

**MINUTES OF THE PLAN COMMISSION**  
**August 24, 2015**

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:40 p.m. at the Village Hall.

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

Members absent: None.

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

Commissioner Oakley moved, seconded by Commissioner Cotey, to approve the July 27, 2015, Plan Commission meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**PC 15-15 Swanson Development LLC, Applicant  
625 W. Winchester Road**

**Request is for a Planned Development Final Plan in order to construct 56 townhome dwelling units on approximately 5.2 acres of land in an R-8, Multiple Family Residential District.**

**PC 15-16 Swanson Development LLC, Applicant  
625 W. Winchester Road**

**Request is for a Final Plat of Subdivision in order to construct 56 townhome dwelling units on approximately 5.2 acres of land in an R-8, Multiple Family Residential District.**

Mr. David Smith, Senior Planner, introduced the petition request to the Plan Commission. Mr. Smith stated that the petitioner is now seeking approval for the Planned Development Final Plan and Final Plat of Subdivision. Mr. Smith stated that the petitioner's request for the Special Use Permit for a Planned Development and Concept Plan has previously been approved by the Village Board.

Mr. Rick Swanson, petitioner, stated that he is looking for a recommendation from the Plan Commission tonight for the requests. He stated that they have been granted preliminary approval for the proposed 56 townhome units with rear loaded garages. He stated that they went through several months of review to determine what the limitations of the site were and how it could be

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developed including access, density, housing types, and the incorporation of an affordable housing component via a pay in lieu program. He stated they also overcame the minor obstacle by agreeing how to implement environmental remediation.

Mr. Swanson stated that the preliminary approvals were tied to a list of conditions which they believe they have complied with. He stated that they will ask the Plan Commission to take action this evening. He stated that they can address the Staff review comments in the DRC Staff Report and that a representative from their Engineering firm, Pierson, Brown and Associates is present tonight to help address any of the Engineering Division comments.

Mr. Swanson stated that the review comments provided by Staff are not an issue for them. He stated that the Building Division and Fire Department comments are academic.

Mr. Swanson stated that the Planning Division comments are reasonable and fair. He stated that the Planning Division comments can be addressed with the proper notations on the plans.

Mr. John Spoden, Director of Community Development, stated that the comments were listed in the Report because they were conditions for approval listed in the ordinances approving the Special Use Permit and could not be substantiated in the final plans.

Mr. Swanson stated that they will revise the photometric plan in accordance to the Staff review comment and will confirm that there will not be any conflicts between the proposed utilities and the landscaping.

Mr. Swanson stated that they will comply with the Engineering comments. He stated that they will comply with the WDO requirements.

Chairman Moore asked for clarification as to whether or not compliance with the WDO requirements have been met or not. Mr. Fred Chung, Village Engineer, stated that they still need a couple different calculations.

Mr. Swanson stated that it is his understanding that all of the requested materials have been provided and if there is still anything missing, they will submit it as soon as possible.

Mr. Angelo Zagrofos, engineer for the petitioner, stated that they have prepared and previously submitted on July 10<sup>th</sup> a Storm Water Management design report that included all of the necessary calculations.

Mr. Swanson stated that most, if not all, of the items listed in the Engineering Division review comments were submitted and that perhaps there was an internal issue relative to getting all of the documents to Fred in the Engineering Division.

Mr. Swanson stated that they can provide a wetlands study as requested, but it shows that there are not wetlands on the site which would eliminate many of the other Engineering Division comments associated with wetlands that otherwise exist. He stated that a plat of survey was submitted previously in response to the Engineering Division comment.

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Mr. Chung stated that in response to the plat of survey comment they are looking for additional information on the plat of survey that demonstrates that Lake County Government will not ask for additional right-of-way.

Mr. Swanson stated that they will provide the document for confirmation regarding whether or not Lake County will take any more land for right-of-way. He stated that all of the other calculations requested in the DRC Staff report were submitted on July 7<sup>th</sup>.

Mr. Swanson stated that in response to the Staff requesting a field tile survey, this particular property was not farmed and therefore there would be no reason for there to be any existing field tiles. He stated that they did soil borings and they did not find any field tiles on the site.

Mr. Chung stated that the drain tile survey is a requirement of the WDO. He stated that the Village cannot waive this requirement.

Mr. Zagrofos stated that historically the WDO has required the field tile survey if it makes sense, but in this case it does not seem to warrant such a survey.

Mr. Zagrofos stated that the overland flow path calculations were part of the Storm Water Management design report.

Mr. Swanson stated that the term 'acceptable' was confusing in the Engineering Division comments. He stated that the Wetland Delineation Report has already been submitted, but will confirm that with Village Staff. He stated that they have provided an existing conditions map and a narrative describing the construction phasing in the packet previously. He stated that regarding the request for the Natural Resources Inventory they have received confirmation from the Illinois Natural Resources Inventory and will submit the application for the NRI tomorrow. He stated that their engineers have stated that no depressional storage is required.

Mr. Zagrofos stated that no depressional storage currently exist on the property therefore no compensatory storage shall be required.

Mr. Chung stated that he agrees with Mr. Zagrofos.

Mr. Swanson stated that they did received confirmation that they are in compliance with IDNR, the Illinois Department of Natural Resources. He stated that there will be a public sidewalk along Ellis Avenue and that an easement shall be provided for it.

Mr. Swanson stated that he would like for the Plan Commission to make a recommendation to the Village Board with the condition that they comply with the outstanding Village Staff review comments. He stated that he does not want this delayed at the Plan Commission level until September.

Commissioner Oakley stated that it is a nice project and asked where the friction points are. Mr. Swanson stated that there is no friction. He stated that he is proud of the working relationship that he has with the Village Staff.

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Commissioner Oakley asked if the petitioner is asking the Plan Commission to recommend for approval of the project with the condition that they address the outstanding Staff review comments.

Mr. Swanson stated that he is requesting a recommendation from the Plan Commission tonight. He stated that the remaining items are miniscule and can be complied with.

Commissioner Semmelman stated that he is concerned that although the petitioner stated that they've submitted everything in the petitioner's packet that it does not help matters if Staff hasn't seen those items in the packet.

Mr. Swanson stated that he would characterize all the Staff review comments as academic. He stated that most if not all can be addressed within a day, a few others within a couple of days. He stated that the field tile survey is totally unnecessary and a waste of money, but if Staff is requiring it, they will have it done.

Commissioner Schultz stated that regardless of what action the Plan Commission takes tonight, the petitioner will have to reconcile all of the outstanding Staff review comments. He stated that it appears that the petitioner has agreed to comply with all of the outstanding comments.

Chairman Moore stated that when the Plan Commission took action on the petitioner's request for the preliminary plat and plans, there were a multitude of conditions that were added to their recommendation. He stated that now they are looking at the Final Plan and in that state it should be the Final Plan without unresolved comments. He asked Staff if the requests before the Plan Commission is tantamount to the Final Plan.

Mr. Spoden stated that from a zoning standpoint the Planning Division comments could be part of a recommendation as conditions for approval. He stated that they typically would prefer that the Plan Commission has the opportunity to see these Staff requested items listed in the Planning Division Staff review comments. Mr. Spoden asked Mr. Chung what he is comfortable with regarding the Engineering Division Staff comments.

Mr. Chung stated that he agrees to allow the outstanding Engineering Division Staff review comments to be added as conditions for approval.

Chairman Moore stated that the Engineering Division Staff review comments are numerous and technical in nature. He stated that two points caused him to scrutinize the comments more carefully, one was whether or not the highway department will require the developer to dedicate additional right-of-way to Winchester Road.

Mr. Chung stated that they have verbal confirmation that they will not take additional land for their right-of-way.

Chairman Moore stated that his second item of concern was the request for the field tile survey. He asked for additional clarification of this Staff request.

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Mr. Chung stated that if drain tiles are found during construction it will cause a problem because there won't be a plan in place to resolve the disposition of those existing drain tiles, if they do exist. He stated that if they do exist, it will be up to the petitioner's engineer to devise a plan to accommodate those tiles. He stated that if they exist, they will have to address the impact of the upstream and downstream conditions of those drain tiles.

Mr. Swanson stated that he has spoken to their consultants who would be the firm to conduct the drain tile survey, but he stated that it is the consultant's opinion that there are no drain tiles on that property.

Commissioner Schultz stated that because he is in a similar industry, the County is forced to do these types of studies all the time. He stated that if the WDO is requiring the survey, it is then out of the Villages hands. He stated that it might serve the petitioner and/or the Village to consult with Stormwater Management Commission to confirm if it is required or not.

Mr. Chung stated that in accordance to the WDO, the field tile survey is required.

Mr. Swanson stated that he doesn't mind complying with this requirement as long as it doesn't hold up the process. He stated that he hopes that the Plan Commission can provide their recommendation tonight to the Village Board.

Mr. Spoden stated that the Plan Commission could consider making all the listed Village Staff review comments as one condition for approval.

*In the matter of PC 15-15, Commissioner Semmelman moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Planned Development Final Plan in order to construct 56 townhome dwelling units on approximately 5.2 acres of land in an R-8, Multiple Family Residential District, subject to the following condition: 1) That the petitioner satisfactorily address and comply with all Planning Division and Engineering Division Staff review comments found in the August 21, 2015, Development Review Committee Staff Report prior to the Village Board hearing of this matter.*

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

*In the matter of PC 15-16, Commissioner Oakley moved, seconded by Commissioner Flores, to recommend the Village Board of Trustees approve a Final Plat of Subdivision in order to construct 56 townhome dwelling units on approximately 5.2 acres of land in an R-8, Multiple Family Residential District, subject to the following conditions: 1) That the petitioner satisfactorily address and comply with all Planning Division and Engineering Division Staff review comments found in the August 21, 2015, Development Review Committee Staff Report prior to the Village Board hearing of this matter.*

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

*Motion carried 5 - 1.*

**PC 15-17 Commonwealth Edison Company, Applicant**  
**1500 Franklin Boulevard**

**Request is for an Amendment to the Special Use Permit for a Planned Development in order to construct an accessory structure for property in an I-1, Limited Industrial District.**

**PC 15-18 Commonwealth Edison Company, Applicant**  
**1500 Franklin Boulevard**

**Request is for an Amendment to the Planned Development Final Plan in order to construct an accessory structure for property in an I-1, Limited Industrial District.**

Mr. David Smith, Senior Planner, introduced the requested Amendment to the Special Use Permit and Amendment to the Planned Development Final Plan. He stated that the petitioner, Commonwealth Edison Company, is seeking approval for an Amendment to a Special Use Permit for a Planned Development and an Amendment for a Planned Development Final Plan in order to construct an accessory structure for property in an I-1, Limited Industrial District located at 1500 Franklin Boulevard.

Mr. Darren Boundy, representing ComEd, stated that they are proposing to construct a materials and vehicle storage building as part of ComEd's Libertyville Business Office and utility yard facility located at 1500 Franklin Boulevard in Libertyville. He stated that the proposed storage building is approximately 18,000 square feet in floor area and will be accessory to the ComEd Libertyville facility, which operates as the north suburban regional base for this public utility. He stated that the intent is for this proposed facility to be used by utility crews assigned to ComEd's construction, maintenance and operations division of its Libertyville Business Office and utility yard. Mr. Boundy stated that this will help ComEd to expedite their response times and provide additional worker safety.

Mr. Jim Sykora, representing ComEd, presented the site plan to the Plan Commission. He stated that it is their intent to have the new storage facility in service before the end of 2015.

Mr. Matt Bickel, representing ComEd, discussed the tree replacement program, landscaping, site fencing and the proposed building materials. He stated that the building will be steel frame, masonry on the exterior with darker color along the bottom of the exterior facade for better aesthetics. He indicated that the roof slope is lower in order to maintain an appropriate building height. He stated that ComEd gave careful consideration to the building line of site view from the right-of-way by incorporating additional landscaping.

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Mr. Scott Saef, attorney representing the petitioner, stated that they have addressed the Standards for Special Use and that the proposal is consistent with the Comprehensive Plan. He stated that this project is a major investment to improve the overall facility.

Commissioner Cotey stated that the petitioner should consider additional landscaping.

Chairman Moore stated that consideration should be given to adding additional trees in order to address the view from the south.

Mr. Bickel stated that they will work with Staff in order to plan for additional landscaping.

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

*In the matter of PC 15-17, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve an Amendment to the Special Use Permit for a Planned Development in order to construct an accessory structure for property in an I-1, Limited Industrial District, in accordance with the plans submitted.*

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

*Motion carried 6 - 0.*

*In the matter of PC 15-18, Commissioner Flores moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve an Amendment to the Planned Development Final Plan in order to construct an accessory structure for property in an I-1, Limited Industrial District, in accordance with the plans submitted.*

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

*Motion carried 6 - 0.*

**COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, stated that Cedar Street has applied for building permits for the Manchester apartments proposal. He stated that the contract purchaser for the Bolander property will close on the property by the end of September, 2015. He stated that the kick-off meeting for the RTA-TOD planning process will take place on Thursday, August 27, 2015. He stated that the proposed Special Use Permit for Planned Development for the new Civic Center Parking Deck will be on the September 28, 2015 Plan Commission agenda.

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

Motion carried 6 - 0.

Meeting adjourned at 8:45 p.m.