

**MINUTES OF THE PLAN COMMISSION**  
**April 14, 2008**

A special meeting of the Plan Commission was called to order by Chairman Kurt Hezner at 7:05 p.m. at the Village Hall.

Members present: Chairman Kurt Hezner, William Cotey, Terry Howard, Howard Jaffe, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: None.

A quorum was established.

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

Commissioner Oakley moved, seconded by Commissioner Jaffe, to approve the March 10, 2008, Plan Commission meeting minutes.

Motion carried 7 - 0.

**NEW BUSINESS:**

**PC 08-01      McShane Corporation, Applicant**  
**30568 North Harris Road**

**Request is for approval of a Special Use Permit for a Planned Development in order to construct an office industrial park on approximately 47 acres of land in the I-1, Limited Industrial District.**

**PC 08-02      McShane Corporation, Applicant**  
**30568 North Harris Road**

**Request is for approval of a Planned Development with Concept Plan in order to construct an office industrial park on approximately 47 acres of land in the I-1, Limited Industrial District.**

**PC 08-03      McShane Corporation, Applicant**  
**30568 North Harris Road**

**Request is for approval of a Preliminary Plat of Subdivision in order to construct an office industrial park on approximately 47 acres of land in the I-1, Limited Industrial District.**

Mr. David Smith, Senior Planner, stated that the petitioner, McShane Corporation, is requesting approval of a Special Use Permit for a Planned Development, a Planned Development with Concept

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Plan and Preliminary Plat of Subdivision in order to construct an office/warehouse industrial park on approximately 47 acres of land in the I-1, Light Industrial Park District located at 30568 North Harris Road.

Mr. Smith stated that the site is currently being used as agricultural farm land. The property has been owned and operated by the Robert Meyer family as farmland since 1847 and is bounded by Peterson Road on the south, Harris Road on the west, and the Minneapolis, St. Paul and Sault Ste. Marie Railway Company rail road right of way on the northeast.

Mr. Smith stated that the site is currently annexed into the Village of Libertyville and zoned I-1, Limited Industrial District. The existing Annexation Agreement currently encumbering the property states that upon development, a 2-acre dedication of land to the Village for a fire station is required. The petitioner is working with Village Attorney to amend the Annexation Agreement to locate the fire station located north of Peterson Road on a portion of the remainder of the Meyer farm property.

Mr. Dan Fogerty, McShane Corporation, stated that McShane Corporation developed the Liberty Point Commerce Center located south of Peterson Road. He stated that the current proposal for the north side of Peterson Road will come in two phases. He stated that Phase One will incorporate buildings labeled A and B in the plans and Phase Two will include Building C. He stated that they will construct a spur road from Harris Road to the Midlothian extension that intersects where the new entrance to the Lake County Fairgrounds will be located.

Chairman Hezner stated that the Village will need documentation of the ensuing land transactions including letters from Grayslake and Lake County Department of Transportation regarding the possible de-annexation of adjacent property from Grayslake.

Mr. David Pardys, Village Attorney, stated that such land transactions will be part of the Development Agreement.

Mr. Fogerty stated that he agreed with Staff request that the spur road shall be platted, recorded with the Lake County Recorder's Office, constructed, and dedicated to the Village of Libertyville.

Mr. Fogerty stated that he agreed with Staff request that all public improvements, including but not limited to, the spur road that connects the Midlothian Road extension and Harris Road are completed by McShane Corporation prior to the issuance of any occupancy permits for the Liberty Point North Commerce Center.

Mr. Fogerty stated that it is rare to have all assembly type uses. He stated that some of the proposed docks can be converted to passenger vehicle parking spaces if necessary. He stated that some of the parking areas can be shown as landbanked parking.

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Mr. Fogerty stated that they are requesting flexibility in the Planned Development in order to allow for future changes to the site such as smaller or larger (but not to exceed Village's maximum coverage requirements) buildings than proposed, with future land for expansion potential.

Mr. Fogerty stated that they are requesting additional flexibility in the Planned Development in order to construct more or less truck docks, trailer parking, parking stalls and glass entryways depending on tenant and use. He stated that they are also requesting the ability to combine buildings to accommodate large users if necessary in the future.

Chairman Hezner stated that he is concerned about supporting the request that includes flexibility in the Planned Development to change the number of truck docks and trailer parking stalls without first seeing a revised plan in the future.

Mr. Fogerty stated that McShane is requesting that they have reduced setbacks to 30 or 35 feet from the Harris Road public right of way line.

Mr. David McCallum, landscape architect for the petitioner, stated that the proposed landscape plan will provide at least 6% green landscaping within the interior of the parking lots.

Chairman Hezner stated that he would like to see at least 10% green space within the interior of the parking lots.

Mr. Fogerty stated that he agreed that roof top mechanical units shall be screened to their full height by a parapet wall or other screening structure constructed of the same or compatible materials as the principal building facade and that details. Please show these details.

Mr. Fogerty stated that no exterior refuse areas are planned.

Mr. Fogerty stated that crossover access easements shall be exhibited on the plat of subdivision.

Mr. Fogerty stated that in addition to the information provided on the Site Data tables, they will provide building setbacks, breakdown the office square footage and the warehouse/assembly use square footage for each building; F.A.R. allowed and provided, and maximum lot coverage allowed and provided.

Mr. Fogerty stated that they would provide outdoor eating areas be established for employees.

Mr. Fogerty stated that if the lots that contain the detention areas are incorporated into the overall lot open space then the overall lot coverage would comply with the Zoning Code requirement. He stated that by including the detention areas, the building lots will in effect become larger.

Mr. Fogerty stated that they will provide bicycle racks on site.

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Mr. Fogerty stated that they are requesting to not be required to widen Harris Road as requested by Staff as this would require the relocation of utilities.

Pat Sheeran, Village of Libertyville Project Engineer, stated that the hardship of the Villages request to improve the Harris Road right of way should be demonstrated with cross section plans.

Chairman Hezner stated that the overhead utility lines should be buried.

Mr. Sheeran stated that for the proposed Harris Road right of way vacation, north of the Midlothian Road spur connection, a plat of vacation will be required that notes the total area subject to the vacation. All existing utilities within the existing right of way shall be preserved through the creation of appropriate public utility easements. The developer shall determine the nature and location of any/all private utilities in the right of way to be vacated, and provide for similar utility easements or the relocation of said private utilities.

Mr. Fogerty stated that they agree to dedicate of the proposed fire station site on the two (2) acre parcel on the west side of Harris Road, and will provide written title to the property, or other such documentation as the Village finds acceptable as an obligation to the annexation agreement.

Mr. Fogerty stated that it will be difficult to install the public utility extensions to include 10" watermain to be extended north along existing Harris Road to tie in with the Mallory Drive 10" line, and sanitary sewer to the intersection of Harris Road and the Midlothian spur road, to provide service to the fire station site as the Engineering Division has requested.

Mr. Fogerty stated that they agree that all stormwater management areas (detention facility, overland flood route, etc) shall be preserved/protected from unauthorized modifications through an executed deed or plat of conservation.

Mr. Brett Duffy, SpaceCo. Engineer for the petitioner, stated that they will provide civil drawings that provide plan/profile views of both Peterson Road crossings with sewer and water, and storm lines per the Village of Libertyville Engineering Plan Review Comments.

Mr. David McCallum, McCallum Associates, Landscape Architect for petitioner, stated that the overall site has approximately 39% overall green space.

Chairman Hezner stated that the entire west side is mostly parking lot pavement with little green space.

Mr. McCallum stated that they are proposing to install 6' to 8' tall shade trees along the west side.

Chairman Hezner stated that the whole project appears to be mostly building and parking coverage.

Mr. McCallum stated that they are exceeding the minimum required number of trees.

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Mr. Duffy stated that they will incorporate a field tile survey in the revised plans for the development site, with a summary exhibit of farm/field tile sizes and locations. He agreed to include the appropriate adjustments of the stormwater management plans to be called for to address the presence of any tiles located within the development site.

Mr. Sheeran stated that the Lake County Stormwater Management Agency can provide the initial review of the wetland delineation reports.

Mr. Duffy stated that they will address the Village maintenance issues related to the proposed sanitary sewer extension shown along the east limits of the development site, along the east perimeter of the southerly detention facility and that the plat will be amended to identify a minimum fifteen (15)foot easement for the public sanitary sewer extension, adjacent to the existing Natural Gas Pipeline Company of America easement.

Mr. Duffy stated that the design of the proposed detention ponds will be reviewed for opportunities to enhance the water quality treatment of the surface water.

Mr. Bob Haradan, 30647 Country Side Drive, stated that he would like to see a bike path along Harris Road that continues to the Metra Station. He expressed concerns about the wetland delineation.

Mr. Jim Herchenbach, 19377 Peterson Road, stated that he is concerned about the area flooding.

Mr. Sheeran stated that the proposed project will be required to maintain their own detention in accordance to the regulations.

Commissioner Robinson stated that he would like for the overhead utility lines to be buried. He stated that he would like to have more bike paths connected in the area as well. He stated that he would like to see different parking analysis done for different use type scenarios.

Chairman Hezner stated that the proposed parking for the subject site should not exceed the requirements for Liberty Point Commerce Center located south of Peterson Road. He asked if some of the trailer parking area could be converted to passenger vehicle parking.

Mr. Fogerty stated that the dock area could be converted to additional parking if necessary.

Commissioner Robinson stated that he is concerned about the truck traffic going westbound on Peterson Road and then turning right/northbound onto Harris Road. He stated that he would like to see an additional turn lane on Peterson Road to accommodate this traffic.

Mr. Fogerty stated that much of the truck traffic may come from Midlothian Road.

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Commissioner Cotey asked what the weight load design for the adjacent roads will be. Mr. Sheeran stated that the design requirements for the roads shall be for truck transportation.

Commissioner Robinson asked if Buildings A and B be constructed first. Mr. Fogerty stated that Buildings A and B will be part of Phase One.

Commissioner Robinson asked if there is a community need for such a development as the one proposed by the petitioner. Mr. Spoden stated markets change unpredictably. He stated that Staff has requested that the petitioner justify the massiveness of the project.

Commissioner Howard stated that the petitioner's traffic study indicated that a portion of the traffic route has been graded at a failing level of service.

Mr. Fogerty stated that the portion of the traffic study that Commissioner Howard is referring to is the existing conditions.

Commissioner Howard stated that he is concerned about the results provided in the Natural Resources Report.

Mr. Duffy stated that there were no surprises in the report. He stated that they will implement best management practice when development the site.

Commissioner Howard stated that he is concerned about how erosion will be controlled during the construction and between phases of the project.

Mr. Fogerty stated that they will comply with all erosion control regulations and will grade and seed portions of the property between phases.

Commissioner Howard asked the petitioner to address how they will manage the wetlands on site. Mr. Fogerty stated that they will bank the existing wetlands elsewhere.

Mr. Duffy stated that they will purchase wetland credits off site.

Commissioner Howard stated that he is concerned about the lack of justification for the proposed lot coverage.

Commissioner Jaffe stated that he would like to see the buildings be smaller. He stated that he would like to see more walking paths on site. He stated that the parking ration should be similar to the Liberty Point Commerce Center to the south of Peterson Road. He stated that a recapture financial arrangement is something to be considered. He stated that the overhead utility lines should be buried.

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Commissioner Cotey stated that the overhead utility lines should be buried. He stated that the development as proposed is too big for the site. He stated that he is concerned about the Soil and Water Conditions Report.

Commissioner Oakley stated that he is concerned about the large size of the proposal. He is concerned about the traffic impact and he is concerned about the impact on the watershed. He stated that the overhead utility lines should be buried.

Chairman Hezner asked whether Prairie grasses are being used. Mr. McCullum stated that Prairie grasses are proposed around the detention area.

Chairman Hezner stated that he is concerned about the lack of parking, proposed lot coverage, lack of green space within the interior of the parking lots, he prefers 10%. He stated that the utility lines should be buried. He stated that he is concerned about the encroachments into the required setbacks. He stated that he cannot identify the design's public benefit to the Village and that he would like to see a bike path to the Prairie Crossings Metra Station.

Mr. Fogerty stated that the triangular shape of the parcel causes some site plan design difficulties.

*In the matters of PC 08-01, PC 08-02, and PC 08-03, Commissioner Jaffe moved, seconded by Commissioner Robinson, to continue these items to the May 19, 2008, Plan Commission meeting.*

*Motion carried 7 - 0.*

**OLD BUSINESS:**

**PC 07-04 Village of Libertyville, Applicant**  
**118 W. Cook Avenue**

**Request is for amendments to Chapter 26 of the Libertyville Municipal Code.**

Mr. John Spoden, Director of Community Development, stated that Community Development Department Staff has reviewed the comments of the Plan Commission and the public regarding the amendments to the Zoning Code previously given. Mr. Spoden stated that in accordance with the comments, Staff is proposing additional alterations to the text of the Code.

Mr. Spoden stated that in Article 2, Definitions section of the Zoning Code that Staff is proposing to remove "Concert Venue" and add "Theater". Mr. Spoden stated that Theater is defined as "An indoor establishment where live performance, motion pictures, or other recorded media are offered for public viewing, where admission is charged. He stated that this does not include any licensed

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Sexually-Oriented Business, as defined herein. Mr. Spoden stated that Theater will be listed as a Special Use Permit in the C-1, C-2, C-3, and C-4 Districts and that parking requirement for Theater shall be added as 1 parking space per 4 allowable occupants as defined by the International Building Code.

Mr. Spoden stated that in Article 2, Definitions section of the Zoning Code, Staff has proposed to add the definition of "Open Porch". He stated that an Open Porch is defined as "A roofed open area attached to or part of a building with direct access to or from it with columns or piers necessary to support said roof structure. Protective, decorative, or ornamental appurtenance such as hand railings, benches, and the like, may extend to a height of 42 inches above the floor level."

Mr. Spoden stated that in Article 2, Definitions section of the Zoning Code, Staff has proposed to revise the definition "Floor Area" to exclude Open Porches from calculations of floor area.

Mr. Spoden stated that in Article 2, Definitions section of the Zoning Code, Staff has proposed that under the definition of "Deck", to add the following language, "An Accessory Structure, attached or adjacent to any dwelling." Mr. Spoden stated that further clarification is proposed to Add Decks as specified structures and uses in required yards, but not in any front yards.

Mr. Spoden stated that in Article 2, Definitions section of the Zoning Code, under definition of "Accessory Structure", add "Except as otherwise expressly authorized by provision of this Code."

Mr. Spoden stated that in Article 2, Definitions section of the Zoning Code, under definition of "Attic", Staff proposes to change the term "tip" to "top".

Mr. Spoden stated that in Article 2, Definitions section of the Zoning Code, Staff is proposing to add a definition for "Dormers" to read as follows, "A projection on a sloping roof that contains a window".

Mr. Spoden stated that under the Use Limitations section of the Zoning Code in the R-1 thru R-8 Districts, Staff is proposing to add the following, "No individual dormer may exceed eight (8') feet as measured from the exterior framing dimensions of the vertical edges of the dormer. The minimum clear spacing between dormers shall be six (6') feet."

Mr. Spoden stated that in Article 2, Definitions section of the Zoning Code, Staff is proposing to add under the definition of "Driveway", the following at the end of the sentence, "that is designed as one solid, uninterrupted surface."

Mr. Spoden stated that Staff is proposing that in Residential Districts R-1 thru R-8, "Window Wells" be added as specified structures and uses in required yards, but not more than one and one-half (1-1/2') feet in required interior side yards.

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Mr. Spoden stated that Staff is proposing that in the C-1 Districts, “Warehouse Clubs”, “Repair and Maintenance”, and “Environmental Services”, be excluded.

Mr. Spoden stated that Staff is proposing that in C-3 and C-4 Districts, “Catering Companies” be added as permitted uses.

Mr. Spoden stated that Staff is proposing that in the R-1 thru R-8 Districts, under “Special Exceptions to Minimum Yard Requirements”, ii), the term “Interior Side” be added to the title.

Mr. Spoden stated that Staff proposes that Section 16-5, “Zoning Certificate of Occupancy”, be removed from the Zoning Code.

Mr. Spoden stated that Staff proposed that in Article 12, 12-2 Noise, be amended to allow 60 dba at any residential property line.

Mr. Spoden stated that Staff proposed to revise the parking space requirements for “Eatery Place” to exclude “Outdoor Dining” from the calculation.

Mr. Spoden stated that Staff proposed to revise 8-3.5, Bulk Space, and Yard Requirements to allow a maximum height of 105 feet under the approval of a Planned Development.

Mr. Spoden stated that Staff proposed to add a second sentence under 13-9.3(b), Height Limitations, to read “In the Residential District, no fence shall exceed a height of ten (10’) feet in any rear or interior side yard that abuts a Commercial, Industrial, or O-2, Office, Manufacturing and Distribution Park District.

Mr. Spoden stated that Staff proposed to revise the definition of Sight Distance Triangle to read as follows, “A triangular-shaped portion of land which is demarcated at street intersections, alley and street intersections, or driveway and street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner to exceed a height of three (3’) feet.”

Mr. Spoden stated that Staff is proposing to add the following to Section 10-1.5.c.5 of the Zoning Code, “A residential garage shall be defined as any 10’ x 20’ floor area within a residential garage directly accessible by any permitted vehicle.”

Mr. Spoden stated that Staff is proposing to add the following to 10.1.5(c).6 of the Zoning Code, “No maximum limit shall be applied to a below grade garage structure. Access to and design of such structure shall be constructed in accordance with Section 10.1.4 of the Code.”

Mr. Spoden stated that Staff is proposing to add to Section 5-4.2.c and Section 5-5.2.c. of the Zoning Code, “Outdoor Display and Sales and/or Outdoor Storage.” Alter 5-4.4.c and 5-5.4.b to regulate Outdoor Storage only. (The location of Outdoor Display and Sales will be retained as written.)

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Chairman Hezner asked if the International Building Code considers open porches as living area. Mr. Spoden stated that Staff will confirm as to whether or not the International Building Code considers open porches as living area.

Mr. Joe Atkinson, 15521 West Rockland Road, construction contractor, stated that the proposed F.A.R. for residential districts should allow up to 3,000 or 3,200 square feet of floor area for the smaller residential lots in Libertyville.

Ms. Marie Hurtle, Libertyville Resident, stated that she objects to the current code requirement that prohibits new construction on non-conforming lots that are undersized.

Mr. David Pardys, Village Attorney, stated that an alternative to finding a way to provide relief to homeowners of substandard lots of size is a text amendment that will authorize the Village Board to ability to grant variations for these smaller lots that seek building permits for new construction. Mr. Pardys stated the code already provides some relief that would permit new construction on nonconforming lots of size but it is limited to a certain percentage less than that minimum lot size requirements.

Commissioner Cotey stated that he would support a Zoning Code text amendment that would provide further relief than what the Zoning Code section regulating non-conforming lots currently allows for.

Chairman Hezner stated that he is concerned about additional text amendments in Non-conforming section of the Zoning Code beyond what Staff is currently proposing.

Commissioner Jaffe stated that the Staff proposal to define driveways as one solid, uninterrupted surface should be taken out from the proposed text amendment.

Commissioner Cotey stated that consideration should be given to the establishment of a Green Code in the near future.

*In the matter of PC 07-04, Commissioner Jaffe moved, seconded by Commissioner Oakley, to continue this item to the April 28, 2008, Plan Commission meeting.*

*Motion carried 7 - 0.*

**COMMUNICATIONS AND DISCUSSION:**

Commissioner Cotey moved and Commissioner Robinson seconded a motion to adjourn.

Motion carried 7 - 0.

Meeting adjourned at 9:32 p.m.