

MINUTES OF THE PLAN COMMISSION
November 28, 2016

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:00 p.m. at the Village Hall.

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

Members absent: William Cotey.

A quorum was established.

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

Commissioner Oakley moved, seconded by Commissioner Schultz, to approve the October 24, 2016, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

**PC 16-29 Valent BioSciences Corporation, Applicant
600 N. US Highway 45**

Request is for an Amendment to the Site Plan Permit in order to construct a building addition, parking lot improvements, and landscape improvements for property in an O-2 Office, Manufacturing and Distribution Park District.

Mr. David Smith, Senior Planner, that the petitioner is requesting an Amendment to the Site Plan Permit in order to construct a building addition, parking lot improvements, and landscape improvements for property in an O-2, Office, Manufacturing and Distribution Park District located at 600 N. US Highway 45, which is now identified as Innovation Park of Lake County.

Mr. Bill Bishop, Valent BioSciences, stated that they are proposing to construct an interior lab in the existing building and adding a greenhouse structure intended to support their research and development.

Commissioner Oakley inquired about the number of employees and the hours of operation. Mr. Bishop stated that they will have 15 employees and the hours of operation will be from 8:00 a.m. to 5:00 p.m.

Chairman Moore asked if the greenhouse is a permitted use in this zoning district. Mr. Smith stated that the greenhouse is an ancillary component to the permitted research and development of the company and therefore is permitted.

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Chairman Moore asked the petitioner what he would like the Plan Commission to do this evening. Mr. Bishop stated that he would like the Plan Commission to give a positive recommendation to the Village Board for their request.

In the matter of PC 16-29, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve an Amendment to the Site Plan Permit in order to construct a building addition, parking lot improvements, and landscape improvements for property in an O-2 Office, Manufacturing and Distribution Park District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

PC 16-31 SA Station Square LLC, Applicant
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 construct a residential development on approximately 11 acres of land currently located in a C-1, Downtown Core Commercial District and R-6, Single Family Residential District.

PC 16-32 SA Station Square LLC, Applicant
400 W. Lake Street

Request is for a Special Use Permit for a Planned Development in order construct a residential development on approximately 11 acres of land currently located in a C-1, Downtown Core Commercial District and R-6, Single Family Residential District.

PC 16-33 SA Station Square LLC, Applicant
400 W. Lake Street

Request is for a Planned Development Concept Plan in order construct a residential development on approximately 11 acres of land currently located in a C-1, Downtown Core Commercial District and R-6, Single Family Residential District.

PC 16-34 SA Station Square LLC, Applicant
400 W. Lake Street

Request is for a Preliminary Plat of Subdivision in order construct a residential development on approximately 11 acres of land currently located in a C-1, Downtown Core Commercial District and R-6, Single Family Residential District.

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In the matters of PC 16-31, PC 16-32, PC 16-33, and PC 16-34, Commissioner Schultz moved, seconded by Commissioner Semmelman, to continue these items to the December 12, 2016, Plan Commission meeting.

Motion carried 6 - 0.

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

PC 16-37 Libertyville School District 70, Applicant
160 W. Rockland Road

Request is for a Special Use Permit for a Planned Development in order to construct building additions, parking lot, and other site improvements to the Rockland Elementary School located in an IB, Institutional Buildings District.

PC 16-38 Libertyville School District 70, Applicant
160 W. Rockland Road

Request is for a Planned Development Concept Plan in order to construct building additions, parking lot, and other site improvements to the Rockland Elementary School located in an IB, Institutional Buildings District.

Mr. Peter Graves, architect and agent for the petitioner, presented revised exhibits to the Plan Commission. He stated that they have reduced the number of new parking spaces to 21. He stated that they have added landscaping and trees along the sidewalk. He stated that they have increased the setback from the east property line to approximately 4.5 feet. He stated that they have incorporated covered entrances. He stated that they have updated the landscape plan to include additional material along the north side of the parking lot in order to provide a buffer between the parking lot and the playground area. He stated that they have added bike racks as well.

Mr. Graves stated that the light poles are 16.6 feet in height and the wall mounted fixtures are approximately nine (9') feet in height. He stated that they will adjust the brightness in order to not exceed the maximum foot candles permitted. He stated that the refuse enclosure will be a board on board cedar material.

Commissioner Oakley asked for clarification of the exit door for the new gymnasium. Mr. Graves stated that the exit is not required, but they are providing an exit at the rear of the building as an emergency exit.

Chairman Moore asked about the lack of interior parking lot landscaping. Mr. Graves stated that they were looking for approval to deviate from that requirement as part of the Planned Development.

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Commissioner Krummick stated that he is concerned about the wall lights on the north side of the building and its potential impact upon the residential neighbors to the north. He stated that he is concerned about the potential impact of vehicle headlights casting light towards the residential neighbors to the south from the new parking lot.

Mr. Graves stated that it is their intent that the proposed landscaping will help to buffer vehicle headlight glare.

Commissioner Krummick asked for clarification of the storm water management. Mr. Harlan Doland, McClurg Engineering, stated that they will incorporate a stone and piping system and size it 50% larger than the minimum required.

Commissioner Schultz asked if the parking lot lighting can be time controlled. Mr. Graves stated that the exterior lights will be timed in sync to shut off at daylight, but they can re-examine how to control or dim the lights during late night hours.

Commissioner Schultz asked for clarification about the roof top mechanical unit screening. Mr. Graves stated that the screening material is mounted onto the units themselves.

Commissioner Schultz asked about the various features of the parking lot expansion including the proposed chain link fence. Mr. Graves stated that they can re-visit the fence color for something more appropriate.

Chairman Moore asked about the proposed bollards located along the driveway entrance. Mr. Graves stated that they help to promote pedestrian and vehicular separation and safety.

Chairman Moore asked for clarification about the outlet shown on the plan. Mr. Doland stated that this infrastructure is part of the storm water management system.

Chairman Moore asked if the proposed fence is too low.

Commissioner Schultz stated that the Brainerd athletic field fence is a good example to follow.

Chairman Moore asked that consideration should be given to reducing the size of the roof top mechanical unit. He asked for clarification of the Staff proposed conditions for approval. Ms. Linda Carlson, Project Engineer, stated that they are looking for how the new parking lot driveway entrance will affect traffic patterns.

In the matter of PC 16-37, Commissioner Oakley moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Special Use Permit for a Planned Development in order to construct building additions, parking lot, and other site improvements to the Rockland Elementary School located in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

In the matter of PC 16-38, Commissioner Flores moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Planned Development Concept Plan in order to construct building additions, parking lot, and other site improvements to the Rockland Elementary School located in an IB, Institutional Buildings District, subject to the following conditions: 1) That prior to Village Board approval, stormwater management calculations shall be submitted and shall comply with the Village's WDO Appendix P; and 2) That prior to Village Board approval, additional information shall be submitted for Staff review on the proposed drop-off and pick-up traffic patterns in order to determine if the displaced access to existing street parking and parental drop-off/pick-up will be sufficiently accommodated and to further determine if any new conflicts will be created.

Motion carried 6 - 0.

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

NEW BUSINESS:

PC 16-35 N3 Property Advisors, LLC, Applicant
175 W. Peterson Road

Request is for a Special Use Permit for a Drive-In Establishment accessory to a restaurant in order to construct a Burger King restaurant with drive-thru for property in a C-3, General Commercial District.

PC 16-39 N3 Property Advisors, LLC, Applicant
175 W. Peterson Road

Request is for a Site Plan Permit for a Drive-In Establishment accessory to a restaurant in order to construct a Burger King restaurant with drive-thru for property in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, introduced the requests by the petitioner. Mr. Smith stated that the petitioner, N3 Property Advisors, LLC, is requesting approval for a Special Use Permit for a Drive-In Establishment Accessory to a Restaurant; a Site Plan Permit; variations for signage; and to reduce the minimum required Perimeter Landscaped Open Space in order to construct a Burger King restaurant with drive-thru for property located in a C-3, General Commercial District at 175 W. Peterson Road.

Mr. Smith stated that the petitioner is proposing to construct a single story Burger King restaurant building with a drive through service approximately 1,900 square feet in floor area located on the south side of Peterson Road. Mr. Smith stated that the Ace Hardware store is

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immediately to the east and a car wash to the west. He stated that the zoning is C-3, General Commercial District and Drive-In Establishments accessory to Restaurants are listed as a Special Permitted Use in this district.

Mr. Mark Hounder, petitioner, stated that they have been looking in the Chicagoland area since April 2016 for an opportunity to establish a new Burger King restaurant. He stated that the subject site on Peterson Road is only 125 feet wide which hinders the ability to completely meet the Zoning Code required Perimeter Landscaped Open Space. He stated that they are proposing a one-way loop around the restaurant and reduce the Perimeter Landscaped Open Space from 10 feet to 5 feet along portions of the east and west sides of the property. He stated that they are proposing denser landscaping along the southwest corner of the property to help buffer light and noise from the residents to the southwest of the site. He stated that the building architecture and aesthetics are comprised of organic colors. He stated that they are proposing to move the permitted rear facade wall sign to the western side of the building which is triggering the sign variation request. He stated that access from Peterson Road will include left and right turn lanes. He stated that they anticipate that 60% to 65% of the vehicle trips generated will come from existing traffic along Peterson Road.

Mr. Hounder stated that the anticipated noise levels will not exceed what the Zoning Code allows.

Mr. Mike Caldwell, engineer for the petitioner, stated that this site will not exceed the code regarding the noise. He stated that NP3 will remain owner of the property.

Mr. Hounder stated that they want to maintain a long term relationship with the Village.

Mr. John Spoden, Director of Community Development, asked the petitioner if they intend to revise their proposed freestanding business sign as an Electronic Message Board would not be permitted at this site. Mr. Hounder stated that they will comply with the sign ordinance regarding the EMB and revise it accordingly.

Mr. Phil Cavicchia, 1716 Cedar Glen Court, stated that he is concerned about the noise, hours of operation, and the height of the structures. He stated that the former Burger King on Rt. 21 turned down their lights at 10:00 p.m. He stated that he is concerned about the noise that will emanate from the site from the restaurant's exhaust fans. He stated that the petitioner should provide equipment specifications to demonstrate what the noise levels will be. He stated that the exhaust fans should be capable of removing smoke and other particulates from the air and muffle the sound. He stated that he is concerned about the headlight glare due to on-site traffic patterns. He stated that he is concerned about the impact of the drive through speaker noise.

Mr. Cavicchia stated that he is concerned about storm water management and the noise from the refuse trucks and delivery trucks. He stated that a noise study should incorporate all pre-build ambient noise. Mr. Cavicchia stated that an 8 foot fence is not tall enough, it should be 20 feet in height.

Mr. Hounder stated that the hours of operation will be from 6:00 a.m. to 10:00 p.m. He stated that the building height will be approximately 25 to 26 feet in height. He stated that they can get

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the mechanical unit specifications and that they roof top units will be shielded by a parapet barrier. He stated that the exhaust fan systems are design to remove particulate contaminants. He stated that the site lighting and photometric plan will adhere to the Village code. He stated that the noise study will address all aspects of noise sources.

Mr. Caldwell stated that the existing site contains more lot coverage than what it will contain when it is redeveloped with the Burger King restaurant. He stated that the storm water volume will be controlled through proper drainage facilities on the southern portion of the site. He stated that they will also incorporate a bio-swale system. He stated that they will comply with all Lake County Watershed Development Ordinance requirements.

Mr. Caldwell stated that the landscape plan is designed to mitigate headlight glare with a substantial amount of evergreen plantings along the southern property line. He stated that they want to be good neighbors.

Ms. Christine Cavicchia, 1716 Cedar Glen Court, stated that she is concerned about the potential excessive garbage and the attraction of rodents to the site. She stated that she is concerned about the proximity of the subject site to her property. She stated that she is concerned about noise that will emanate from the site. She is concerned about vehicles revving their engines as they are waiting in the drive through lane.

Mr. Hounder stated that they will maintain professional standards regarding the maintenance of the refuse containers and its enclosure. He stated that it will be constantly monitored. He stated that Burger King does not serve liquor and if there is any illegal activity on site the restaurant managers should know to call the police.

Mr. Jim Lobus, 1718 Cedar Glen Court, stated that he is concerned about the storm water facility location and capacity. Mr. Caldwell answered the storm water management facility location and capacity questions.

Mr. Lobus stated that the fence proposed to run along the southern property line is not long enough. Mr. Caldwell stated that they could wrap the fence around the southern corners of the lot and extend the fence further along the side property lines.

Mr. Lobus stated that he is not in favor of a 24 hour operation. He is concerned about the light glare from the subject property. He asked about the number of parking spaces. Mr. Caldwell stated that they have reduced the number of parking spaces from their initial plan proposal.

Mr. Cavicchia stated that he is concerned about the lighting emanating from within the restaurant. He stated that the Plan Commission should condition approval with a requirement of reduced hours of operation.

Mr. Lobus asked how much the minimum required Perimeter Landscaped Open Space is being reduced. Mr. Caldwell stated that it is being reduced to 5 feet along one side and 6 feet along the other side.

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Mr. Lobus stated that they should meet the minimum required Perimeter Landscaped Open Space requirement in accordance to the Village code.

Mr. Caldwell stated that the given lot width hinders their ability to provide the minimum 10 foot wide Perimeter Landscaped Open Space along the side property lines.

Commissioner Schultz asked about the seating capacity as it relates to the proposed number of parking spaces. Mr. Hounder stated that the Burger King corporation requires a certain number of indoor seating which is forcing the proposed floor plan and dimensions. He stated that they are not providing outdoor seating.

Commissioner Schultz stated that the hardship for the proposed reduction in the Perimeter Landscaped Open Space is self-created. He stated that the Perimeter Landscaped Open Space should be adjusted.

Mr. Hounder stated that Burger King corporate dictates to them the building width.

Commissioner Schultz stated that the petitioner should be able to get the 10 foot wide Perimeter Landscaped Open Space. He stated that there should be a fence along the rear and side property lines. He stated that he is concerned about the noise impact that will be produced from the drive through speakers.

Commissioner Krummick stated that the residential district backs up to the commercial district at this location. He stated that there appears to be a higher concentration of proposed evergreen landscaping along the side property line abutting the Ace Hardware property that is being proposed along the south property line that abuts the residential district. He stated that the landscape plan should be adjusted to improve the landscaping along the southern property line. He stated that the lighting should be reviewed and determined if there is a glare nuisance at night.

Commissioner Semmelman stated that the hours of operation should be restricted in order to be sensitive to the adjacent residential neighbors. He asked about the delivery schedule. Mr. Hounder stated that deliveries typically happen prior to opening in the morning.

Commissioner Flores stated that she would be supportive of a fence that runs along the entire rear property line and wraps around the rear corners and runs along the side property lines far enough so that it provides a buffer from the residential properties to the south.

Commissioner Oakley asked about the number of employees. Mr. Hounder stated that the number of employees would be around eight on any one shift.

Commissioner Oakley stated that consideration should be given to executing an agreement with the Ace Hardware property owners to allow Burger King employees to park on the Ace property.

Chairman Moore asked if the petitioner concurs with the Staff review comments found in the DRC Staff report. Mr. Hounder stated that they concur with the comments.

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Chairman Moore stated that it is a difficult site. He stated that the southwest portion of the property will need substantial buffering in order to protect the residents to the southwest. He stated that these requests should be continued in order to provide the petitioner an opportunity to respond to the review comments with revised and additional petition materials.

In the matters of PC 16-35 and PC 16-39, Commissioner Oakley moved, seconded by Commissioner Flores, to continue these items to the January 23, 2017, Plan Commission meeting.

Motion carried 6 - 0.

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

PC 16-40 BECO Management, Inc., Applicant
600 N. US Highway 45

Request is for an Amendment to the Site Plan Permit in order to expand the parking area for property located in an O-2, Office, Manufacturing and Distribution Park District.

Mr. Mike Hartel, Design Haus, Architectural Services for the petitioner, stated that they are proposing to add 37 additional parking spaces near the entrance to the Innovation Park facility located at 600 N. US Highway 45. He stated that they will remove two (2) Buckthorn trees as part of the parking lot construction.

In the matter of PC 16-40, Commissioner Semmelman moved, seconded by Commissioner Flores, to recommend the Village Board of Trustees approve an Amendment to the Site Plan Permit in order to expand the parking area for property located in an O-2, Office, Manufacturing and Distribution Park District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

COMMUNICATIONS AND DISCUSSION:

Commissioner Oakley made a motion, seconded by Commissioner Schultz to approve the 2017 Plan Commission meeting dates.

Motion carried 6 - 0.

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

Motion carried 6 - 0.

Meeting adjourned at 9:25 p.m.