

MINUTES OF THE PLAN COMMISSION
February 20, 2017

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:02 p.m. at the Village Hall.

Members present: Chairman Mark Moore, William Cotey, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: Amy Flores, Matthew Krummick.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Fred Chung, Senior Project Engineer.

Commissioner Schultz moved, seconded by Commissioner Oakley, to approve the January 9, 2017, Plan Commission meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS:

**PC 16-35 N3 Property Advisors, LLC, Applicant
 175 W. Peterson Road**

Request is for a Special Use Permit for a Drive-In Establishment accessory to a restaurant in order construct a Burger King restaurant with drive-thru for property located in a C-3, General Commercial District.

**PC 16-39 N3 Property Advisors, LLC, Applicant
 175 W. Peterson Road**

Request is for a Site Plan Permit for a Drive-In Establishment accessory to a restaurant in order to construct a Burger King restaurant with drive-thru for property in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, stated that the petitioner, N3 Property Advisors, LLC, was before them at their November 28, 2016 meeting and again at their January 23, 2017 meeting requesting approval for a Special Use Permit for a Drive-In Establishment accessory to a restaurant; a Site Plan Permit; variations for signage; and to reduce the minimum required Perimeter Landscaped Open Space in order construct a Burger King restaurant with drive-thru for property located in a C-3, General Commercial District at 175 W. Peterson Road.

Mr. Smith stated that during the course of the last meeting the petitioner presented their plans, testimony was heard from the public, and the members of the Plan Commission asked questions and deliberated. Mr. Smith stated that at the conclusion, the Plan Commission made a motion to

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continue the matter to the February 20, 2017 meeting in order to provide the petitioner an opportunity to revise the plans and provide additional information and clarification in response to public, Staff, and Plan Commission comments relative to the impact of noise.

Mr. Mark Huonder, petitioner, stated that they are still seeking the variation on the Perimeter Landscaped Open Space along the east property line from 10 ten feet in width to 6 feet in width. He stated that the biggest question mark taken from the last meeting was interpreting the noise study. He stated that they have brought their noise consultant and the Village has also brought their noise consultant in order to answer any questions regarding the impact of noise.

Dr. Tom Thunder, Acoustics and Associates, 867 Scottsdale Drive, Pingree Grove, IL., and Village sound consultant for this project, stated that he has a doctorate in audiology and hearing science and post graduate work at the Illinois Institute of Technology in engineering and acoustics. He stated that he has been practicing in the field of noise, noise assessment, and reduction for both occupational and environmental noise. He stated that he teaches acoustics and psycho-acoustics at Northern Illinois University and he is on staff at Rush Medical Center teaching similar subjects there as well.

Dr. Thunder stated that he reviewed the material provided by the petitioner's sound consultant and decided that it would be beneficial to re-do some of the noise evaluations to cover a longer consecutive time period. He stated that they looked at the environmental noise at the subject site that currently exists there. He stated that he recognizes that the petitioner's noise consultant took noise measurements along all four property lines, but the only one that is truly relevant is along the southern property line adjacent to the residents to the south. He stated that it will be from the resident's perspective as to whether or not there is an impact from the noise. He stated that an impact is assessed by identifying a distinction between ambient noise and the intruding noise. He stated that even if someone can hear a noise louder than the ambient noise it may or may not be an impact depending on how loud it is or the character of the sound or how long the sound lasts.

He stated that they set up an audio recorder to record sound from 3:00 p.m. to 11:00 a.m. the next day at the proposed Burger King site. He stated that they also visited an existing Burger King located in Huntley, Illinois and a Burger King site in Elgin, Illinois. He stated that the location in Elgin was a better site for comparison to the proposed Burger King for the Peterson Road location. He stated that both the Elgin site and the Libertyville site have ambient noise that are within four (4) decibels of each other. He stated that in most cases, fast food drive-thru restaurant speakers have been greatly improved. He stated that they are typically lower to the ground and are angled downwards which helps to reduce the sound from traveling any significant distances.

He stated that he recommends that in order for the proposed fence to function as a noise barrier it should be closer to the source of the sound and made of a solid wood composite material and composed of a tongue and groove assembly type at eight (8) feet in height.

Mr. Jim Lobus, 1718 Cedar Glen Court, asked if there would be only the one fence near the

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speakers. Mr. Mike Caldwell, engineer for the petitioner, stated that they will use two fences, one near the speakers and the other as previously proposed along the rear property line.

Mr. Lobus stated that there is a swale towards the rear of the property.

Mr. Phil Cavicchia, 1716 Cedar Glen Court, stated that he is concerned as to how the snow removal will be accommodated.

Ms. Lori Cavicchia, 1716 Cedar Glen Court, stated that she is concerned about the noise that delivery trucks will make. She stated that she doesn't know why Burger King would need two drive-thru lanes.

Dr. Thunder stated that it is his understanding that time limitations can be placed on truck deliveries.

Mr. Caldwell stated that the Burger King corporation now requires two drive-thru lanes in their site plan layouts.

Ms. Nancy Ryan, 1709 Cedar Glen Drive, asked for clarification as to how the sound barrier will work. Dr. Thunder stated that if the sound barrier is moved closer to the speakers that would be better. He stated that the noise is not louder along the sides because that is not the direction of the sound.

Ms. Ryan asked about the hours of operation. Mr. Huonder stated that the Burger King hours of operation will be from 6:00 a.m. to 11:00 p.m., with deliveries before 6:00 a.m.

Mr. Cavicchia asked that deliveries be later in the morning. Mr. Huonder stated that they can move delivery times to 7:00 a.m.

Mr. Cavicchia stated that another noise study should be done on Friday and Saturday when there will be less ambient noise. He stated that the menu board speakers should be turned down if ever requested. He asked about the exterior lighting impact on adjacent properties. Mr. Huonder stated that timers can be installed in the light system so that they can be turned off at a certain hour.

Commissioner Schultz asked for clarification as to what the decision is on the east side Perimeter Landscaped Open Space. Mr. Caldwell stated that they have no objection to reducing the Perimeter Landscaped Open Space from 10 feet to 6 feet in width.

Commissioner Schultz requested that Village Staff work with the petitioner and the Village consultant as to how and exactly where the sound barrier be installed.

Commissioner Semmelman stated that he agrees that the deliveries not take place prior to 7:00 a.m. He stated that the property is commercially zoned.

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Commissioner Cotey asked for clarification of the type of exhaust filters proposed for this restaurant. Mr. Caldwell stated there are a series of baffles incorporated into the filtering system that filters out particulates keeping out odors and protects the roofing of the building.

Commissioner Cotey asked if the filters are routinely cleaned. Mr. Caldwell stated that they are cleaned routinely.

Mr. Fred Chung, Senior Project Engineer, stated that Village inspections of the property can be scheduled anytime.

Chairman Moore stated that he agrees that the speakers could be pointed in a downward direction. He stated that he agrees that deliveries should not be earlier than 7:00 a.m. He stated that he agrees that the exterior lights should be set on a timer to go off between midnight and 5:00 a.m.

Chairman Moore stated that he agrees that the sound barrier should be installed on the island located south of the drive-thru lanes abutting the southernmost drive-thru lane. He asked the petitioner what they would like for the Plan Commission and Zoning Board of Appeals to do this evening.

Mr. Huonder stated that he would like for the Plan Commission and Zoning Board of Appeals to give their recommendation to the Village Board tonight.

In the matter of PC 16-35, Commissioner Semmelman moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Special Use Permit for a Drive-In Establishment accessory to a restaurant in order construct a Burger King restaurant with drive-thru for property located in a C-3, General Commercial District, subject to the following conditions:

- 1) That the petitioner apply for and receive written approval from the Illinois Department of Transportation for all proposed work within the IL 137 (Peterson Road) Right-of-Way prior to the issuance of a Site/Watershed Development Permit or a Building Permit for construction.*
- 2) That the petitioner shall address and comply with all Engineering Division comments in this report (Development Review Committee Staff Report dated February 17, 2017) prior to issuance of a Site/Watershed Development Permit or a Building Permit for construction.*
- 3) That the petitioner shall install a sound barrier a minimum of 8 feet in height not to exceed 10 feet in height on the south interior island satisfactory to Village Staff and their Sound Engineering Consultant made of a solid composite wood fence with a tongue and groove design to prevent sound from passing through gaps and leaks.*
- 4) That no deliveries occur before 7:00 a.m.*
- 5) That lighting at the rear of the property shall be on timing to shut off at 12:00 a.m. midnight until 5:00 a.m.*

Motion carried 5 - 0.

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Ayes: Moore, Cotey, Oakley, Schultz, Semmelman
Nays: None
Absent: Flores, Krummick

In the matter of PC 16-39, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Site Plan Permit for a Drive-In Establishment accessory to a restaurant in order construct a Burger King restaurant with drive-thru for property located in a C-3, General Commercial District, subject to the following conditions:

- 1) That the petitioner apply for and receive written approval from the Illinois Department of Transportation for all proposed work within the IL 137 (Peterson Road) Right-of-Way prior to the issuance of a Site/Watershed Development Permit or a Building Permit for construction.*
- 2) That the petitioner shall address and comply with all Engineering Division comments in this report (Development Review Committee Staff Report dated February 17, 2017) prior to issuance of a Site/Watershed Development Permit or a Building Permit for construction.*
- 3) That the petitioner shall install a sound barrier a minimum of 8 feet in height not to exceed 10 feet in height on the south interior island satisfactory to Village Staff and their Sound Engineering Consultant made of a solid composite wood fence with a tongue and groove design to prevent sound from passing through gaps and leaks.*
- 4) That no deliveries occur before 7:00 a.m.*
- 5) That lighting at the rear of the property shall be on timing to shut off at 12:00 a.m. midnight until 5:00 a.m.*

Motion carried 5 - 0.

Ayes: Moore, Cotey, Oakley, Schultz, Semmelman
Nays: None
Absent: Flores, Krummick

NEW BUSINESS:

PC 17-01 Verizon Wireless, Applicant
1600 W. Park Avenue

Request is for an Amendment to the Special Use Permit in order to install additional Personal Wireless Services Antennas on an existing monopole structure and related electronic equipment in an IB, Institutional Buildings District.

PC 17-02 Verizon Wireless, Applicant
1600 W. Park Avenue

Request is for an Amendment to the Site Plan Permit in order to install additional Personal Wireless Services Antennas on an existing monopole structure and related electronic equipment in an IB, Institutional Buildings District.

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Mr. David Smith, Senior Planner, introduce the request by the petitioner. Mr. Smith stated that the petitioner is requesting an Amendment to the previously approved Site Plan Permit and an Amendment to the previously approved Special Use Permit for Personal Wireless Services Antennas with antenna support structure and related electronic equipment and equipment structure in order to add six (6) additional cellular antennae and associated equipment at the 110 foot level of the existing 145 foot tall monopole cellular tower. He stated that additional ground mounted equipment is proposed to be installed causing the existing fenced in leased area to expand from 895 square feet an additional 700 square feet for a total of approximately 1,595 square feet of fence in land area enclosing the tower and associated ground equipment serving the antennae. He stated that Arborvitae planted at a height of six (6) feet will be added to the northeast of the fenced-in expansion. He stated that the property is zoned IB, Institutional Buildings District located at 1600 W. Park Avenue.

Mr. Arthur Chavez, petitioner, stated that they are adding six (6) additional antennas at the 110' height level on the existing monopole cell tower. He stated that the ground lease area will be expanded by approximately 700 additional square feet.

Commissioner Schultz asked if the monopole will be maxed out. Mr. Chavez stated that a structural analysis will be completed.

Chairman Moore asked the petitioner what they would like for the Plan Commission to do tonight. Mr. Chavez stated that he would like for the Plan Commission to render their recommendation to the Village Board tonight.

In the matter of PC 17-01, Commissioner Oakley moved, seconded by Commissioner Semmelman to recommend the Village Board of Trustees approve an Amendment to the Special Use Permit in order to install additional Personal Wireless Services Antennas on an existing monopole structure and related electronic equipment in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 5 - 0.

Ayes: Moore, Cotey, Oakley, Schultz, Semmelman
Nays: None
Absent: Flores, Krummick

In the matter of PC 17-02, Commissioner Schultz moved, seconded by Commissioner Semmelman to recommend the Village Board of Trustees approve an Amendment to the Site Plan Permit in order to install additional Personal Wireless Services Antennas on an existing monopole structure and related electronic equipment in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 5 - 0.

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Ayes: Moore, Cotey, Oakley, Schultz, Semmelman
Nays: None
Absent: Flores, Krummick

PC 17-04 Lake County Forest Preserve, Applicant
1899 W. Winchester Road

Request is for a Special Use Permit for a Museum in order to permit the occupancy of the Lake County Forest Preserve Discovery Museum in a facility located in an O-2, Office, Manufacturing and Distribution Park District.

PC 17-05 Lake County Forest Preserve, Applicant
1899 W. Winchester Road

Request is for a Site Plan Permit for a Museum in order to permit the occupancy of the Lake County Forest Preserve Discovery Museum in a facility located in an O-2, Office, Manufacturing and Distribution Park District.

Mr. David Smith, Senior Planner, introduced the requests by the petitioner. He stated that in March of 2010, the petitioner, Lake County Forest Preserve, sought approval for a Text Amendment to Section 6-3.3 of the Libertyville Zoning Code to include "Public Administrative and General Government Buildings and Structures" and "Museums" as Special Permitted Uses in the O-2, Office, Manufacturing and Distribution Park District; additionally, they sought Special Use Permits for Public Administrative and General Government Buildings and Structures and a Museum in order to permit the occupancy their administrative offices and the Lake County Forest Preserve Discovery Museum at 1000 Technology Way; and a Site Plan Permit located in an O-2 Office, Manufacturing and Distribution Park District at 1000 Technology Way. Mr. Smith stated that the Village Board approved all the requests in April 2010.

Mr. Smith stated that since the approvals were granted, the petitioner has commenced construction for their Administrative Office buildout and received occupancy for the Administrative Office portion in 2011. Mr. Smith stated that the Forest Preserve was not yet ready to move the Museum portion of their facility until now. Mr. Smith stated that although there were two consecutive one year extensions, allowable by Code, for the Special Use Permit approval, it eventually expired.

Mr. Smith stated that the petitioner is now ready to move forward with the Museum occupancy for this location and is back again seeking approval for their Special Use Permit request for the Museum component of their facility.

Mr. Mike Tully, petitioner and representative of the Lake County Forest Preserve, stated that they also have completed the buildout for their archival storage and are eager to move forward with the Museum buildout.

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Ms. Nan Buckhart, representative of the Lake County Forest Preserve, described the floor plan layout to the Plan Commission. She stated that everything will be ADA accessible.

Commissioner Oakley asked if they are installing signage. Ms. Buckhart stated that they are not yet ready for signs at this time.

Commissioner Cotey asked about the size of the Museum. Mr. Andrew Osborn, representative of the Lake County Forest Preserve, stated that the current Museum space is approximately 12,000 square feet in floor area and the new location will be just under 12,000 square feet.

Chairman Moore asked the petitioner what they would like for the Plan Commission to do tonight. Mr. Tully stated that he would like for the Plan Commission to give their recommendation to the Village Board.

In the matter of PC 17-04, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Special Use Permit for a Museum in order to permit the occupancy of the Lake County Forest Preserve Discovery Museum in a facility located in an O-2, Office, Manufacturing and Distribution Park District, in accordance with the plans submitted.

Motion carried 5 - 0.

Ayes: Moore, Cotey, Oakley, Schultz, Semmelman
Nays: None
Absent: Flores, Krummick

In the matter of PC 17-05, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Site Plan Permit for a Museum in order to permit the occupancy of the Lake County Forest Preserve Discovery Museum in a facility located in an O-2, Office, Manufacturing and Distribution Park District, in accordance with the plans submitted.

Motion carried 5 - 0.

Ayes: Moore, Cotey, Oakley, Schultz, Semmelman
Nays: None
Absent: Flores, Krummick

COMMUNICATIONS AND DISCUSSION: None.

Commissioner Semmelman moved, seconded by Commissioner Cotey, to adjourn the Plan Commission meeting.

Motion carried 5 - 0.

Meeting adjourned at 9:00 p.m.