report showing agents/managers for adjacent Home Depot parcel owner
9. Sky zone Vernon Hills core attraction brochure
10. Urban Air (Mokena) attraction brochure
11. Urban Air (Bloomingtondale) attraction brochure

The materials provided generally fall into two categories: (1) documents to demonstrate that a building and use conversion certificate is required; and (2) documents demonstrating similarities in the attractions provided at Sky Zone and Urban Air. These materials have been retained as part of the official record of the public hearing and are available on request. The objecting party also provided testimony referencing zoning code requirements (parking ratios and use regulations within the B-1 district) as support for the argument that the petition failed to meet the standards for a special use.

Summary of Planning & Zoning Commission Review

The hearing was opened on November 30th and continued to December 14th in order for the petitioner to provide supplemental materials requested by the Commission during the hearing. Several of the items were requested in order to resolve concerns raised by the objecting party.

1. Clarification of zoning requirements related to alcohol service (for Staff)
2. Accuracy of site plan, particularly with respect to parking lot configuration
3. Analysis of parking demand / tenant usage projections
4. Additional detail on tenant approval process / requirements (for the landlord)

5. Conceptual sign package (proportion / scale on façade)
6. Inspection protocol

The Commission deliberated on the materials and made findings of fact in favor of the petition (motion approved 5-0 with 2 vacancies). The Commission's recommendation includes conditions of approval referencing the need for a certificate of building and use conversion (discussed below) and requiring the petitioner to provide documentation that the other tenants on the subject property have waived a clause from the property's reciprocal easement and operation agreement prohibiting amusement/recreation uses. The minutes of both meetings are attached for the review of the Committee.

Certificate of Building and Use Conversion

Following the concept discussion with the Committee of the Whole, the petitioner worked with Staff to calculate the percentage of the square footage occupied by non-retail sales establishments at the shopping center. It was initially determined that the lease area could be reduced slightly and the shopping center would still be comprised of at least 80% retail sales establishments (RSEs). When Staff discovered that Home Depot should not be included in the calculation, the petitioner was advised that the conversion certificate would need to be approved by the Board.

The petitioner's application for the Use Conversion Certificate is attached. The application references materials included with the Special Use petition (business description, floor plan), and includes the following statements in support of the request:

- The subject location has a unique combination of physical space requirements, demographics, and access/visibility necessary for the business to thrive.
- The building has been vacant for many years; Urban Air parks have not experienced closures.
- The park provides opportunities for younger workers (first time jobs for high school and college students).
- Annual sales projected to exceed \$3.8M, as the larger unit size allows for premium attractions (Go Karts, etc.) not available in smaller units.

Action Requested

Staff is requesting direction from the Committee to prepare an ordinance to approve the requested Special Use Permit and associated use conversion certificate to include the following conditions:

1. The tenant build out plan shall be reviewed by the Fire Department for egress requirements prior to occupancy
2. The permit plans shall be reviewed by Lake County for requirements including, but not limited to required size of water service to the unit, grespace and location sizing for food service establishment requirements
3. Petitioner and property management shall provide documentation to demonstrate existing tenants have waived the prohibited use provision of the reciprocal easement agreement
4. Reference to the use conversion certificate

Mr. Neil Hoffner of Urban Air gave background information on their business and gave a summary of the proposed business plan.

Motion by Trustee Marquardt, second by Trustee Forster to direct staff to prepare ordinances approving the requested Special Use Permit and associated use conversion certificate to include the aforementioned conditions.

President Byrne left the meeting at approximately 7:40PM and was not present for the vote.

Roll call vote:

AYES: 4 – Oppenheim, Marquardt, Forster, Koch

NAYS: 0 – None

ABSENT AND NOT VOTING: 3 – Schenk, Takaoka, Byrne

Motion carried.

3. ADJOURNMENT

Motion by Trustee Oppenheim, second by Trustee Marquardt to adjourn the Committee of the Whole meeting with no closed session or further action to follow.

All in favor vote.


Motion carried.

Meeting adjourned at 7:54PM.

Approved this 7th day of February, 2023



Kevin Timony, Village Clerk



Thom Koch, Chairman Pro Tem