

MINUTES OF THE PLAN COMMISSION
May 19, 2008

The regular 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, Walter Oakley, and Andy Robinson.

Members absent: Mark Moore.

A quorum was established.

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

Commissioner Robinson moved, seconded by Commissioner Howard, to approve the April 28, 2008, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD 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.

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Mr. David Smith, Senior Planner, stated that the petitioner was before the Plan Commission at their April 24, 2008, meeting requesting approval for a Special Use Permit for a Planned Development, a Planned Development with Concept 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 during the course of the April 24, 2008 public hearing the Plan Commission continued the requested agenda items to the May 19, 2008 meeting date in order to provide the petitioner an opportunity to revise their plans in response to the DRC Staff report and concerns and questions given by the Plan Commission.

Mr. Dan Fogerty, McShane Corporation., presented an overview of the two phase project. He stated that the proposed development is speculative, currently without users to occupy the facilities. He stated that the proposed development includes vacationing a portion of Harris Road and extending Midlothian Road. Mr. Fogerty stated that the new Fire Station parcel will be dedicated at the time of closing of the property. Mr. Fogerty stated McShane wants flexibility in case the site plan or building design needs to change in the future. He stated that the proposed interior parking lot landscaping has been design at 8% which exceeds the Liberty Point Commerce Center, located south of Peterson Road, which is approximately at 6%.

Chairman Hezner stated that City of Chicago requires 10%.

Mr. Fogerty stated that he agreed to show in the plans that the roof top mechanical units shall be screened in accordance to the Staff review comments.

Mr. Fogerty stated that he agrees to screen the refuse enclosures if located outdoors in accordance with the Staff review comments.

Mr. Fogerty stated that he agrees to incorporated cross-access easements on the plat of subdivision in accordance with the Staff review comments.

Mr. John Spoden, Director of Community Development Department, stated that he will check with the Fire Department regarding the requirement for sprinklering the riser room in the building.

Mr. Fogerty stated that McShane will comply with the plat revisions in accordance to the Engineering Staff review comments.

Mr. Fogerty stated that a draft of the Development Agreement has been sent to Village Attorney David Pardys for his review.

Mr. Fogerty stated he agrees with a 30 foot pavement width for the Harris Road improvements.

Mr. Fogerty stated that McShane will provide the plat of vacation for the designated portion of Harris Road north of the spur road connection.

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Mr. Pat Sheeran, Village Project Engineer, stated that Staff is reviewing the watermain improvements necessary to serve the proposed development site, as well as the remaining 20 acre Meyer parcel and the potential properties lying east of Midlothian Road that are currently annexed to Grayslake. Mr. Sheeran stated that a 10" inch watermain is preferable.

Mr. Fogerty stated that an 8" inch watermain is typical.

Mr. Brett Duffy, engineer for the petitioner, stated that the plans will be revised to include plan and profile sheets as requested by the Engineering Division.

Mr. Duffy stated that they will add more specific Best Management Practices in the plans.

Mr. Sheeran stated that the petitioner's narrative can include the Best Management Practices.

Mr. Fogerty stated that McShane agrees to show all points where existing field tiles are intercepted and tied into the proposed stormwater management improvements on the plans.

Mr. Fogerty stated that McShane agrees adjust the final engineering submittals as necessary to accommodate both existing depressional storage and required storage due to development within the stormwater management improvements.

Mr. Fogerty stated that he agreed to incorporate the sanitary easement into final plat of subdivision.

Mr. Fogerty asked Mr. Sheeran what sites are required to be recaptured. Mr. Sheeran stated that the recapture issue is still to be evaluated by Staff. He stated that Prairie Crossings may benefit from oversizing of the watermain and sanitary sewer lines. He stated that the Mallory site may also be appropriate recapture property as well.

Mr. Fogerty stated that the Engineering comment that states that the Village requires sidewalk improvements is a new comment and was not told before the most recent review. He stated that the plan already shows the installation of on-site sidewalks/bikepath.

Mr. Spoden stated that it is a new ordinance requiring sidewalk installation in the public right of way and will be reviewed by Staff and reported back to the Plan Commission.

Mr. Fogerty asked where the sidewalk should be installed. Mr. Sheeran stated that the sidewalk requirement would require installation along any dedicated right of way. He stated that the Village would look for sidewalk installation along Harris Road and along the new spur road that connects Harris and Midlothian.

Mr. Fogerty stated that the sidewalk requirement would be an additional 4,000 linear feet.

Chairman Hezner stated that that the connector road should be shown on the plans.

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Mr. Duffy stated that they are currently working on the final plans for the Midlothian extension and the spur road.

Ms. Chris Geiselhart, 1408 Bull Creek Drive, Libertyville, stated that she appreciates the attention that the Plan Commission has given to the proposed development. She stated that her subdivision is in the Bull Creek Subdivision Water Shed. She stated that she is part of a group that has received a grant to be applied towards improvement plans for the natural features within the water shed area. She stated that many volunteers have already worked to clean up much of the water shed area. She stated that there have been flooding problems in the area in recent years. She stated that the grant will help to determine what the restoration needs are.

Ms. Geiselhart stated that she is concerned that the McShane proposal will impact further erosion to the Bull Creek Water Shed area. She stated that the proposed development will have trucks parked with engines running introducing petrochemicals into the storm drainage system and environment. She stated that she would like to see the McShane development include pervious concrete in the parking lot, bio-swales, and green roofs.

Ms. Rosemary Cahill, 30857 Leesley Court, Libertyville, stated that she is concerned that the drainage will flow southeasterly into the Bull Creek tributary.

Mr. Duffy stated that the tributary does follow a southeasterly path. He stated that the civil engineering plans meet the Lake County Storm Water Management requirements. He stated that bioswales and rain gardens will be shown on the final plans. He stated that he will add a CDS (sedimentation control) unit as part of the storm-water management system. He stated that pervious concrete may not work as the pavement will be constructed on a mostly clay-sub grade and may not permit adequate percolation of water drainage into the soil.

Ms. Sheri Rocco, 18701 Bull Creek, Libertyville, asked how the public can know the truth about the petitioner's testimony. Mr. Sheeran stated that the Water Shed Development Ordinance will require Staff review for compliance.

Ms. Rocco asked for clarification regarding the drainage rate of flow.

Mr. Sheeran stated that the petitioner will install infrastructure that controls the rate of release.

Commissioner Howard asked for further clarification on the rate of release. Mr. Sheeran stated that the full amount of drainage will be captured in the detention facility and then released over a controlled period of time.

Commissioner Robinson stated that the benefit is the controlled release, but that the detriment is that more water will flow through the creek.

Ms. Rocco stated that she is concerned that there isn't more absorption on the site.

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Ms. Geiselhart stated that the detention system sounds okay, but that she is still concerned about the effect on erosion.

Mr. Sheeran stated that erosion is impacted by volume and velocity. He stated that detention ponds will reduce the velocity.

Mr. Leo Marubio, 1409 Bull Creek, Libertyville, stated that he is concerned about the truck docks that pitch back to the building drains.

Ms. Rocco stated that she is concerned about the number of trucks. She stated that IDOT studied Route 45 and they determined that approximately 3,000 trucks travel on Route 45 per day. She stated that she is concerned about how health can be affected by diesel particles. She stated that the EPA in California found carcinogens in the air quality. She stated that the permitted level of ozone still causes carcinogens. She stated that the Village of Libertyville is not meeting the standards. She stated that areas higher in population have higher levels of ozone. She stated that everyone is at risk for heart disease and that children are especially at risk.

Mr. Jim Schuler, 210 Valley Court, asked how many of the proposed truck docks will be used daily on site. He stated that McShane has no regard for the environment.

Mr. Fogerty stated that the use of trucks depends upon the tenant use and proximity to the highway. He stated that most of the tenants will have some assembly and that will reduce some of the need for truck use.

Commissioner Oakley asked if the soil on site is truly all clay. Mr. Sheeran stated that Staff will confirm the soil material during the review.

Commissioner Oakley asked if there is a bus route near the site. Mr. Spoden stated that the Metra Station is close by. He stated that it is possible that the larger employers can provide a shuttle service to and from the main transportation hubs.

Commissioner Cotey asked what the lot coverage is for the proposal. Mr. Fogerty stated that the lot with Building A has 79% lot coverage, the lot with Building B has 79% lot coverage, and the lot with Building C has 78% lot coverage.

Commissioner Cotey stated that the petitioner is almost maximizing the total allowed lot coverage and that the buildings are too big for this site as proposed. He asked the petitioner what their philosophy is on green construction methods. Mr. Fogerty stated McShane has in the past incorporated some green development practices.

Mr. Robert Turcott, McShane, stated that they have done some LEED building construction at other locations.

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Commissioner Cotey stated that this proposal should incorporate more green construction practices. He asked why the petitioner should need to remove the previously proposed bike path just to put in the required sidewalks. Mr. Fogerty stated that they have reviewed the costs of construction and that there is an economic viability that they are concerned about.

Commissioner Cotey stated that he wants both the sidewalk and the bike path.

Mr. Fogerty stated that he would like to request a variance on the sidewalk.

Chairman Hezner stated that the petitioner should take the public benefit into consideration.

Commissioner Cotey asked if the detention ponds will require any fill. Mr. Duffy stated that they will provide the appropriate levels of stability for the soil into the detention ponds.

Commissioner Cotey stated that a condition should be incorporated into the Development Agreement to include bio-swales.

Commissioner Jaffe asked how the 10% interior parking lot landscape request would impact the project economically. Mr. Fogerty stated that it may squeeze out certain uses.

Commissioner Jaffe asked what the expense would be to bury the utilities underground. Mr. Fogerty stated that it would cost \$50,000 per pole.

Commissioner Jaffe asked what the status is regarding the discussions with Grayslake. Mr. Fogerty stated that the discussions have been going slow. He stated that the Fairground representatives are an important partner to the Village of Grayslake.

Commissioner Jaffe asked if the petitioner will incorporate bioswales into the project. Mr. Duffy stated that they may be able to find areas to install bioswales and rain gardens.

Commissioner Jaffe stated that he wants the Recapture Agreement to be considered and bioswales to be considered.

Commissioner Howard stated that he wants to compliment McShane for their efforts thus far with the plans. He stated that he is concerned about how the second phase will be logistically managed in terms of the erosion control and drainage management. He stated that he wants 10% interior parking lot landscaping. He stated that he is concerned about the 180 loading docks. He asked if shared docks are feasible. He stated that he is concerned about traffic management and the failing intersection. He asked how the employees will use the spur road and get to Peterson Road. He stated that he would like to see further commentary on the green practice.

Mr. Duffy stated that they will incorporate the bio-swales and further elaborate within the narrative.

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Commissioner Robinson stated that he favors eco-green practices. He stated that he supports the installation of the required sidewalk. He stated that he is concerned about the lack of a turn lane along Peterson Road for westbound traffic.

Chairman Hezner stated that the petitioner's traffic study should incorporate how the turn lane will be handled.

Commissioner Robinson asked for clarification on the phasing of the project. Mr. Fogerty stated that Phase One (1) will be for Buildings A and B. He stated that Phase Two (2) will be for Building C.

Chairman Hezner stated that the buildings are too big. He stated that the petitioner should provide more balance on the site. He stated that among all the Best Management Practice to be incorporated that there should be at a minimum, 10% interior parking lot landscaping. He stated that the spur road improvements should be shown on the plans. He asked what the petitioner would like to do this evening. Mr. Fogerty requested that the petition be continued.

In the matters of PC 08-01, PC 08-02, and PC 08-03, Commissioner Robinson moved, seconded by Commissioner Howard, to continue these items to the June 23, 2008, Plan Commission meeting.

Motion carried 6 - 0.

NEW BUSINESS:

**PC 08-10 Denali Spectrum Operations, LLC, d/b/a Cricket Communications, Applicant
1600 W. Park Avenue**

Amendment for a Special Use Permit for Personal Wireless Services Antennas with antenna support structure and related electronic equipment and equipment structure in order to co-locate and install personal wireless services antennas with antenna support structure on an existing monopole and outdoor ground communication equipment in the IB, Institutional Buildings District.

**PC 08-11 Denali Spectrum Operations, LLC, d/b/a Cricket Communications, Applicant
1600 W. Park Avenue**

Amendment to a Site Plan Permit in order to co-locate and install personal wireless services antennas with antenna support structure on an existing monopole and outdoor ground communication equipment in the IB, Institutional Buildings District located at 1600 West Park Avenue.

Due to improper notification by the applicant, this item will not be heard.

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PC 08-12 Robert J. Utyro, Dudley, Utyro & Associates, Ltd., Applicant
1600 Hollister Drive

Special Use Permit for a Veterinary Service in an O-2, Office, Manufacturing and Distribution Park District.

PC 08-13 Robert J. Utyro, Dudley, Utyro & Associates, Ltd., Applicant
1600 Hollister Drive

Site Plan Permit in order to develop a Veterinary Service in an O-2, Office, Manufacturing and Distribution Park District.

Mr. David Smith, Senior Planner, stated that the petitioner was before the Plan Commission at their July 25, 2006, and August 28, 2006, meetings requesting approval for a Text Amendment to Section 6-3.3 of the Libertyville Zoning Code to include Veterinary Services as a Special Permitted Use in an O-2, Office, Manufacturing and Distribution Park District, a Special Use Permit for a Veterinary Service in an O-2, Office, Manufacturing and Distribution Park District, and a Site Plan Permit in order to develop a Veterinary Service in an O-2, Office, Manufacturing and Distribution Park District located on Hollister Drive. Mr. Smith stated that the Plan Commission recommended approval to the Village Board who then granted approval at their September 26, 2006, meeting for the subject requests.

Mr. Smith stated that the petitioner was not able to commence construction at that time in 2006 and allowed the granted Special Use Permit to expire. Mr. Smith stated that the petitioner has since then revised their plans and has filed for a new Special Use Permit and Site Plan Permit for the Plan Commissions review and recommendation for approval to the Village Board.

Mr. Smith stated that the petitioner is proposing to develop a one story building whose entire floor area shall be devoted to a veterinary clinic as Orphans of the Storm. Mr. Smith stated that proposed building is one story approximately 5,500 square feet in floor area with a planned possible future addition for an additional 4,400 square feet.

Mr. Robert Utyro, architect for the petitioner, stated that he will revise the plans in accordance with the Staff review comments. He stated that the trash enclosure is planned to remain inside the building.

Commissioner Robinson asked if the facility will strictly be a veterinary service or will it include a kennel service. Mr. Utyro stated that there will not be a kennel service as part of the proposal.

Commissioner Howard asked if any of the improvements will encroach into any wetlands. Mr. Pat Sheeran, Village Project Engineer, stated that there will be no banking or restoration of wetlands required.

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Commissioner Howard asked if the Village has any concerns regarding possible erosion issues. Mr. Sheeran stated that there are not erosion concerns.

Mr. Utryo stated that in response to comments by the Appearance Review Commission, they have removed a previously proposed window sign and have replaced some of the proposed plant materials with wetland tolerant plant species.

Commissioner Howard asked what type of tenants will occupy the building expansion if it were to ever happen. Mr. Utryo stated that any future expansion will be to accommodate the Orphans of the Storm veterinary service clinic only.

Commissioner Cotey stated that he is concerned about the close proximity of the proposed veterinary clinic to the waste treatment plant.

Mr. Utryo stated that the proposed landscaping treatment will help to mitigate much of the anticipated waste treatment plant odor.

Chairman Hezner asked if any further discussion have taken place with the neighboring vehicle dealer establishment (Acura) to help accommodate the parking problem. Mr. Utryo stated that consideration has been given to providing a few parking spaces for some of the Acura employees.

Chairman Hezner stated that he would like to see more landscaping on the south end to screen the parking.

Commissioner Oakley stated that now is the time to try to work something out between the Acura property and the Orphans of the Storm property to alleviate the parking problem.

Mr. John Spoden, Director of Community Development, stated that the easement to the north of the subject property belongs to Mundelein and they have previously stated that they are not interested in providing the adjacent property owners the use of the easement area.

Commissioner Jaffe asked if a condition of approval can be made to require a larger parking lot. Mr. Spoden stated that Staff would recommend against such a condition without first getting a response from Hollister.

In the matter of PC 08-12, Commissioner Oakley moved, seconded by Commissioner Howard, to recommend the Village Board of Trustees approve a Special Use Permit for a Veterinary Service in an O-2, Office, Manufacturing and Distribution Park District, in accordance with the plans submitted.

Motion carried 6 - 0.

In the matter of PC 08-13, Commissioner Jaffe moved, seconded by Commissioner Howard, to recommend the Village Board of Trustees approve a Site Plan Permit in order to develop a

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Veterinary Service in an O-2, Office, Manufacturing and Distribution Park District, in accordance with the plans submitted.

Motion carried 6 - 0.

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 6 - 0.

Meeting adjourned at 9:55 p.m.