

MINUTES OF THE PLAN COMMISSION
April 22, 2013

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:10 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Scott Adams, Dan Donahue, Walter Oakley, and Kurt Schultz.

Members absent: William Cotey and David Semmelman.

A quorum was established.

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

Others present: James Woods, P.E., PTOE, Civiltech Engineering, Inc.

Commissioner Schultz moved, seconded by Commissioner Oakley, to approve the February 25, 2013, Plan Commission meeting minutes.

Motion carried 5 - 0.

Commissioner Donahue moved, seconded by Commissioner Schultz, to approve the March 18, 2013, Plan Commission meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS:

**PC 13-05 Bridge Development Partners, LLC, Applicant
804 East Park Avenue**

Request is for a Special Use Permit for Planned Development in order to construct a warehousing and distribution facility on approximately 21 acres of land for property located in an I-3, General Industrial District.

**PC 13-06 Bridge Development Partners, LLC, Applicant
804 East Park Avenue**

Request is for a Planned Development Concept Plan in order to construct a warehousing and distribution facility on approximately 21 acres of land for property located in an I-3, General Industrial District.

**PC 13-07 Bridge Development Partners, LLC, Applicant
804 East Park Avenue**

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Request is for a Special Use Permit for Warehousing and Storage in order to construct a warehousing and distribution facility on approximately 21 acres of land for property located in an I-3, General Industrial District.

PC 13-08 Bridge Development Partners, LLC, Applicant
804 East Park Avenue

Request is for a Preliminary Plat of Subdivision in order to construct a warehousing and distribution facility on approximately 21 acres of land for property located in an I-3, General Industrial District.

Mr. David Smith, Senior Planner, stated that the petitioner, Bridge Development Partners, LLC, appeared before the Plan Commission at their January 28, 2013 and March 18, 2013, meetings requesting a Special Use Permit for Planned Development, a Planned Development Concept Plan, a Special Use Permit for Warehousing and Storage, and a Preliminary Plat of Subdivision in order to construct a warehousing and distribution facility on approximately 21 acres of land for property located at 804 East Park Avenue in an I-3, General Industrial District.

Mr. Smith stated that during the course of the January 28, 2013 and March 18, 2013, Plan Commission public hearings, the Plan Commission heard testimony by the petitioner and members of the public audience and continued the hearings to the April 22, 2013, Plan Commission agenda.

Mr. Smith stated that the petitioner has submitted revised materials for Staff and Plan Commission review in preparation for the April 22, 2013 public hearing.

Mr. Mark Christensen, Bridge Development Partners, LLC and petitioner, stated that they do not want to be limited to 50% warehousing as it is a very problematic restraint. He stated that they are requesting that their Special Use Permit for Warehousing be allowed without restriction.

Mr. Javier Millan, KLOA, traffic consultant for the petitioner, stated that they are willing to do whatever Lake County requires regarding any traffic control signage and intersection pavement striping where the access drive crosses the Lake County bike path. He stated that Lake County has jurisdiction over the bike path.

Mr. Millan stated that they still have not received any comments from IDOT regarding the improvements they will require at the entrance and along Route 176. He stated that their plans show improved radii at the entrance to accommodate heavy vehicles accessing the site so that they will not run over the existing curb at the entrance.

Mr. Millan stated that they have delineated right and left turn lanes exiting the entrance driveway per Civiltech's recommendation, as well as a stop bar shown on the driveway entrance.

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Mr. Dale Sherman, 766 Meadow Lane, asked if Lake County sets only minimum requirements and not require maximum requirements. Mr. Millan stated that Lake County has established requirements.

Mr. Sherman asked if the petitioner can create a safer plan than the minimum requirements set by Lake County. He stated that Lake County has required stop signs for east and west bound traffic along the bike path at the intersection of the bike path and the subject driveway entrance crossing the bike path. He asked if Lake County has made any comments about installing stop signs for north and south bound traffic where the driveway entrance crosses the bike path.

Mr. Millan stated that Lake County prefers that stop signs are not installed for north and south bound traffic where the driveway crosses the bike path. He stated that when stop signs are installed at locations where they are not warranted, they are often ignored thus creating a worse situation. He stated that the two way stop sign plan as proposed is in accordance to Lake County's recommendation.

Mr. Sherman stated that according to Mr. Millan, Lake County stated that the two additional stop signs for north and south bound traffic on the driveway crossing the bike path would create a more hazardous situation.

Mr. Christensen stated that they would like to follow what Lake County requires to be done. He stated that he believes that Lake County has studied the situation thoroughly and that they will abide by the Lake County requirement for the intersection of the bike path and the driveway entrance.

Ms. Mary Slight, 774 Meadow Lane, stated that she has never heard of the argument that a stop sign should not be installed because it will not be complied with. She stated that she would rather have a stop sign for a potential truck crossing the bike path.

Ms. Gwen ZumBrunnen, 757 East Sunnyside Avenue, asked if there is an opportunity to install a stop light at the intersection of the bike path and the driveway entrance. Mr. Millan stated that it is very seldom that there would be a stop light at intersection of a pedestrian path and a driveway entrance.

Ms. ZumBrunnen stated that if truckers would ignore a stop sign then perhaps consideration should be given to installing a stop light instead.

Mr. Millan stated that Lake County is trying to provide the safest situation by requiring the stop signs for the east/west pedestrian and bike traffic.

Ms. ZumBrunnen stated that it does not seem that the traffic control signage will be clearly evident.

Mr. Millan stated it will be better than it is today with new striping and new signage.

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Mr. Larry Slight, 744 Meadow Avenue, stated that the amount of signage should increase at that intersection. He stated that his neighborhood has approximately 50 children around the age of 10 that are all within one block of the subject site and they use the bike path all of the time. He stated that it does not make sense that the recommendation is to not put in a stop sign because it would be ignored.

Mr. Millan stated that it would not be warranted and that is the problem.

Mr. Slight asked for clarification as to the definition of “warranted”. Mr. Millan stated that the traffic control device must meet a certain criteria to be warranted. He stated that he did not have the criteria with him at that moment, but it included a certain number of pedestrians that triggered the warrant.

Mr. Slight stated that the current level of traffic is irrelevant. He stated that the concern is the future increase in traffic is what is important to understand. He asked if there is still information that the petitioner is waiting for from IDOT.

Mr. Millan stated that IDOT is not providing the data relative to the bike path and the driveway entrance. He stated that the relevant information is coming from Lake County Government. He stated that they are waiting for a response from IDOT relative to the curb cut located at the driveway entrance at Route 176.

Mr. Slight asked for clarification of the criteria that Lake County used for their recommendation for the two way stop at the intersection of the bike path and the driveway entrance. Mr. Millan stated that they had reviewed how well people will be able to see the intersection and the increase in traffic.

Mr. Slight stated that it does not make any sense that the decision to not add stop signs for the driveway traffic crossing the bike path.

Mr. Chris Bonny, 708 East Sunnyside Avenue, stated that there is a law, passed in 2010, that requires that all drivers stop at all pedestrians and cross walks, but not all trucks coming to the subject site will be aware of this Illinois law. He stated that the best way to address this issue is to put stop signs at all directions.

Mr. Millan stated that the law does require vehicles to stop for pedestrian crossings. He stated that when stop signs are installed in locations that are not warranted, people often become complacent and ignore them. He stated that caution should be exercised to not clutter an area with too much signage which can lead to confusion at the intersection.

Mr. Bonny stated that he is asking that the petitioner design the intersection with the appropriate amount of signage in order to create the utmost safety.

Commissioner Oakley stated that there are two traffic engineering firms that have come to an agreement as to how the bike path and driveway entrance intersection should be controlled with signage.

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Commissioner Adams stated that consideration should be given to installing a flashing “caution” sign on the north-south driveway portion of the bike path/entrance drive intersection to better catch the attention of the truck drivers as they cross the bike path.

Chairman Moore asked Mr. Christensen what signs they are proposing for the north-south entrance drive at the intersection of the bike path and entrance drive.

Mr. Christensen stated that they have already discussed this issue at length. He stated additional signs and blinkers could be installed at that intersection, but cautioned that at some point it may not make sense. He stated that they are presently proposing caution signs to be posted for the north-south entrance drive. He stated that they can look into the possibility of incorporating some type of flashing caution sign, but this would be subject to approval by Lake County.

Commissioner Adams stated that thoughtful consideration should be given to increasing the signage at that intersection as there will be children who will frequently pass through the intersection.

Commissioner Donahue asked about the ownership of the bike path. Mr. David Pardys, Village Attorney, stated that Lake County owns the bike path.

Commissioner Donahue asked if the property on either side of the bike path is private property or not. Mr. Pardys stated that the land on either side of the bike path is private property.

Commissioner Donahue asked if stop signs are enforceable on private property. Mr. Pardys stated that he believes that they are enforceable, but will need to confirm that by reviewing the State statute on the matter.

Commissioner Donahue asked if there is landscaping in close proximity of the intersection of the bike path and the entrance driveway that would block anyone’s line of sight as they cross that intersection. Mr. Christensen stated that there is some landscaping in that area.

Commissioner Donahue asked if there is landscaping in close proximity of the intersection of the bike path and the entrance driveway that would block anyone’s line of sight as they cross that intersection. Mr. Christensen stated that it would not block the line of sight between drivers crossing the bike path and anyone crossing the driveway entrance while on the bike path.

Mr. Larry Dziurdzik, Landscape Architect for petitioner from Allen Kracower Associates, stated that the trees shown on the plan at the entrance near Route 176 are existing. He stated that the existing trees did not seem to create a visual obstruction during an on-site inspection.

Mr. Millan stated that the elevation of the bike path is actually higher than the access drive (entrance driveway) thereby increasing visibility.

Commissioner Donahue asked if the Village can enforce stop signs on private property. Mr. Pardys stated that there is State statute in the Motor Vehicle Code that states that pursuant to a contractual agreement, the Village can enforce stop signs.

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Commissioner Donahue asked if such contractual agreement can be incorporated into the final agreement regarding the Bridge Development proposal.

Commissioner Schultz stated that his position regarding the bike path has changed. He stated that he understands the reasoning that if stop signs are not warranted that they could be disregarded. He stated that the sight lines are fairly good without the visual obstructions. He stated that traffic heading northbound has an incline as it approaches the bike path and will naturally slow down because of that. He stated that he has more of a concern for traffic going southbound along the entrance drive as it approaches the intersecting bike path. He stated that consideration should be given to installing a speed bump for southbound traffic approaching the bike path.

Mr. Christensen stated that there isn't much of a reason for vehicles to fly through the bike path and entrance drive intersection. He stated that it is a short access drive, maybe 300 feet long. He stated that Culver's Restaurant has a driveway that meets the entrance driveway. He stated that they intend to install a significant number of traffic control signs. He stated that the intersection is a concern and they want to improve it in the right way.

Commissioner Schultz asked how close the northern edge of the Phase Two building is to the entry in comparison to what the existing improvements are today. Mr. Christensen stated that the reason for the proposed location for the Phase Two building is to allow enough maneuvering space for trucks as they come into the site.

Commissioner Schultz stated that trucks coming into the site will have to make an immediate turn either east or west due to the proposed location of the Phase Two building.

Commissioner Schultz asked if the bike path is currently paved. Mr. John Spoden, Director of Community Development stated that it the path is currently black top at that location.

Commissioner Schultz stated that consideration should be given to installing detectable warnings on the bike path. He stated that there are raised bumps installed on the path.

Commissioner Schultz asked if the petitioner can approach Lake County about allowing the installing of the detectable warnings. Mr. Christensen stated that they can approach Lake County about the detectable warnings.

Chairman Moore asked what kind of lighting will be installed near the bike path intersection. Mr. Christensen stated that there will be light fixtures that will illuminate the parking lot. He stated that they have not contemplated illuminating the bike path. He stated that there will be fixtures at the entry.

Chairman Moore asked for further elaboration regarding IDOT's involvement. Mr. Millan stated that they have met with the State and in concept they are in agreement with the proposal, but they are still waiting for written comments from the State that will detail what they want along Route 176.

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Mr. Dziurdzik stated that he went out to the site and looked at the proposed development area from the back yards of the three homes located directly south of the subject site. He stated that they have amended the landscape plan with 18 additional evergreen trees along the south boundary of the site. He stated that he believes that the proposed screening will block the line of sight from the neighbors to the south.

Ms. Rosemary Boartz, 400 South Seventh Avenue, asked if there is going to be a retention pond for drainage in the development. Mr. Christensen stated that there will not be a detention facility, but there will be compensatory storage on site.

Mr. Jeff Hamlin, 408 South Seventh Avenue, stated that the proposed landscape screening is much better than proposed at the previous public hearing. He stated that he is concerned about the hollow noise effect coming from the truck dock/court area. He stated that if it was a U-shaped building it would help to seal the anticipated noise from the site.

Commissioner Shultz stated that he likes the improvement to the landscape plan along the southwest corner of the property. He stated that consideration should be given to adding additional landscaping along the northern area and near the drive aisle.

Mr. Christensen stated that they are requesting that perimeter landscaping not be required where that portion of the property is not abutting the residential district. He stated that the subject site abuts the bike path property to the north and further north on the other side of the bike path is the Culver's Restaurant and a furniture store and therefore, there is not much of a need to install additional landscaping along the north property line. He stated that they could throw in a little more landscaping in that area to soften it, but it is believed that it would not accomplish very much. He stated that he believes that they have done everything that they can within reason in providing the proposed landscaping.

Commissioner Schultz asked for clarification regarding the berm extension along the western property line going north. Mr. Dziurdzik stated that they have decided to continue the berm all the way to the northern property line. He stated that they can achieve a height of up to 6 feet for the proposed extended berm with a 6 foot high cedar fence on top with additional evergreens along the fence line going north as well.

Commissioner Schultz stated that he is concerned about the line of sight for anyone heading east along Meadow Lane or Sunnyside Avenue going toward the site and how visible the new building will be. He stated that the Meadow Lane and Sunnyside Avenue street elevations are much higher further west of the subject site. He stated that the proposed building will extend further to the north than what the existing building current does.

Mr. Craig Shatzer, 773 East Sunnyside Avenue, stated that he lives at the corner of Seventh Avenue and Sunnyside Avenue. He stated the berm today stops short of two large existing trees along the fence line and asked how those trees will be effected by the development. Mr. Dziurdzik stated that the intent is to save those trees. He stated that the berm will stop short of the two trees then continue on the other side of the two trees. He stated that there is a 6 foot high fence behind the trees which will help to screen the property from the residential area.

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Mr. Shatzer asked for clarification as to the fence type being proposed. Mr. Dziurdzik stated that the proposal is to extend the same fence type which is the alternating board-on-board type and because the fence line rests on top of the berm, the fence height will appear to dip at the point between the two trees as the berm drops off at that point.

Mr. Christensen stated that all of the easements will be addressed at the Final Plat. He stated that one of the easements is a North Shore Gas Company easement, another is a Village of Libertyville sanitary sewer easement, and another is an access easement which is affecting the far north parcel of land.

Mr. Christensen stated that they will provide parking lot striping for the east half of the subject site that would serve the Hanna Cylinder occupant in the remnant building in the case where Hanna would remain as an occupant tenant. He stated that it is still uncertain as to how long Hanna would remain as a tenant in their current location.

Mr. Christensen stated that they would relocate the front existing freestanding entry sign if necessary and would deal with its renovation at that time. He stated that once the first building is developed, they would then address the entry sign.

Mr. Christensen stated that they do not want to increase the height of the proposed building as a method of creating a roof line parapet wall just to screen the roof top mechanical units. He stated that they are proposing to provide screening the roof top mechanical units by setting them back far enough in response to sight line studies. He stated that they do not know what type of roof top mechanical equipment will be required until they know who the tenants will be. He stated that often times the roof top HVAC units are typically 3 to 4 feet tall for buildings of the same type as are being proposed at this site.

Mr. Spoden stated that the Code does not allow line of sight screening. He stated that screening is required to be the full height of the roof top mechanical units. He stated that the petitioner can request as part of the Planned Development to vary how the units are screened.

Mr. Christensen stated that they have provided a letter from Tom Thunder, a acoustical engineer.

Chairman Moore requested that the petitioner address any outstanding photometric plan issues as pointed out by Staff's review.

Mr. Christensen stated that the only place where the foot-candle illuminations exceed the Code are along the south property line which abuts the Aldridge Electric property and they do not believe that is of any consequence.

Mr. Smith stated that there are additional locations on the initial photometric plan other than the southern property line show that the maximum permitted foot-candles are exceeded. Mr. Smith stated that Staff has requested that the petitioner submit a revised photometric plan, but as of this date, have not received a revised photometric plan. Mr. Smith stated that upon application for building permit, Staff will review a photometric plan that complies with Code.

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Mr. Christensen stated that they will install light poles that reduce the spillage of light and reduce the impact upon the residential area to the west.

Mr. Christensen stated that they have hired an acoustical consultant and asked them to consider the potential issue of noise might come from the proposed development. Mr. Christensen read from the two page letter provided by Tom Thunder of Acoustic Associates and in conclusion, the letter stated that, "Based on the noise of truck movement and on the attenuation due to both distance and the barrier effect of the building, the facility would meet the State of Illinois noise limits and pose no impact to the western residential area. Furthermore, tenants would be required to meet the noise limits (given above) and the relevant noise codes by properly specifying their equipment."

Mr. Christensen stated that they can accommodate some of the concerns relative to the anticipated sound coming from the development. Mr. Christensen stated that all of the other concerns have been addressed.

Mr. Dale Sherman, 766 Meadow Lane, stated that at the last meeting Commissioner Schultz requested a sound study, but instead what was submitted is a mercenary letter that lines up exactly with the position that the petitioner, Bridge Development, has taken. He stated that it makes no reference to factory noise, it makes no reference to brakes from trucks, horns from cars, alarms from cars, voices during the day, voices during the evening, and all the other things that would come from a busy and bustling facility.

Mr. Sherman stated that he appreciates that the petitioner is willing to consider no overnight deliveries and urges the Plan Commission that they recommend that this be a requirement. He stated that the Tom Thunder letter is not a practical study as it appears to be based upon averages. He stated that there is no indication that Mr. Thunder ever visited the area or took a sound quality assessment at the property line. He stated that the situation includes heavy industrial adjacent to heavy residential, but the acoustical assessment classifies the residential area as moderately dense residential which is a mischaracterization. He stated that at the very least, Bridge Development should do a sound study.

Ms. Mary Slight, 774 Meadow Lane, asked for clarification as to the proposed delivery hours. Chairman Moore stated that the proposal is to restrict truck deliveries between 9:00 p.m. and 7:00 a.m.

Mr. Sherman stated that he would like to see a restriction on truck idling during those proposed hours of truck delivery restriction as well.

Mr. Spoden stated that the thought process was oriented towards the restriction of deliveries. He stated that the idling of trucks would be regulated by the existing inordinate noise ordinance. He stated that the inordinate noise ordinance is typically applied towards issues such as construction which would be prohibited after hours. He stated that if the Plan Commission wanted to include a restriction on truck idling after hours as part of this development, they can make that recommendation to the Village Board. He stated that the current procedure would be to have the police dispatched if the inordinate noise ordinance is violated.

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Mr. Christensen stated that they did prepare a demolition plan. He stated that the specifications were provided on that demo plan.

Mr. Christensen presented the components of the demo plan to the Plan Commission. He stated that they would grind and mill the existing asphalt. He stated that they would stock pile and use as infill and embankment. He stated that they would use water as necessary to minimize dust. He stated that they will strip and stock pile the pavement and sub-base stone where possible. He stated that the intent is to try and use everything that is already there by crushing the asphalt and concrete and reuse as much of the existing as possible. He stated that they will remove the existing transformers and fully demolish the existing structure. He stated that they will remove or abandon the existing concrete duct piping. He stated that they will try to recycle as much as possible. He stated regarding the building, they will try to salvage as much as they can and that the brick masonry will get crushed on site and efforts will be made to reuse that material. He stated that the steel will be removed.

Mr. Christensen stated that they will contain the demo on site so that there will not be an impact on the neighboring residential area. He stated that demolitions happen very quickly. He stated that they will do everything that they can to minimize the dust.

Mr. Sherman stated that at the end of the last public hearing, one of the neighbors raised the issue about the thickness of the existing floor of the existing building. He stated that during the last meeting there were estimates spoken that the thickness of the existing floor ranges from 1.5 feet to 7 feet. He asked how the floor was going to be demolished and what are the specifics of that aspect of the demolition plan. He asked what the petitioner plans to do with possible fly rock and seismic activity incursions cause by the demolition and sudden changes in air pressure. He stated that he has concerns about the potential need for blasting as part of the demolition. He stated that he is concerned about the long term effects of blasting on the surrounding area including the foundations and drywall of the neighboring houses. He stated that if these issues are not adequately addressed then he is requesting that the Plan Commission provide a negative recommendation to the Village Board because there are too many open questions about the noise and too many open questions about the demolition.

Mr. Christensen stated that they are not contemplating blasting. He stated that they have run into deep foundations on other projects. He stated that sometimes those deep foundations are left in and they are worked around if necessary.

Mr. Christensen stated that he does not like going to green field sites as development eats up farmland. He prefers sites like the subject site. He stated that it is destined for redevelopment. He stated that it is kind of an eye sore. He stated that it is between 60 to 70 years old. He stated that he believes that they have put together a good plan and that they are seeking a vote from the Plan Commission tonight.

Commissioner Schultz stated that it is his understanding that the petitioner is proposing shoebox top fixtures on top of 25 foot tall light poles and not wall mounted lighting on the wall.

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Mr. Christensen stated that there will be no high wall wash lighting for the purposes of illuminating parking lots will be on the west wall of the Phase One building. He stated that wall mounted fixtures are Code required next to the exit doors. He stated that the pole mounted fixtures will be shoebox type canted toward the building with shields attached to prevent as much as possible, light spillage towards the west.

Commissioner Schultz asked the petitioner how long the parking lot lights will remain turned on. Mr. Christensen stated that they can set the lights on timers. He stated that as a practical matter they may have to leave some of the lights on all night for safety reasons.

Mr. Christensen stated that the duration of how long parking lot lights remain turned on may depend upon how the tenants will operate their business. He stated that he has seldom seen 24 hour operations. He stated that it is possible that they could shut off half of the fixtures with timers at midnight.

Commissioner Schultz stated that he is concerned about the light reflecting off of the building at night. He stated that consideration should be given to utilizing a dimmer control for the late hours. He stated that he himself has worked on a project where they installed dimmer mechanisms in the parking lot lights for a facility adjacent to a residential neighborhood.

Mr. Christensen stated that the parking lot lights should be no different than street lighting.

Commissioner Schultz stated that consideration should be given to installing dimmer ability in the proposed parking lot lights to be able to dim down to 25% their normal light levels late at night. He stated consideration could be given to providing low light level fixtures near the building entrances such as with the use of bollards.

Mr. Christensen stated that there will be landscaping near the entrances that will buffer the light spillage coming from the entrance lights.

Commissioner Schultz stated that wall mounted entrance lights are required. He stated that consideration could be given to providing lit bollards along the landscaping at the entry ways.

Mr. Christensen stated that they had not contemplated using lighted bollards.

Commissioner Schultz stated that consideration should be given to using the dimming feature along the west and south sides of the building.

Mr. Christensen stated that they can look into dimming features, but stated that some fixtures are less adaptable than others for the dimming feature. He stated that typically the lights are on timers. He stated that the dimmer technology uses LED elements and are very expensive.

Commissioner Schultz stated that he understands that the dimming features are more expensive, but that consideration should be given to the several residents that live nearby and will be impacted by the facilities lighting for generations to come.

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Commissioner Schultz stated that regarding the noise study, he agrees with the testimony provided by Mr. Sherman. He stated that the report provided by Mr. Thunder is not what he was hoping for by a long stretch. He stated that he was looking for something that is more in depth. He stated that a better noise study would be something akin to a photometric plan by identifying noise levels at various locations in close proximity to the subject site. He stated that consideration could be given to taking noise measurements with several trucks idling or being unloaded from the subject area. He questioned how enforceable it will be to make the subject site compliant with the State Noise Regulations. He stated that he was hoping for a more thorough analysis on the noise. He stated that there will be areas where the noise coming from certain areas of the site will not be a nuisance and there will be areas of the site where it will be a nuisance. He stated that he is worried about where excessive noise will come from and the noise report provided by Mr. Thunder does not provide those details.

Commissioner Schultz asked Staff how they currently respond to noise complaints in the Village. Mr. Spoden stated that their Code Compliance Inspector will do an on-site noise measurement reading. He stated if, for example, a truck is idling during a time period when it is a violation, the police will be dispatched and they will require the trucks to be turned off. He stated that if there are repeat offenders, the Village has threatened to take the violator to court.

Mr. Pardys stated that fines are part of the Village's Code violations section in the Municipal Code. He stated that the fines can range between \$50.00 to \$500.00 per day. He stated that a court is more likely to rule on the lower end of the fine range.

Mr. Spoden stated that every attempt is to resolve the noise issue, not to make money from fines.

Commissioner Schultz stated that he agrees with the petitioner that the parapet wall should not be raised higher for roof top mechanical unit screening. He stated that a sight line study doesn't do any good due to the visual line of sight coming from vehicles driving east along Meadow or Sunnyside.

Mr. Christensen stated that the only necessary adjustment that should be made would be to locate the roof top mechanical units 40 or 50 feet from the roof edge.

Commissioner Schultz stated that he would like to see some type of setback requirement for the roof top mechanical units from the south and western edge of the roof. He stated that one will be able to see the roof top units from Meadow and Sunnyside from the west due to their higher elevations. He stated that he would also like to see a requirement that all of the roof top units are screened.

Mr. Christensen stated that they do not want to install screening that will penetrate the roof. He stated that the suggested requirements by the Commission are redundant if the units are setback from the roof line beyond the line of sight. He stated that the only time he has installed screening is for very large equipment.

Commissioner Schultz stated that the cost of the installation of the roof top units and their screening would be borne by the tenant as they build out their space. He stated that whatever can be done to beautify that particular view from the south and west should be considered. He stated

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that installing screening around the roof top units with a color that is consistent with the precast walls is a reasonable request. He stated that a minimum of 50 feet setback for the roof top units from the roof edge should also be considered a requirement.

Mr. Christensen stated that he could agree to the 50 foot setback for the roof top units, but stated that it is not necessary to screen low-profile roof top equipment.

Commissioner Schultz stated that he is concerned that people will have to live with the appearance that the new building and its roof top units everyday and stated that consideration should be given to that fact and the screening is a reasonable request.

Commissioner Donahue asked if is possible to complete the berm before the demolition begins. Mr. Christensen stated that any change to the berm would happen early. He stated that they will try to extend the berm early, but any subsequent planting will be subject to the weather conditions.

Commissioner Donahue stated that it would be a great start if the berm and fencing could be completed in order to help buffer the noise created by the demolition.

Mr. Christensen stated that they can look into it. He stated that he cannot commit to getting the berm done first, but will think it through.

Commissioner Donahue asked what the current assessed valuation of the subject property is and what it will be when the improvements are complete. Mr. Christensen stated that he does not know the assessed value. He stated that the tax bill is approximately \$150,000. He stated that the proposed development will more than double that tax base.

Commissioner Adams stated that consideration could be given to requiring screening of the roof top units if they are within a 500 foot line of sight or less.

Mr. Spoden stated that Staff could not support the 500 feet line of sight recommendation as it is not only aesthetics, but it is also a noise issue.

Commissioner Adams stated that consideration should be given to restricting trucks on site from idling at night.

Mr. Christensen stated that trucks may still have to idle if they arrive on site, but cannot load until morning. He stated that the noise ordinance should prevail. He stated that there isn't any place near the residential area that a truck would park and idle. He stated that the trucks will be between the buildings away from the residential area and not heard by the residents.

Commissioner Adams asked for clarification as where the trucks station themselves once they arrive on site. Mr. Christensen stated that if the truck drivers know where they are suppose to go, they will dock; if they don't know where to go, they may idle temporarily within the truck court area between the buildings.

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Commissioner Adams asked how the petitioner will address the noise issue if the tenant requires refrigerated space or trucks with delivering refrigerated cargo. Mr. Christensen stated that the condensers might make more noise, but not necessarily. He stated that the truck court area should provide enough noise buffer as it is between the two buildings.

Commissioner Adams stated that this issue relative to refrigerated trucks should be incorporated into a more thorough noise issue.

Mr. Christensen stated that it is frustrating for him to be asked for more information about noise when future noise sources from the subject site are all hypothetical. He stated that this is why there are noise ordinances that should be complied with.

Commissioner Adams stated that consideration be given to doing another noise study after the development is constructed and up and running.

Mr. Spoden stated that such noise study should be done by a professional engineer. He stated that Advocate Condell hired a professional acoustical engineer to do a noise study after the completion of the West Bed Tower due to noise complaints from the adjacent residents. He stated that this then lead to the installation of additional baffling for their roof top mechanical units at the West Bed Tower.

Commissioner Adams stated that everything should be done to minimize the noise level and develop a building as attractive as possible.

Mr. Christensen stated that there will be constant ambient noise from traffic and that everyone hears the ambient noise, but they become accustomed to it. He stated that if there is a truck that is idling, the residents might hear that truck along with the other ambient noise, but questioned as to whether or not it would be the truck that would give a sound measurement a higher decibel reading or not. He stated that he does not know what it would accomplish to do more noise studies. He stated that if there are noise issues then they can be dealt with on an "as you go" basis.

Commissioner Oakley stated that the proposal is an improvement over the existing conditions of the site. He stated that consideration should be given to doing an ambient noise study both before and after the development is constructed.

Mr. Christensen stated that they already have gotten a report on what the ambient noise is estimated to be. He stated that the report from Mr. Thunder states that the day time ambient levels may reach up to 52 decibels, and the night time ambient levels may reach 47 decibels. He stated that the anticipated noise levels projected at the property line is 45 decibels, less than the ambient noise levels.

Commissioner Oakley stated that those noise levels that Mr. Christensen just referred to are averages. He stated that it would help to serve the Village to understand what the noise levels are both before and after the proposed development is constructed.

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Mr. Christensen stated that he does not want to postpone this process any further just to get an ambient study. He stated that they intend to abide by all of the ordinances. He stated that if an issue arises in the future, then it should be addressed in the future. He stated that consideration could be given to hiring the acoustical consultant if the neighbors begin to complain about the noise. He stated that the allowable noise limits are so low that he is nervous about it, yet he is agreeing to the limitations.

Chairman Moore stated that he would like to restrict idling during the times when delivery is restricted. He stated that truckers should find a different place to idle if they have to wait to load or unload during the restricted delivery times.

Mr. Christensen stated that it may not be functionally reasonable because there are no real truck stops in the area. He stated that they want to maintain truck traffic in areas where it belongs.

Mr. Spoden stated that the no idling restriction makes sense during the hours that deliveries are prohibited.

Mr. Christensen stated that it may end up being an enforcement problem.

Chairman Moore stated that he prefers that the roof top mechanical units be screened.

Mr. Christensen stated that he prefers the recommendation to regulate screening if the units are visible at 500 feet line or less.

Chairman Moore stated that the problem with using a line of sight as a method to regulate screening is that the area to the west rises in elevation thereby allowing a more clear line of sight to the roof top units.

Mr. Christensen stated that provided the roof top units are moved back far enough from the roof edge, screening will not be necessary. He stated that the closer one is to the roof top units, the more obnoxious they are; the further one is away from the roof top units, the less obnoxious they are. He stated that because the anticipated units are going to be low profile units, it is not necessary to screen them. He stated that some hybrid type approach to screening could be instituted.

Chairman Moore stated that he prefers not to institute some type of hybrid approach to screening the roof top units as this may be more subjective to interpretation as to whether they meet Code or not. He stated that a singular requirement is much more defined and easier to enforce.

Mr. Christensen stated that he would like to find some way to work with Staff so that he doesn't have to screen them individually, screening them in groups is better, perhaps paint the units instead could also be considered.

Mr. Spoden stated that the Code was changed to allow the painting of existing roof top units, but for new construction, it requires that the units are fully screened.

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Mr. Christensen asked if the requirement to fully screen the roof top units can apply only to the west building. He stated that the east building should be a non-issue.

Commissioner Schultz stated that Mr. Christensen's request is fair.

Chairman Moore stated that he is not in favor of making that distinction between the west and east buildings and would like to see the units screened per the Code.

Mr. Christensen stated that the screening requirement is overkill. He stated that if the tenants become office or manufacturing, then he would expect larger roof top mechanical equipment and can see the need to screen them at that time.

Chairman Moore stated that he is concerned about setting a precedent by not requiring the screening.

Mr. Christensen stated that he wanted to review some of the conditions proposed by Staff. He stated that he wants the Special Use Permit be allowed without restrictions for warehousing.

Chairman Moore stated that the petitioner is seeking the removal of Condition No. 1 from the DRC Staff report.

Mr. Christensen stated that he agrees to landscape screen the truck dock bay area, but to not have to construct wing walls at the corners of the building. He stated that the truck dock court area will be screened along the south property line and that along the north it is not necessary as the property backs up to commercial property.

Mr. Christensen stated that they could add some more evergreen trees along the north property line, but there is very little space to do so; therefore, he agrees to only remove the wing wall wording from Staff recommended Condition No. 3.

Mr. Christensen stated that regarding DRC Staff Report recommended Condition No. 4, he is willing to add a little more landscaping along the north property line. He stated that he would hesitate to calling it a screen.

Mr. Christensen stated that regarding DRC Staff Report recommended Condition No. 9, he is willing to comply with Code regarding roof top screening.

Chairman Moore stated that he needed more clarification from the petitioner as to what he is willing to do regarding Condition No. 4 for the parking lot screening.

Mr. Christensen stated that he isn't certain what the Village is looking for regarding the parking lot screening.

Mr. Spoden stated that Condition No. 4 for parking lot screening is taken straight out of the Zoning Code. He stated that it is intended to screen vehicle headlights from shining on adjacent properties as they park in the parking spaces.

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Mr. Christensen stated that we don't need that type of screening behind the Culver's Restaurant. He stated that this is just details.

Mr. Christensen stated that regarding DRC Staff Report recommended Condition No. 14, they will work with Staff regarding how to advise the neighbors prior to demolition.

Mr. Spoden stated that the Village is asking the petitioner to notice the neighbors. He stated that the current Code requires that adjacent neighbors be formally noticed.

Mr. Christensen stated that regarding DRC Staff Report recommended Condition No. 15, he does not want to be subject to continuous vibration monitoring. He asked for clarification as to what that condition means. Mr. Spoden stated that during demolition, there be vibration monitoring off site. He stated that the Village did the same thing when the parking deck was constructed at the southeast corner of Brainerd and Lake Street. He stated that the monitoring would protect the developer. He stated that this be applied during demolition including the crushing of rock.

Mr. Christensen stated that he agrees with the monitoring during demolition. He stated that he is in agreement with all of the other conditions in the DRC Staff report.

Chairman Moore stated that he would like to add a restriction to idling to Condition No. 17.

Commissioner Schultz stated that the petitioner has agreed to look into the issue of installing dimming features to the parking lot lights. He asked the petitioner as to how this issue will be addressed. Mr. Christensen stated that he would like to work with Staff for a solution that is more palatable. He stated that they would use halide fixtures set on timers and have some of them shut off during appropriate times. He stated that they can look into dimmable alternatives, but those are not inexpensive. He stated that maybe in a couple of years the price will come down and it can be considered at the time.

Commissioner Schultz stated that now is the time to do it as the developer may be gone within two years. He stated that he is looking at the issue from both a perspective to protect the developer and to protect the neighboring residential area.

Mr. Christensen stated that they can look into the dimmable fixtures and try to work out something along the west and south property line.

Commissioner Schultz asked if the issue of the acoustics study has been adequately addressed or not. He asked how DRC Staff Report recommended Condition No. 11 is being determined if the site will be in compliance with State of Illinois noise standard. He stated that consideration could be given to taking ambient noise readings before and after completion of the development.

Commissioner Schultz asked Staff how Advocate Condell was addressed regarding their noise issue. Mr. Spoden stated that the full study was done after the completion of the development. He stated that it was a struggle to determine an initial ambient measurement. He stated that it would have been a benefit to have the initial ambient number before the development. He stated that they did the study afterwards and eventually met the Code requirement.

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Commissioner Schultz stated that consideration should be given to doing a more thorough sound study to include before and after ambient noise measurements.

Chairman Moore stated that ultimately the Code that addresses noise should prevail with existing enforcement policy.

Commissioner Schultz stated that he still prefers that an ambient noise baseline be established.

Chairman Moore asked what the benefit is of knowing the existing ambient noise level. Mr. Spoden stated that the State Code takes into consideration the increase in the noise from the establishment of a new land use. He stated that in this case there is an existing manufacturing land use on site. He stated that he would also rely on the acoustics expert in determining the validity of measuring ambient noise both before and after the development.

Chairman Moore asked what the benefit is of knowing the existing ambient noise level if there is an ordinance in place intended to regulate the noise level after the development. Mr. Spoden stated that he would have to refer to an acoustics expert for the answer to the Chairman's question.

Commissioner Schultz stated that he is trying to establish the parameters so that this subject site does not become a problem similar to what was dealt with at Advocate Condell.

Mr. Spoden stated that the additional problem that was being experienced at Advocate Condell was that they couldn't shut down the hospital wing from which the noise emanated. He stated that they then could not establish that ambient noise baseline.

Commissioner Donahue asked if there was a change of land use at Advocate Condell at the time of the west wing development. Mr. Spoden stated that it was not a zoning change in land use, but that it was that the development encroached closer to the neighboring residential district. He stated that it wasn't caused only by roof top mechanical equipment, but that was the predominant source of the noise.

Commissioner Schultz stated that he is not in favor of the DRC Staff Report recommended Condition No. 11 as it is currently written without somehow incorporating the request for a more thorough noise study.

Commissioner Adams stated that it seems like a noise study would be another layer of regulation on top of the State noise ordinance that the Village has already adopted.

Commissioner Schultz stated that he doesn't know at what point and time the study should be done and at what level of tenant occupancy the noise study should be done. He stated that he is attempting to identify possible future problems and address them now if at all possible. He stated that he has seen more in depth acoustical studies for proposed developments, if there is anything less than that, it should include an existing ambient level sound study prior to development as a minimum.

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Mr. Christensen stated that they can do existing day and night time ambient noise measurements of the site.

Mr. Spoden stated that the ambient noise readings would be very helpful.

Commissioner Schultz asked if the issues regarding the bike path have been adequately addressed. Mr. Smith stated that Staff has provided an exhibit to the Plan Commission submitted by the petitioner, but further amended by the Village's traffic consultant.

Mr. James Woods, Civiltech Engineering and Village's traffic engineer consultant, stated that the petitioner has agreed to put in a painted stop bar and painted cross walk on the driveway at the intersection of the bike path.

Mr. Jeff Hanlon, 408 South Seventh Avenue, stated that he is concerned about on site crushing during the demolition phase. He stated that he didn't know that it was even allowed in the Village. He stated that he is concerned about the noise and dust from the demolition activity. He is concerned about the application of water during demolition and the creation of mud in such close proximity to the river. He stated that one could not stand next to a crusher without using very heavy ear protection. He asked where the water runoff will go. He stated that he storm sewer on Seventh Street is already overwhelmed.

Mr. Fred Chung, Village Engineer, stated that the contractor will be required to provide the proper water quality control measurements. He stated that they are not allowed to by-pass the minimum required water and erosion control devices. He stated that the ensuing water run-off is required to be clean. He stated that Village Staff will monitor the water control process during the demolition. He stated that as far as the crushing is concerned, there is a variety of crushing equipment that could be utilized. He stated that Village Staff will monitor the demolition dust, noise, and vibration. He stated that when IDOT used a rock crusher during the reconstruction of Highway Route 45, the Village did not receive any complaints at all.

Mr. John Christianson, 400 Hampton Terrace, stated that regarding the discussion of measuring the noise levels, he asked to confirm if the noise will be measured at the property lines. Mr. Spoden stated that the required location of the sound measurement is established by the State of Illinois.

Mr. Christianson stated that different kinds of noise may be a nuisance for some and not for others. He stated that the impact of noise will depend upon its frequency.

Mr. Dale Sherman, 766 Meadow Lane, stated that regarding the safety issue, he would like for the entrance drive and the bike path intersection to have stop signs for all four ways. He stated that the petitioner has already agreed to prohibit truck idling between the hours of 10:00 p.m. and 6:00 a.m. He stated that he believes that the Plan Commission still does know enough information regarding the demolishing plan. He stated that it makes sense to have an ambient noise study in order to establish a baseline.

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Ms. Sue Hanlon, 408 South Seventh Avenue, asked for clarification as to the proposed berm, fence, and landscape improvements along the south end of the west property line and along the west end of the south property line. Mr. Christensen presented the landscape plan relative to the south and west property lines.

Mr. Hanlon, 408 South Seventh Avenue, asked if demolition will take place during the evening times. Mr. Spoden stated that demolition at night is not permitted after 9:00 p.m.

Ms. Gwen ZumBrunnen, 757 East Sunnyside Avenue, asked for clarification of the proposed berm and fence height. She asked why the proposed extension of the berm to the north has to be lower than the existing berm. Mr. Dziurdzik stated that the width of the area north of the existing berm is narrower thereby restricting the berm height and still be able to keep a 3 to 1 berm slope.

Ms. ZumBrunnen stated that if the intended parking in that northwest area of the parcel was landbanked, it should allow more area to build up the berm height.

Mr. Dziurdzik stated that they still cannot berm in the landbanked parking area because they may have to install the parking in the future and that would require the removal of that portion of the berm.

Ms. ZumBrunnen stated that it was previously stated that the proposed berm extension would be at a height ranging between 4 to 6 feet. She asked if there can be a commitment to providing a berm at a minimum height of 6 feet. She stated that she likes the idea of installing the berm in before the demolition starts.

Mr. Dziurdzik stated that the maximum berm height that can be achieved is the berm height that they intend to install.

Ms. ZumBrunnen stated that if there can be an exception to go above six feet, she asked for consideration to go higher if possible. She asked if there had been discussion about giving the western building facade a softer look such as something that is less stark and blend in more to the neighborhood.

Mr. Spoden stated that the petitioner has already switched the wall color from white to a gray.

Mr. Woods stated that he does concur with the recommendation to not install stop signs on the driveway entrance portion of the bike path/driveway entrance intersection because they are not warranted. He stated that when stop signs are installed that are not warranted, they typically breed disrespect, people tend to roll past them, and ultimately, a more dangerous situation can develop. He stated that it is important to not overwhelm this intersection with signage, but to be consistent with other bike path crossings. He stated that using a striped cross walk is advised going across the driveway entrance at the point where the bike path crosses driveway.

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Chairman Moore asked the petitioner if he is ready for the Plan Commission to proceed with their recommendation to the Village Board. Mr. Christensen stated that he is ready to proceed provided that the amendments to the conditions as were discussed are incorporated.

In the matter of PC 13-05, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Special Use Permit for a Planned Development in order to construct a warehousing and distribution facility on approximately 21 acres of land for property located in an I-3, General Industrial District, subject to the following conditions:

1. *That all of the Engineering Division review comments found in the April 19, 2013 Development Review Committee Report are satisfactorily addressed at time of Final Engineering Plan submittal.*
2. *That any truck dock bay or the truck court areas be completely screened from any adjacent property as part of any application for a Special Use Permit by using evergreen trees at a height and density to serve as the requested screening.*
3. *That all parking areas are required to have parking lot screening in accordance to the requirements of the Zoning Code.*
4. *That any grant of cross access easements and their agreements be drafted and submitted as part of the Final Plat of Subdivision application, as well as copies of all other recorded documents applicable to any existing easements.*
5. *That parking lot striping shall be shown for the existing facility remaining during Phase (1) One on the Site Plan prior to applying for any building permit.*
6. *That sign plans shall be submitted with the first building permit application that will show how the existing multi-tenant industrial park sign located at the entrance near Route 176 will be renovated or replaced and relocated.*
7. *That the proposed multi-tenant directory sign proposed for the entrance at the south side of the bike path should be pulled back a few feet out of the Sight Distance Triangle.*
8. *That all roof top mechanical equipment shall be screened in accordance to the Village of Libertyville Zoning Code. (1002(2) 4:05)*
9. *That perimeter light poles along the west side of the property with lights shielded and facing toward the buildings in lieu of wall mounted fixtures, as well as the use of LED lighting and dimming features on light poles along the west and south property lines, be included in revised photometric lighting plans prior to building permit application submission.*
10. *That the petitioner determine through the use of an acceptable acoustical engineer the ambient noise level of the property prior to demolition and that the development shall comply with State of Illinois Title 35, Chapter 1, Part 901: Sound Emission Standards and Limitations for Property Line Noise Sources.*
11. *That the mechanical specifications of any future roof top mechanical units shall be written in a way so as to limit the noise emissions so that the sound levels at adjacent residential properties not exceed 45 dB. The suppliers bidding on this equipment shall be required to give octave band sound emission data so that compliance with the specification and the State Code can be verified. (1003(2) 00:40)*
12. *That leases for future facility tenants shall be structured to require that they meet a limit of 50 dB during the daytime hours and 45 dB during the nighttime hours at the adjacent*

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residential property and meet all other aspects of the State of Illinois noise code, whichever is more restrictive.

13. *That notifications be sent to all property owners within 250 feet of the site prior to demolition and/or concrete crushing operations.*
14. *That continuous vibration monitoring be required during demolition at the perimeter of the site to ensure vibration levels are within ranges according to standard engineering practices*
15. *That the petitioner be required to contain demolition and crushing dust at all times.*
16. *That no truck deliveries or truck idling take place after 9:00 p.m. or prior to 7:00 a.m.*

Motion carried 4 - 1.

Ayes: Adams, Donahue, Oakley, Schultz
Nays: Moore
Absent: Cotey, Semmelman

In the matter of PC 13-06, Commissioner Donahue moved, seconded by Commissioner Adams, to recommend the Village Board of Trustees approve a Planned Development Concept Plan in order to construct a warehousing and distribution facility on approximately 21 acres of land for property located in an I-3, General Industrial District, subject to the following conditions:

1. *That all of the Engineering Division review comments found in the April 19, 2013 Development Review Committee Report are satisfactorily addressed at time of Final Engineering Plan submittal.*
2. *That any truck dock bay or the truck court areas be completely screened from any adjacent property as part of any application for a Special Use Permit by using evergreen trees at a height and density to serve as the requested screening.*
3. *That all parking areas are required to have parking lot screening in accordance to the requirements of the Zoning Code.*
4. *That any grant of cross access easements and their agreements be drafted and submitted as part of the Final Plat of Subdivision application, as well as copies of all other recorded documents applicable to any existing easements.*
5. *That parking lot striping shall be shown for the existing facility remaining during Phase (1) One on the Site Plan prior to applying for any building permit.*
6. *That sign plans shall be submitted with the first building permit application that will show how the existing multi-tenant industrial park sign located at the entrance near Route 176 will be renovated or replaced and relocated.*
7. *That the proposed multi-tenant directory sign proposed for the entrance at the south side of the bike path should be pulled back a few feet out of the Sight Distance Triangle.*
8. *That all roof top mechanical equipment shall be screened in accordance to the Village of Libertyville Zoning Code. (1002(2) 4:05)*
9. *That perimeter light poles along the west side of the property with lights shielded and facing toward the buildings in lieu of wall mounted fixtures, as well as the use of LED lighting and dimming features on light poles along the west and south property lines, be included in revised photometric lighting plans prior to building permit application submission.*

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10. *That the petitioner determine through the use of an acceptable acoustical engineer the ambient noise level of the property prior to demolition and that the development shall comply with State of Illinois Title 35, Chapter 1, Part 901: Sound Emission Standards and Limitations for Property Line Noise Sources.*
11. *That the mechanical specifications of any future roof top mechanical units shall be written in a way so as to limit the noise emissions so that the sound levels at adjacent residential properties not exceed 45 dB. The suppliers bidding on this equipment shall be required to give octave band sound emission data so that compliance with the specification and the State Code can be verified. (1003(2) 00:40)*
12. *That leases for future facility tenants shall be structured to require that they meet a limit of 50 dB during the daytime hours and 45 dB during the nighttime hours at the adjacent residential property and meet all other aspects of the State of Illinois noise code, whichever is more restrictive.*
13. *That notifications be sent to all property owners within 250 feet of the site prior to demolition and/or concrete crushing operations.*
14. *That continuous vibration monitoring be required during demolition at the perimeter of the site to ensure vibration levels are within ranges according to standard engineering practices*
15. *That the petitioner be required to contain demolition and crushing dust at all times.*
16. *That no truck deliveries or truck idling take place after 9:00 p.m. or prior to 7:00 a.m.*

Motion carried 4 - 1.

Ayes: Adams, Donahue, Oakley, Schultz
Nays: Moore
Absent: Cotey, Semmelman

In the matter of PC 13-07, Commissioner Donahue moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Special Use Permit for Warehousing and Storage in order to construct a warehousing and distribution facility on approximately 21 acres of land for property located in an I-3, General Industrial District, subject to the following conditions:

1. *That all of the Engineering Division review comments found in the April 19, 2013 Development Review Committee Report are satisfactorily addressed at time of Final Engineering Plan submittal.*
2. *That any truck dock bay or the truck court areas be completely screened from any adjacent property as part of any application for a Special Use Permit by using evergreen trees at a height and density to serve as the requested screening.*
3. *That all parking areas are required to have parking lot screening in accordance to the requirements of the Zoning Code.*
4. *That any grant of cross access easements and their agreements be drafted and submitted as part of the Final Plat of Subdivision application, as well as copies of all other recorded documents applicable to any existing easements.*
5. *That parking lot striping shall be shown for the existing facility remaining during Phase (1) One on the Site Plan prior to applying for any building permit.*
6. *That sign plans shall be submitted with the first building permit application that will*

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- show how the existing multi-tenant industrial park sign located at the entrance near Route 176 will be renovated or replaced and relocated.*
7. *That the proposed multi-tenant directory sign proposed for the entrance at the south side of the bike path should be pulled back a few feet out of the Sight Distance Triangle.*
 8. *That all roof top mechanical equipment shall be screened in accordance to the Village of Libertyville Zoning Code. (1002(2) 4:05)*
 9. *That perimeter light poles along the west side of the property with lights shielded and facing toward the buildings in lieu of wall mounted fixtures, as well as the use of LED lighting and dimming features on light poles along the west and south property lines, be included in revised photometric lighting plans prior to building permit application submission.*
 10. *That the petitioner determine through the use of an acceptable acoustical engineer the ambient noise level of the property prior to demolition and that the development shall comply with State of Illinois Title 35, Chapter 1, Part 901: Sound Emission Standards and Limitations for Property Line Noise Sources.*
 11. *That the mechanical specifications of any future roof top mechanical units shall be written in a way so as to limit the noise emissions so that the sound levels at adjacent residential properties not exceed 45 dB. The suppliers bidding on this equipment shall be required to give octave band sound emission data so that compliance with the specification and the State Code can be verified. (1003(2) 00:40)*
 12. *That leases for future facility tenants shall be structured to require that they meet a limit of 50 dB during the daytime hours and 45 dB during the nighttime hours at the adjacent residential property and meet all other aspects of the State of Illinois noise code, whichever is more restrictive.*
 13. *That notifications be sent to all property owners within 250 feet of the site prior to demolition and/or concrete crushing operations.*
 14. *That continuous vibration monitoring be required during demolition at the perimeter of the site to ensure vibration levels are within ranges according to standard engineering practices*
 15. *That the petitioner be required to contain demolition and crushing dust at all times.*
 16. *That no truck deliveries or truck idling take place after 9:00 p.m. or prior to 7:00 a.m.*

Motion carried 4 - 1.

Ayes: Adams, Donahue, Oakley, Schultz
Nays: Moore
Absent: Cotey, Semmelman

In the matter of PC 13-08, Commissioner Donahue moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Preliminary Plat of Subdivision in order to construct a warehousing and distribution facility on approximately 21 acres of land for property located in an I-3, General Industrial District, subject to the following conditions:

1. *That all of the Engineering Division review comments found in the April 19, 2013 Development Review Committee Report are satisfactorily addressed at time of Final Engineering Plan submittal.*

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2. *That any truck dock bay or the truck court areas be completely screened from any adjacent property as part of any application for a Special Use Permit by using evergreen trees at a height and density to serve as the requested screening.*
3. *That all parking areas are required to have parking lot screening in accordance to the requirements of the Zoning Code.*
4. *That any grant of cross access easements and their agreements be drafted and submitted as part of the Final Plat of Subdivision application, as well as copies of all other recorded documents applicable to any existing easements.*
5. *That parking lot striping shall be shown for the existing facility remaining during Phase (1) One on the Site Plan prior to applying for any building permit.*
6. *That sign plans shall be submitted with the first building permit application that will show how the existing multi-tenant industrial park sign located at the entrance near Route 176 will be renovated or replaced and relocated.*
7. *That the proposed multi-tenant directory sign proposed for the entrance at the south side of the bike path should be pulled back a few feet out of the Sight Distance Triangle.*
8. *That all roof top mechanical equipment shall be screened in accordance to the Village of Libertyville Zoning Code. (1002(2) 4:05)*
9. *That perimeter light poles along the west side of the property with lights shielded and facing toward the buildings in lieu of wall mounted fixtures, as well as the use of LED lighting and dimming features on light poles along the west and south property lines, be included in revised photometric lighting plans prior to building permit application submission.*
10. *That the petitioner determine through the use of an acceptable acoustical engineer the ambient noise level of the property prior to demolition and that the development shall comply with State of Illinois Title 35, Chapter 1, Part 901: Sound Emission Standards and Limitations for Property Line Noise Sources.*
11. *That the mechanical specifications of any future roof top mechanical units shall be written in a way so as to limit the noise emissions so that the sound levels at adjacent residential properties not exceed 45 dB. The suppliers bidding on this equipment shall be required to give octave band sound emission data so that compliance with the specification and the State Code can be verified. (1003(2) 00:40)*
12. *That leases for future facility tenants shall be structured to require that they meet a limit of 50 dB during the daytime hours and 45 dB during the nighttime hours at the adjacent residential property and meet all other aspects of the State of Illinois noise code, whichever is more restrictive.*
13. *That notifications be sent to all property owners within 250 feet of the site prior to demolition and/or concrete crushing operations.*
14. *That continuous vibration monitoring be required during demolition at the perimeter of the site to ensure vibration levels are within ranges according to standard engineering practices*
15. *That the petitioner be required to contain demolition and crushing dust at all times.*
16. *That no truck deliveries or truck idling take place after 9:00 p.m. or prior to 7:00 a.m.*

Motion carried 4 - 1.

Ayes: Adams, Donahue, Oakley, Schultz

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Nays: Moore
Absent: Cotey, Semmelman

NEW BUSINESS:

**PC 13-12 Life Storage Centers, LLC, Applicant
700-998 East Park Avenue**

Request is for an Amendment to the Special Use Permit for a Planned Development in order to amend Ordinance No. 11-O-19 for the Park Avenue Corporate Center in an I-3, General Industrial District.

**PC 13-13 Life Storage Centers, LLC, Applicant
700-998 East Park Avenue**

Request is for a Major Adjustment to the Planned Development Final Plan (Phase 3) in order to amend Ordinance No. 11-O-19 for the Park Avenue Corporate Center in an I-3, General Industrial District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting an Amendment to the Special Use Permit for a Planned Development and a Major Adjustment to the Planned Development Final Plan (Phase 3) for the Park Avenue Corporate Center located in an I-3, General Industrial District at 700-998 East Park Avenue.

Mr. Smith stated that the Park Avenue Corporate Center, previously occupied by the Solar Corporation, is an approved three (3) phase Planned Development applied for by Life Storage Centers intended to incorporate self-storage, warehousing, and office with a “Work-Ship-Store” theme for the industrial park on a 17.3 acre parcel of land. He stated that Phase Two included the development of the Green Tree Animal Hospital on the east parcel just west of the detention area. He stated that between Phase Two and Phase Three, the overall development was amended to allow land uses to be more commercially oriented and incorporate certain manufacturing and assembly type land uses as Special Permitted. He stated that the Village Board approved this request with the condition that assembly uses be classified as Special Permitted Uses.

Mr. Smith stated that along with the Phase Two Final Plan for the Green Tree Animal Hospital, the petitioner submitted a Phase Three concept plan that incorporated the existing Phase One Life Storage building and the Phase Two Green Tree Animal Hospital facility. He stated that Phase Three showed two (2) new future 12,000 square foot office/warehouse buildings in the center of the 17 acre parcel between the Life Storage Centers facility and the Green Tree Animal Hospital building along with additional rehab improvements to the existing buildings at the north end of the site (rear area). He stated that this was later amended in 2011 in a Planned Development Phase Three Final Plan and codified in Ordinance No. 11-O-19 which was sent to the members of the Plan Commission prior to tonight’s public hearing.

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Mr. Smith stated that the petitioner is requesting amendments to three (3) requirements of Ordinance No. 11-O-19 which approved the Final Plan Phase Three of the Park Avenue Corporate Center.

Mr. Smith stated that Ordinance No. 11-O-19, Section Three, Item No. 4 requires that the northwest corner of the subject site be improved with landscaping, parking and a pedestrian sidewalk linking the neighborhood to the west of the development as shown in plans for the Park Avenue Corporate Center Phase 3, prepared by Hezner Corporation, dated September 9, 2010, prior to issuing final occupancy for any tenant space located within Phase 3. Mr. Smith stated that the petitioner is requesting to amend this aspect of the plan in the following manner: that the curbed landscaped island and shrub row be eliminated from the Phase 3 plan and replaced with a striped no-parking area as the location of this island as originally approved will inhibit truck traffic to the loading docks in Building B2 that are utilized by Phased 3 tenant, Feed My Starving Children. Mr. Smith stated that by eliminating the curbed island and replacing it with a striped no-parking area, it allows for additional maneuvering clearances for their deliveries if so needed. Mr. Smith stated that the petitioner's new landscape plan has been revised to show the plantings along the north side of the north parking lot due to the location of an existing utility pole and overhead wires.

Mr. Smith stated that Ordinance No. 11-O-19, Section Three, Item No. 7 requires that Buildings B and C be separated by removing the interstitial space between said buildings in order to establish separate accessible entrances to Buildings B and C as shown in plans for the Park Avenue Corporate Center Phase 3, prepared by Hezner Corporation, dated September 9, 2010, prior to issuing final occupancy for any tenant space located within Phase 3. Mr. Smith stated that the petitioner is requesting to amend this aspect of the plan in the following manner: that the interstitial building connection remain intact.

Mr. Smith stated that Ordinance No. 11-O-19, Section Three, Item No. 9 requires that the easterly site driveway entrance off of Route 176 be improved as shown in the plans for the Park Avenue Corporate Center Phase 3, prepared by Hezner Corporation, dated September 9, 2010, prior to issuing final occupancy for any tenant space located within Phase 3, subject to approval by the Director of Public Works. He stated that the petitioner is requesting to amend this aspect of the plan in the following manner: that they forgo this required improvement until they apply for Phase Four (4).

Mr. Mark Sullivan, architect for the petitioner, presented the requested changes to the ordinance. He stated that in addition to the removal of the curbed landscaped island in the north parking lot that there will be some other subtle landscape changes. He stated that regarding the request to maintain the interstitial connection between Buildings B and C that the patrons entering this portion of the building make use of the connection to wait for their rides. He stated that it is pointless to repair the easterly driveway when they may have to tear it out again when Phase Four (4) comes in.

Mr. Scott Hezner, 678 Broadway Street, stated that the Village Staff review comments are good.

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Chairman Moore asked the petitioner if they can abide by the conditions recommended by Village Staff. Mr. Sullivan stated that they can do the easterly driveway improvements, but only up to where it meets the parking lot entrance for the Green Tree Animal Hospital.

Mr. Steve Osborne, Life Storage Centers, stated that the intention is to get everything approved for Phase Three (3) with the requested amendments.

In the matter of PC 13-12, Commissioner Schultz moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve an Amendment to the Special Use Permit for a Planned Development in order to amend Ordinance No. 11-O-19 for the Park Avenue Corporate Center in an I-3, General Industrial District, subject to the following conditions:

1. *That the 12 parking space parking lot located in the northwest corner of the subject site be screened in accordance to Zoning Code Section 13-3.1.*
2. *That the petitioner be required to comply with Ordinance No. 11-O-19, Section Three Item No. 9, and improve the easterly site driveway entrance off of Route 176 as shown in the plans for the Park Avenue Corporate Center Phase Three (3), prepared by Hezner Corporation, dated September 9, 2010, prior to issuing final occupancy for any tenant space located within Phase Three (3) up to the north edge of the driveway entrance to the Green Tree Animal Hospital, subject to approval by the Director of Public Works.*
3. *That the developer shall apply for a Letter of Map Revision/Detention Document to identify which areas on the entire site are within the Flood Plain limit prior to October 31, 2013.*
4. *That plans for Phase Four (4) required improvements for the parking lot must be completed by a professional engineer for Village review and approval as part of the Phase Four (4) application submittal.*
5. *Except as provided herein, the petitioner shall comply with all conditions listed in Ordinance No. 11-O-19, Section Three, prior to the issuance of any new temporary occupancy permit or any final occupancy permit for any tenant or owner occupied space within the development.*

Motion carried 5 - 0.

Ayes: Moore, Adams, Donahue, Oakley, Schultz
Nays: None
Absent: Cotey, Semmelman

In the matter of PC 13-13, Commissioner Oakley moved, seconded by Commissioner Adams, to recommend the Village Board of Trustees approve a Major Adjustment to the Planned Development Final Plan (Phase 3) in order to amend Ordinance No. 11-O-19 for the Park Avenue Corporate Center in an I-3, General Industrial District, subject to the following conditions:

1. *That the 12 parking space parking lot located in the northwest corner of the subject site be screened in accordance to Zoning Code Section 13-3.1.*
2. *That the petitioner be required to comply with Ordinance No. 11-O-19, Section Three Item No. 9, and improve the easterly site driveway entrance off of Route 176 as shown in the plans for the Park Avenue Corporate Center Phase Three (3), prepared by Hezner*

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Corporation, dated September 9, 2010, prior to issuing final occupancy for any tenant space located within Phase Three (3) up to the north edge of the driveway entrance to the Green Tree Animal Hospital, subject to approval by the Director of Public Works.

3. *That the developer shall apply for a Letter of Map Revision/Detention Document to identify which areas on the entire site are within the Flood Plain limit prior to October 31, 2013.*
4. *That plans for Phase Four (4) required improvements for the parking lot must be completed by a professional engineer for Village review and approval as part of the Phase Four (4) application submittal.*
5. *Except as provided herein, the petitioner shall comply with all conditions listed in Ordinance No. 11-O-19, Section Three, prior to the issuance of any new temporary occupancy permit or any final occupancy permit for any tenant or owner occupied space within the development.*

Motion carried 5 - 0.

Ayes: Moore, Adams, Donahue, Oakley, Schultz
Nays: None
Absent: Cotey, Semmelman

COMMUNICATIONS AND DISCUSSION: None.

Commissioner Adams moved, seconded by Commissioner Donahue, to adjourn the Plan Commission meeting.

Motion carried 5 - 0.

Meeting adjourned at 10:54 p.m.