

MINUTES OF THE PLAN COMMISSION
January 27, 2014

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:01 p.m. at the Village Hall.

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

Members absent: Dan Donahue.

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

OLD BUSINESS:

**PC 13-22 M/I Homes, Applicant
 200, 216, and 400 W. Lake Street**

Request is for a Map Amendment to re-zone approximately 2.8 acres of land from C-1, Downtown Core Commercial District and R-6, Single Family Residential District to R-8, Multiple Family Residential District in order to develop 80 townhome dwelling units on approximately 11 acres of land in an R-8, Multiple Family Residential District.

**PC 13-23 M/I Homes, Applicant
 200, 216, and 400 W. Lake Street**

Request is for a Special Use Permit for a Planned Development Major Adjustment to the Planned Development Final Plan in order to develop 80 townhome dwelling units on approximately 11 acres of land in an R-8, Multiple Family Residential District.

**PC 13-24 M/I Homes, Applicant
 200, 216, and 400 W. Lake Street**

Request is for a Planned Development Concept Plan in order to develop 80 townhome dwelling units on approximately 11 acres of land in an R-8, Multiple Family Residential District.

**PC 13-25 M/I Homes, Applicant
 200, 216, and 400 W. Lake Street**

Request is for a Preliminary Plat of Subdivision in order to develop 80 townhome dwelling units on approximately 11 acres of land in an R-8, Multiple Family Residential District.

Minutes of the January 27, 2014, Plan Commission Meeting
Page 2 of 6

In the matters of PC 13-22 thru PC 13-25, Commissioner Cotey moved, seconded by Commissioner Adams, to continue these items to the February 10, 2014, Plan Commission meeting.

Motion carried 6 - 0.

Ayes: Moore, Adams, Cotey, Oakley, Schultz, Semmelman

Nays: None

Absent: Donahue

NEW BUSINESS:

PC 14-01 Bridge Development Partners, LLC, Applicant
804 East Park Avenue

Request is for a Planned Development Final 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 14-01 Bridge Development Partners, LLC, Applicant
804 East Park Avenue

Request is for a Final 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, introduced the requests on behalf of the petitioner. Mr. Smith stated that on July 9, 2013, the Village Board granted approval to the petitioner, Bridge Development Partners, LLC, 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 with certain conditions for approval.

Mr. Smith stated that the Preliminary Plat of Subdivision and Preliminary Plan included a proposal to construct a warehouse and distribution facility on a 21 acre site located within the Aldridge Business Park, previously known as the Mungo Industrial Park. Mr. Smith stated that the proposal included a two phased, two building warehouse distribution facility. Mr. Smith stated that Phase (1) One incorporated the western 9.81 acre portion of the subject site and is planned for a 185,750 square foot warehouse building and Phase (2) Two included the eastern 11.3 acre portion of the subject site with a 220,500 square foot warehouse building. Mr. Smith stated that the July 2013 approvals included a Special Use Permit for Warehousing and Storage.

Mr. Smith stated that the petitioner is back before the Plan Commission seeking a Final Plan and Final Plat of Subdivision and will combine the two phases into one phase with the intent to

Minutes of the January 27, 2014, Plan Commission Meeting
Page 3 of 6

construct both buildings at the same time. Mr. Smith stated that the property is zoned I-3, General Industrial District.

Mr. Smith stated that the ordinances approving the Special Use Permit for Planned Development and Special Use Permit for Warehousing and Storage include conditions and were inserted into the DRC Staff report.

Mr. Mark Christensen, petitioner, stated that they will continue to work with Staff on the Engineering related comments. He stated that they have refined the design of the landscape buffer along the western property line. He stated that they have raised the parapet along the roof edge to help screen the mechanical equipment. He stated that the entrance will have an improved tapered curb cut as discussed during the hearings for the preliminary plans. He stated that the demolition will be carefully phased. He stated that for the vibration monitoring, they intend to located the vibration monitoring device during demolition approximately at the midway point between the northwest corner of the site and the southwest corner of the site per the recommendation of the vibration monitoring consultant. He stated that they have included a plat of vacation of easements and a plat exhibit for new easements with their submission.

Commissioner Oakley stated that the petitioner should address the Staff review comments.

Mr. Christensen stated that they will comply with the Planning Division comments, but must check again to see if they haven't already submitted existing recorded easement documents as requested by the Planning Division. He stated that they will investigate alternative locations for outdoor employee areas as needed if the proposed landbanked parking currently located directly under the proposed employee area is ever needed to be installed. He stated that the outdoor employee area location issue shall be deferred to the landscaped architect.

Chairman Moore requested that the petitioner provide a rationale for the proposed vibration monitoring equipment.

Mr. Christensen stated that he is relying on the contractor in charge of the vibration monitoring equipment, but does not anticipate that there will be concrete slabs thicker than 6" to 8".

Commissioner Cotey requested that the petitioner elaborate on how they are addressing the compensatory water storage.

Mr. Christensen stated that the site has been engineered to accommodate drainage into storm sewers or by overland flow routes.

Commissioner Schultz asked the petitioner to confirm what the proposed roof height will be. He stated that he is concerned about how the petitioner will address the screening of the roof top mechanical units. Mr. Christensen stated that the proposed height is approximately 35 feet. He stated that as each tenant acquires occupancy, they will address the screening of each roof top mechanical unit one at a time as needed.

Minutes of the January 27, 2014, Plan Commission Meeting
Page 4 of 6

Commissioner Schultz asked the petitioner why they couldn't locate the vibration monitoring equipment along the south property line which would be closer to the residents. Mr. Christensen stated that they will address the Staff review comment that also questioned the proposed location of the vibration monitoring equipment in the revised petition documents prior to the next Plan Commission public meeting.

Commissioner Schultz asked if the petitioner could devote one of the tenant panels of the proposed multi-tenant sign to advertising of leasable space instead of the standard separate commercial real estate sign.

Mr. Christensen stated he has referred the proposed sign program to their consulting sign company. He stated that real estate brokers typically have their preferences as to how signage is utilized to advertise available tenant spaces.

Commissioner Schultz stated that the intent or goal of a real estate broker can still be met by using one of the tenant panels on the multi-tenant sign instead.

Mr. Christensen stated that he will discuss the real estate sign issue with the brokers of the property.

Commissioner Schultz asked for clarification of the emergency access drive coming from Seventh Avenue along the western property line. Mr. Christensen stated that the emergency entrance will be gated at the same height as the adjacent-connecting fence.

Mr. Christensen stated that he understands that these zoning requests are being recommended by Staff to be continued to February 24, 2014 in order to provide them an opportunity to address the Staff review comments.

In the matters of PC 14-01 and PC 14-02, Commissioner Semmelman moved, seconded by Commissioner Oakley, to continue these items to the February 24, 2014, Plan Commission meeting.

Motion carried 6 - 0.

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

OLD BUSINESS:

PC 13-27 Village of Libertyville, Applicant

Request is for a Text Amendment to the Libertyville Zoning Code in order to regulate the cultivation and dispensing of medical cannabis.

Minutes of the January 27, 2014, Plan Commission Meeting
Page 5 of 6

Mr. David Smith, Senior Planner, introduced the proposed Zoning Code text amendment. He stated On August 1, 2013, the Compassionate Use of Medical Cannabis Pilot Program Act (the “Medical Cannabis Act”), was signed into law, effective January 1, 2014. He stated that the Medical Cannabis Act allows for the establishment of up to 60 medical cannabis dispensing organizations and 22 medical cultivation centers to be geographically dispersed throughout the State of Illinois. He stated that in anticipation of the State’s legalization of medical cannabis, on January 22, 2013, the Village Board passed Resolution No. 13-R-03. He stated that the resolution directs the Village Plan Commission to hold public hearings on Zoning Code text amendments if medical cannabis is legalized, and to make recommendations to the Village Board. He stated that members of the Village Staff have participated in a collaborative joint task force with other Lake County Government personnel to develop appropriate methods of zoning and regulating medical cannabis dispensaries and cultivation centers throughout Lake County.

Mr. Smith stated that the Lake County Medical Marijuana Task Force has concluded their meetings and have provided a draft Model Ordinance regulating medical cannabis dispensing and cultivation facilities for communities throughout the county for the Lake County Board to review and conduct their own public hearings on matter. Mr. Smith stated that at this time, Staff is recommending that the Plan Commission begin review and deliberation of the proposed draft Lake County Model Ordinance with the intent of the eventual amendment the Libertyville Zoning Code concurrently with the Lake County Board.

Mr. Smith stated that on December 10, 2013, the Village Board passed a moratorium on the establishment of medical cannabis cultivation centers, medical cannabis dispensing or dispensary organizations and/or the issuance of building permits and zoning certificates of compliance for such uses in the Village of Libertyville for a period of 180 days. He stated that the moratorium will enable time for the Plan Commission complete public hearings regarding a Zoning Code text amendment.

Chairman Moore stated that consideration should be given to establishing a licensing program for the dispensing and cultivation centers.

Commissioner Oakley stated that there needs to be safeguards in place for dispensing facilities and how they dispose of refuse. He stated that there should be a background check for employees of dispensaries and cultivation centers.

Chairman Moore stated that consideration should be given to the establishment of a sub-committee to study the issue and make a recommendation up to the Plan Commission. He stated that it seems uncertain as to what the role of the Plan Commission should be.

Commissioner Semmelman stated that the parameters of any proposed regulations should be clearly defined and that further clarification of what the States role should be is needed.

Mr. David Pardys, Village Attorney, stated that the process before the Plan Commission should begin with understanding what the “Medical Cannabis Act” dictates for communities. He stated that it appears that the State Act limits communities to defining regulations through their zoning powers.

Minutes of the January 27, 2014, Plan Commission Meeting
Page 6 of 6

Chairman Moore recommended that this item be continued in order to allow Staff and the Village Attorney additional time to study the matter and draft a proposed Zoning Code text amendment.

In the matter of PC 13-27, Commissioner Adams moved, seconded by Commissioner Schultz, to continue this item to the February 24, 2014, Plan Commission meeting.

Motion carried 6 - 0.

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

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, announced that the Community Development Department has nine (9) items going to the Village Board at their January 28, 2014 meeting including an amendment to the existing Business District Ordinance relative the auto dealers.

Mr. Spoden stated that in March Staff will study and present proposed changes to the Zoning Code relative to the downtown parking requirements, and changes to the regulations relative to Mobile Vendors.

Mr. Spoden stated that public meetings regarding the disposition of the Brainerd building will commence soon.

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

Motion carried 6 - 0.

Meeting adjourned at 8:12 p.m.