

**MINUTES OF THE PLAN COMMISSION**  
**February 22, 2016**

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 8:30 p.m. at the Village Hall.

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

Members absent: Matthew Krummick and Kurt Schultz.

Village Staff present: David Smith, Senior Planner, and Fred Chung, Senior Project Engineer.

Commissioner Cotey moved, seconded by Commissioner Semmelman, to approve the January 25, 2016, Plan Commission meeting minutes.

Motion carried 5 - 0.

**OLD BUSINESS:**

**PC 15-25 Village of Libertyville, Applicant**

**Request is for a Text Amendment to Sections 5-2, 5-3, and 2-2 in order to regulate tobacco stores, vape stores, and e-cigarette stores in the C-1, Downtown Core Commercial District and C-2, Downtown Community Commercial District.**

*In the matter of PC 15-25, Commissioner Cotey moved, seconded by Commissioner Flores, to continue this item to the March 14, 2016, Plan Commission meeting.*

*Motion carried 5 - 0.*

*Ayes: Moore, Cotey, Flores, Oakley, Semmelman*

*Nays: None*

*Absent: Krummick, Schultz*

**PC 15-27 Village of Libertyville, Applicant**

**Request is for a Text Amendment to the Libertyville Zoning Code in order to further regulate lot coverage in residential zoning districts.**

*In the matter of PC 15-27, Commissioner Oakley moved, seconded by Commissioner Cotey, to continue this item to the March 14, 2016, Plan Commission meeting.*

*Motion carried 5 - 0.*

*Ayes: Moore, Cotey, Flores, Oakley, Semmelman*

*Nays: None*

*Absent: Krummick, Schultz*

**NEW BUSINESS:**

**PC 16-02      Ice Mobility, Applicant  
851-937 E. Park Avenue**

**Request is for an Amendment to the Special Use Permit for a Planned Development in order to permit truck deliveries between the hours of 9:00 p.m. and 7:00 a.m. in connection with the operations of Ice Services LLC d/b/a Ice Mobility, but only within the premises located at the building with the address range of 901 and 925-937 E. Park Avenue in an I-3, General Industrial District.**

**PC 16-03      Ice Mobility, Applicant  
851-937 E. Park Avenue**

**Request is for an Amendment to the Special Use Permit for Warehousing and Storage in order to permit truck deliveries between the hours of 9:00 p.m. and 7:00 a.m. in connection with the operations of Ice Services LLC d/b/a Ice Mobility, but only within the premises located at the building with the address range of 901 and 925-937 E. Park Avenue in an I-3, General Industrial District.**

Mr. David Smith, Senior Planner, introduced the petitioner requests. He stated that the petitioner, John Mitchell, President of Ice Mobility, is currently seeking approval for an Amendment to the Special Use Permit for a Planned Development and an Amendment to the Special Use Permit for Warehousing and Storage in order to permit truck deliveries between the hours of 9:00 p.m. and 7:00 a.m. in connection with the operations of Ice Services LLC d/b/a Ice Mobility, but only within the premises located at the building with the address range of 901 and 925-937 E. Park Avenue in an I-3, General Industrial District. He stated that this address range encompasses only the east building of the two building development by Bridge Point 94, LLC.

Ms. Denise Gibson, Chairperson for Ice Mobility, stated that the business operation of Ice Mobility includes the distribution of wireless devices, customization of devices, manages the shipment and return of goods. She stated that she founded Bright Star and the Ice Mobility business model is similar to Bright Star. She stated that Ice Mobility currently located in Vernon Hills has experienced rapid growth and this is why they are looking at the Bridge Development site on East Park Avenue. She stated that the Village's delivery time restriction is unique as compared to similar facilities located elsewhere. She stated that they anticipate low truck travel. She stated that they will use only four (4) out of the fourteen (14) truck docks. She stated that in 2015, they had five (5) inbound truck deliveries after 9:00 p.m. at their Vernon Hills facility. She stated that the product they work with is high value and so security is very important. She stated that at the onset of new product launches or during the holiday's they anticipate higher truck delivery traffic volume, but they anticipate a very low percentage of afterhours delivery.

Mr. John Mitchell, President of Ice Mobility, stated that the tenant space they are requesting occupancy for is 118,000 square feet. He stated that out of 225 employees, 100 will work in the

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office and the remaining will work in the warehouse. He stated that there will be 24 hour, 7 days per week security with guards on staff. He stated that there will be cameras both inside and outside.

Ms. Gibson stated that they are committed to Libertyville. She stated that she is a resident of Libertyville.

Mr. Dale Sherman, 766 Meadow Lane, stated that he lives about 150 feet from the Bridge Development property. He stated that he is concerned about the noise caused by trucks backing up on the subject site. He stated that this site needs to have an exceptional ordinance in place because of its proximity to the adjacent residential area. He stated that an approval of tonight's request would set a negative precedence. He stated that he has an objection on standing based upon an invalid application.

Ms. Robin Sherman, 766 Meadow Lane, asked if the petitioner has signed a lease for the subject site as of yet. Ms. Gibson stated that a lease has not been signed yet.

Ms. Sherman stated that she thought that due to the denial by the Village Board last time that any new application to change the after hour deliveries would need to wait at least one year.

Mr. David Pardys, Village Attorney, stated if the applicant is different within the one year time frame then this would not violate the Successive Applications regulation. He stated that the owner or anyone with a contractual interest can apply for a Special Use Permit.

Mr. Mark Houser, 412 Broadway, representative of Bridge Development, stated that he has met with the Mayor and Staff and was advised that this application submission shouldn't have any impediments from proceeding.

Mr. Pardys stated that if there is an agreement between the petitioner and the owner with some understanding that they will seek occupancy then they should be able to proceed with the public hearing as an entity with a contractual interest.

Chairman Moore stated that he would like to know how Contractual Interest is established in order to address the objection given by Mr. Sherman. Mr. Pardys stated that an interpretation on the objection on standing could be addressed by the Zoning Administrator.

Mr. Houser stated they have met with the petitioners and their broker about how they can apply and take occupancy. He stated that they have a contractual relationship with the petitioner.

Ms. Gibson stated that it is their desire to move Ice Mobility into the subject tenant space.

Mr. Pardys stated that there appears to be a meeting of minds with the intent to move forward.

Commissioner Oakley agreed that there appears to be a contractual interest.

Commissioner Flores stated that there appears to be a contractual interest.

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Commissioner Cotey stated that he does not believe that a contractual interest has been established.

Commissioner Semmelman stated that there may be a meeting of minds, but without any contingencies established that are typical in a contract, he does not agree that a contractual interest has been established.

Ms. Gibson stated that just because there isn't a lease agreement currently signed does not alter their intent to take occupancy of the space on the subject site.

Mr. Pardys stated that if there was a signed agreement with the intent to lease the subject tenant space, this would demonstrate contractual interest.

Ms. Diane Weitekamper, 103 Camelot Lane, stated that the applicant seems like they would be an ideal tenant for the subject site during the day, without the afterhours truck deliveries. She stated that this application should be denied. She stated that she is tired of coming back again and again for these public hearings.

Mr. Houser stated that he believes that there is a contractual interest.

Chairman Moore stated that he does not believe that a contractual interest has been established.

Mr. Houser asked how it is decided if there is or not a contractual interest. Mr. Pardys stated it might have to be decided by the Village Board or a new application could be submitted after the petitioner demonstrates that they have a contractual interest.

Chairman Moore stated that, for the benefit of the petitioner, he would like to poll the other Commissioners as to whether they would support the petition or not prior to taking a formal motion.

Commissioner Oakley stated that he would support the request. He stated that the property has been zoned industrial for over 100 years. He stated that the petition before the Plan Commission tonight is a quieter and cleaner type of land use.

Commissioner Flores stated that she would not support the petition.

Commissioner Cotey stated that this public hearing should be continued until the validity of the application gets resolved. He stated that he will not give an opinion at this time.

Commissioner Semmelman stated that he would not support the petition.

Chairman Moore stated that he has a strong desire to have Ice Mobility here in Libertyville, but it is a challenge for him to accept truck deliveries between 9:00 p.m. and 7:00 a.m. He stated that he recommends that these requests be continued to the March 28, 2016 Plan Commission meeting in order to give the petitioner an opportunity to address the discrepancy with the validity of the application.

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*In the matter of PC 16-02, Commissioner Oakley moved, seconded by Commissioner Semmelman, to continue this item to the March 28, 2016, Plan Commission meeting.*

*Motion carried 5 - 0.*

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

*In the matter of PC 16-03, Commissioner Oakley moved, seconded by Commissioner Semmelman, to continue this item to the March 28, 2016, Plan Commission meeting.*

*Motion carried 5 - 0.*

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

**COMMUNICATIONS AND DISCUSSION:** None.

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

Motion carried 5 - 0.

Meeting adjourned at 9:30 p.m.