

**MINUTES OF THE PLAN COMMISSION**  
**May 18, 2020**

The regular meeting of the Plan Commission was conducted virtually due to public health concerns and called to order by Chairman Mark Moore at 7:45 p.m.

Members present: Chairman Mark Moore, Amy Flores, Matthew Krummick, Walter Oakley, Richard Pyter, Kurt Schultz, and Eric Steffe.

Members absent: None.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner, and Jeff Cooper, Village Engineer.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**PC 20-06 McDonald's USA, LLC, Applicant  
1417 W. Peterson Road**

**Request is for an Amendment to the Planned Development Final Plan for the Butterfield Square Shopping Center in order to remodel an existing McDonald's restaurant located in a C-4, Shopping Center Commercial District.**

**PC 20-07 McDonald's USA, LLC, Applicant  
1417 W. Peterson Road**

**Request is for an Amendment to the Special Use Permit for a Drive-In Establishment accessory to a Full Service Restaurant for an existing McDonald's restaurant located in a C-4, Shopping Center Commercial District.**

Mr. James Olguin, attorney representing the applicant, introduced the proposed improvements to the McDonald's located at 1417 W. Peterson Road. Mr. Olguin stated that the McDonald's restaurant is part of the Butterfield Square Shopping Center Planned Development that was constructed in 1994. He stated that the changes that the McDonald's restaurant are proposing require an amendment to the Planned Development and an amendment to the Special Use Permit. He stated that the proposed changes to the drive through will enhance vehicular maneuvering and control queuing better. He stated that the other changes include an upgrade to the facade of the restaurant building itself along with some additional signage.

Mr. Joe Kerchner, architect for the applicant, stated that the intent of the project is to improve the site and the customer experience. He stated that they are proposing to change the design from the Old World design to a modern design. He stated that the facade improvements will include a

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parapet band around the roof. He stated that the existing brick around the base of the building will remain, but will be cleaned and tuckpointed where needed.

Mr. Olguin stated that McDonald's wants to move away from the Old World design look. He stated that they did reach out to all of the Butterfield Square Shopping Center owners and did obtain their authorization to proceed with the changes to the McDonald's restaurant. He stated that additional enhancements to the site plan include increasing green space and improving traffic flow. He stated that they are changing the drive through from a single lane to a double lane which will increase the drive through efficiency by 50% by providing more vehicle stacking.

Mr. Olguin stated that McDonald's is asking that the Plan Commission give consideration to all six (6) wall signs they are seeking approval for. He stated that the new sign plan is a reduction in overall sign area.

Chairman Moore asked the petitioner if they concur with the Staff recommendation for tree replacement. Mr. Olguin stated that they will comply with the tree recommendation.

Commissioner Pyter asked if the changes to the drive through lane will impose an encroachment onto the adjacent property to the west. Mr. Olguin stated that the lot lines will not be altered.

Mr. Kerchner stated that they will remove the existing trash corral and relocate it as part of the scope of work to accommodate the double drive through lanes.

Commissioner Pyter asked if the traffic volumes will increase. Mr. Olguin stated that the plan will make the overall traffic circulation better.

Commissioner Schultz asked about the proposed wall sign area. Mr. Olguin stated the sign area will be reduced from the existing 144 square feet of gross sign area to the proposed 109 square feet of sign area.

Commissioner Schultz asked if the petitioner would be willing to reduce the number of wall signs being proposed. Mr. Olguin stated that they need the signage as proposed in order to be viewed from westbound Peterson Road traffic.

Commissioner Schultz stated that he is concerned about the precedent that would be set.

Mr. Olguin stated that no changes are proposed for the existing monument sign.

Commissioner Flores asked for clarification regarding the new trash enclosure location. Mr. Olguin explained where and how the trash enclosure will be installed. He stated that the intent was to not move the refuse enclosure to the front of the building.

Commissioner Flores asked for clarification as to why the site plan change includes the removal of the parking spaces along the north property line. Mr. Olguin stated that it improves the green space and it also helps to mitigate potential traffic movement conflicts.

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Commissioner Flores asked if the striped median between the two drive through lanes at their entrance will be problematic. Mr. Olguin stated that it helps to provide a visual separation between the two lanes.

Board Member Krummick stated that he would like to see the applicant reduce the number of requested wall signs. He asked if they presented building facade material samples to the Appearance Review Commission at their meeting. Mr. Olguin stated that they presented renderings to the Appearance Review Commission during the meeting.

Board Member Krummick asked if they considered other architectural design styles. Mr. Kerchner stated that the proposal is McDonald's preferred modern design.

Mr. Olguin stated that the other Planned Development property owners support the proposed facade design.

Chairman Moore stated that the proposed design is a substantial departure from the Old World motif found throughout the shopping center. He stated that he does not support the increase in the number of wall signs from 2 to 6.

Mr. Olguin stated that the number of proposed wall signs is preferred by McDonald's.

Chairman Moore stated that he would support three (3) wall signs, not six (6).

Commissioner Krummick stated that he concurs with Chairman Moore on the number of acceptable wall signs.

Commissioner Flores stated that she concurs with Chairman Moore on the number of wall signs not exceeding three (3).

Commissioner Oakley stated that he does not have a problem with the proposed six (6) wall signs.

Commissioner Schultz stated that the number of wall signs should be reduced to not more than three (3).

Commissioner Steffe stated that he does not have a problem with six (6) wall signs.

Commissioner Pyter stated that the number of wall signs should be reduced to three (3).

Mr. Olguin stated that if they agree to reduce the number to three (3) wall signs then they would like to have the option to choose which sides of the building the wall signs can be installed on. He stated that he is ready for the Plan Commission to make their recommendation.

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*In the matter of PC 20-06, Commissioner Oakley moved, seconded by Commissioner Steffe, to recommend that the Village Board of Trustees approve an Amendment to the Planned Development Final Plan for the Butterfield Square Shopping Center in order to remodel an existing McDonald's restaurant located in a C-4, Shopping Center Commercial District, subject to the following conditions:*

- 1. To permit no more than a total of three (3) wall signs with a further limitation that there be no more than 2 wall signs on any single elevation.*
- 2. Submit elevations indicating the height and material of the dumpster enclosure at the time of Building Permit application submission.*
- 3. Sheet L-2, dated March 3, 2020, by Watermark Engineering Resources, indicates three (3) trees are subject for removal and one (1) tree will replace them. Per the Village's Tree Ordinance (MC 9-32.6), these three (3) trees shall be replaced at a one-for-one replacement rate. This comment shall be addressed at the time of Building Permit application submittal.*

*Motion carried 7 - 0.*

*Ayes: Moore, Flores, Krummick, Oakley, Pyter, Schultz, Steffe*  
*Nays: None*  
*Absent: None*

*In the matter of PC 20-07, Commissioner Oakley moved, seconded by Commissioner Flores, to recommend that the Village Board of Trustees approve an Amendment to the Special Use Permit for a Drive-In Establishment accessory to a Full Service Restaurant for an existing McDonald's restaurant located in a C-4, Shopping Center Commercial District, in accordance with the plans submitted.*

*Motion carried 7 - 0.*

*Ayes: Moore, Flores, Krummick, Oakley, Pyter, Schultz, Steffe*  
*Nays: None*  
*Absent: None*

**PC 20-20 Teresa Dreher, Applicant**  
**229 Red Top Drive**

**Request is for a Text Amendment to Article 9-2.1(b)(2)(ii) of the Libertyville Zoning Code relating to Employee Limitations for Home Occupations.**

Mr. David Smith, Senior Planner, introduced the Zoning Code text amendment request. He stated that the petitioner is seeking to amend the Home Occupation section of the Zoning Code in order to allow non-domiciled employees to increase from one (1) to three (3).

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Ms. Teresa Dreher, applicant, stated that she is the owner and founder of NShore Patient Advocates and Seniors Alone Guardianship and Advocacy Services. She stated that she presently works from home located at the 229 Red Top Drive which is a townhome dwelling unit. She stated that if the text amendment is approved then her three (3) administrative employees can continue to work in her residence. She stated that her neighborhood is quiet and that she has two (2) additional parking spaces in her driveway. She stated that she is concerned about the COVID-19 virus so she needs the ability to work from home. She stated that it is her understanding that the current restriction on number of employees in a home occupation was established approximately 26 years ago, but times have changed since then.

Commissioner Oakley asked if her employees could work from their own homes. Ms. Dreher stated that it is easier to collaborate with her employees while they are there in her home with her and that she has been doing this since 2011.

Commissioner Flores stated that she prefers to keep the residential areas as residential and that she would have a parking concern for home occupations with excessive employees.

Commissioner Krummick stated that it seems like a really nice business that is serving a need in the community. He asked for clarification as to the actual number of employees. Ms. Dreher stated that she has herself and three (3) other staff working out of her home. She stated they have services in five (5) counties and nine (9) RN's employed as well.

Commissioner Krummick stated that the proposed text amendment is asking a lot and is concerned about the impact on a residential neighborhood.

Ms. Dreher asked how this Code change would be a negative impact on the neighborhood.

Commissioner Krummick stated that he is concerned about a lot of people going in and out of a residential area. He stated that more staff working out of a home occupancy means more vehicles.

Ms. Dreher stated that she is suggesting that there be 20% limit on employee parking.

Commissioner Schultz stated that he supports the service that Ms. Dreher's agency provides, but he cannot support the proposed text amendment.

Commissioner Steffe stated that he is concerned about the potential precedent that would be set if this Zoning Code text amendment were to be approved.

Commissioner Pyter stated that he would be concerned if the H.O.A. allowed excessive number of employees to work in a home occupation. He stated that many corporations can operate virtually.

Chairman Moore stated that he concurs with the other Commissioners. He stated that he is concerned that it would change the character of the neighborhood. He asked if the petitioner is

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ready for the Plan Commission to render their recommendation. Ms. Dreher stated that she is ready for the Plan Commission to give their recommendation.

*In the matter of PC 20-20, Commissioner Steffe moved, seconded by Commissioner Oakley, to recommend that the Village Board of Trustees approve a Text Amendment to Zoning Code Article 9-2.1(b)(2)(ii) in order to increase the maximum permitted number of employees from one (1) to three (3) who are not domiciled in the dwelling unit where the home occupation is conducted.*

*Motion failed 0 - 7.*

*Ayes: None*

*Nays: Moore, Flores, Krummick, Oakley, Pyter, Schultz, Steffe*

*Absent: None*

**STAFF COMMUNICATIONS AND DISCUSSION:** None.

Commissioner Krummick moved, seconded by Commissioner Oakley, to adjourn the Plan Commission meeting.

Motion carried 7 - 0.

Meeting adjourned at 9:15 p.m.