

MINUTES OF THE PLAN COMMISSION
June 23, 2008

The regular meeting of the Plan Commission was called to order by Chairman Kurt Hezner at 7:01 p.m. at the Village Hall.

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

Members absent: William Cotey and Walter Oakley.

A quorum was established.

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

Commissioner Robinson moved, seconded by Commissioner Moore, to approve the May 12, 2008, Plan Commission meeting minutes.

Motion carried 5 - 0.

Commissioner Robinson moved, seconded by Commissioner Moore, to approve the May 19, 2008, Plan Commission meeting minutes.

Motion carried 5 - 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**

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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, was before them at their April 14, 2008 meeting and again at their May 19, 2008, meeting requesting approval of 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, Limited Industrial Park District located at 30568 North Harris Road.

Mr. Smith stated that during the course of the previous public hearings, the Plan Commission continued the requested agenda items to the June 23, 2008 meeting date in order to provide the petitioner an opportunity to revise their plans in response the DRC Staff Report and concerns and questions given by the Plan Commission.

Commissioner Robinson asked if the petitioner will keep the requested sidewalks and bikepaths on the site plan. Mr. Dan Fogerty, McShane Corporation, responded that the sidewalks and bikepaths will remain on the plan.

Commissioner Robinson asked if the building sizes have changed since their last appearance in front of the Plan Commission. Mr. Fogerty stated that the buildings are still the same size as before.

Commissioner Robinson asked if the soil erosion will be controlled during construction. Mr. Pat Sheeran, Village Project Engineer, stated that the construction will be monitored closely by the Village.

Chairman Hezner stated that the soil is tested to be mostly clay and impermeable.

Commissioner Howard asked for clarification of the phases of the construction. Mr. Fogerty stated that Buildings A and B will be Phase One and that Building C will be Phase Two.

Commissioner Howard asked if the triangular portion of the land located to the east of Building C was incorporated into the lot coverage calculations. Mr. Fogerty stated that the proposed lot coverage for all the lots assumed the landbanked parking was installed.

Commissioner Howard asked for clarification on the indicated traffic counts found in the Traffic Impact analysis. Mr. Aboona, KLOA, stated the higher traffic counts are found in the peak traffic hours.

Commissioner Howard stated that he is concerned about the traffic impact that may be imposed with a high number of employees.

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Mr. Aboona stated that the traffic report is based upon the square footage of the buildings, not on the potential number of employees.

Commissioner Howard stated that it was difficult to recognize the connectivity between buildings, parking lots, sidewalks, and bike paths.

Mr. Fogerty described the sidewalk and bike path locations.

Commissioner Jaffe asked for clarification of the Mallory extension and possible opportunities for a Recapture Agreement. Mr. Sheeran stated that the petitioner's plans include the construction of the spur road connecting the Midlothian extension and Harris Road. He stated that there may be an opportunity for recapture relative to the watermain sizes required for installation.

Commissioner Jaffe asked if there is any progress in the negotiations of the land transactions located to the west of the west subject site. Mr. Fogerty stated that there has been no progress at this time.

Commissioner Moore stated that he is concerned about the building sizes and the amount of truck traffic that they may produce. He stated that he is concerned about the amount of maneuvering space between Buildings B and C.

Mr. Fogerty stated that Buildings B and C have a shared truck court that provides a building separation of over 190 feet and should be ample maneuvering space for the trucks accessing the truck court area.

Chairman Hezner stated that the sprinkler rooms are proposed to be located near the truck docks or the rear of the buildings. He stated that they are usually required to be located in front of the buildings.

Mr. John Spoden, Director of Community Development, stated that he will confirm with the Fire Department that the proposed sprinkler rooms are acceptable.

Chairman Hezner asked for clarification of the proposed Best Management Practice methods proposed by the petitioner.

Mr. Brad Duffy, Engineer for petitioner, stated they will implement rain gardens and bioswales into the development. He stated that the detention ponds will be designed with two chambers to provide better detention flow.

Chairman Hezner asked the petitioner to clarify the detention release rate. Mr. Duffy stated that the drainage release rate will be slower after the development is complete.

Commissioner Robinson asked for clarification on the bioswales and rain gardens. Mr. Duffy stated that the rain gardens are intended for low water flow events and to help the water settle into the

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ground at a slower pace. He stated that the bioswales are designed for a high flow water condition. He stated that the plant types in the bioswales will help to filter out the water as it moves to the storm sewers.

Chairman Hezner asked what the seed mix will be for the grass. Mr. Duffy stated that the detention areas will be installed with seek blankets and that the other open space will be hydro-seeded.

Mr. Sheeran stated that the hydro-seed will be more effective.

Ms. Chris Geiselhart, 1408 Bull Creek Drive, stated that she is concerned about the downstream effect and the potential erosion. She stated that she is concerned that the necessary maintenance of the detention facilities may not be consistent.

Mr. Sheeran stated that the applicant must submit a maintenance schedule as part of a Village requirement.

Ms. Geiselhart stated that she is concerned that this type of development is not a better land use than farm land. She stated that the petitioner should consider using four inch plugs for the installation of the plantings.

Mr. David McCallum, landscape architect for the petitioner, described the planting process.

In the matter of PC 08-01, Commissioner Jaffe moved, seconded by Commissioner Moore, to recommend the Village Board of Trustees approve 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, subject to the following conditions: 1) The proposed Fire Station parcel be acquired, platted, and recorded with the Lake County Recorder's Office and dedicated to the Village of Libertyville prior to the issuance of any development or building permits for the Liberty Point North Commerce Center; and 2) The "connector road" to be constructed between existing Harris Road and the future Midlothian Road extension and the Midlothian Road extension between the "connector road" and Peterson Road be constructed prior to the Village of Libertyville issuing any occupancy permits, temporary or otherwise.

Motion carried 5 – 0.

Ayes: Hezner, Howard, Jaffe, Moore, Robinson

Nays: None

Absent: Cotey, Oakley

In the matter of PC 08-02, Commissioner Robinson moved, seconded by Commissioner Moore, to recommend the Village Board of Trustees approve 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, subject to the following conditions: 1) The proposed Fire Station parcel be

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acquired, platted, and recorded with the Lake County Recorder's Office and dedicated to the Village of Libertyville prior to the issuance of any development or building permits for the Liberty Point North Commerce Center; and 2) The "connector road" to be constructed between existing Harris Road and the future Midlothian Road extension and the Midlothian Road extension between the "connector road" and Peterson Road be constructed prior to the Village of Libertyville issuing any occupancy permits, temporary or otherwise.

Motion carried 5 – 0.

Ayes: Hezner, Howard, Jaffe, Moore, Robinson
Nays: None
Absent: Cotey, Oakley

In the matter of PC 08-03, Commissioner Moore moved, seconded by Commissioner Jaffe, to recommend the Village Board of Trustees approve 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, subject to the following conditions: 1) The proposed Fire Station parcel be acquired, platted, and recorded with the Lake County Recorder's Office and dedicated to the Village of Libertyville prior to the issuance of any development or building permits for the Liberty Point North Commerce Center; and 2) The "connector road" to be constructed between existing Harris Road and the future Midlothian Road extension and the Midlothian Road extension between the "connector road" and Peterson Road be constructed prior to the Village of Libertyville issuing any occupancy permits, temporary or otherwise.

Motion carried 5 – 0.

Ayes: Hezner, Howard, Jaffe, Moore, Robinson
Nays: None
Absent: Cotey, Oakley

NEW BUSINESS:

PC 08-14 Ray Bozic, Applicant
509 N. Third Street

Request is for a Special Use Permit for a Warehouse/Storage facility in an I-3 General Industrial District.

PC 08-15 Ray Bozic, Applicant
509 N. Third Street

Request is for a Site Plan Permit for a Warehouse/Storage facility in an I-3 General Industrial District.

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Mr. David Smith, Senior Planner, stated that the petitioner, Ray Bozic, is requesting approval for a Special Use and a Site Plan Permit for a Warehouse/Storage facility in an I-3, General Industrial District at 509 N. Third Street. Mr. Smith stated that the petitioner is proposing to construct a one-story 6,838 square foot warehouse facility on a parcel of land approximately 14,970 square feet in area. Mr. Smith stated that the property is bounded by Third Street on the east, and an alley on the west. Mr. Smith stated that although surrounded by industrial zoning, the property to the north is a residential use. Mr. Smith stated that Third Street comes to an end a few yards past the southern edge of the subject site. Mr. Smith stated that the building is proposed to be accessed from Third Street with 3 insulated steel overhead doors and 3 aluminum pedestrian entry doors. Mr. Smith stated that the building was initially designed to be occupied by three industrial warehouse tenants.

Mr. Ray Bozic, petitioner, stated that he recently sold the property to Mr. Herchenbach as a one office, one tenant facility. He stated that it will be one tenant.

Ms. Angie Hartshorne, 514 N. Second Street, stated that she is concerned about the lighting that may be cast upon her house from the proposed development.

Mr. Bozic stated that the rear door wall lights will be turned off during the night. He stated that the doors in the back of the building are for emergency exits and to be Building Code compliant.

Mr. John Spoden, Director of Community Development, discussed the Comprehensive Plan objectives for the subject site and the east side area. He stated that appropriate planning should include the whole block for industrial expansion and not to piece meal develop the area lot by lot.

Mr. Bozic stated that the whole block has been up for sale, but nobody has been willing to buy the other lots for new development.

Commissioner Moore asked about the disposition of the trees on the subject site. Mr. Bozic stated that there are a couple of larger trees on the site, but that they will have to be removed in order to make room for the proposed development.

Commissioner Howard asked what will occupy the proposed space. Mr. Ned Herchenbach, property owner, stated that he will store John Deere tractors. He stated that there will be a minimum number of cars and employees there during regular business hours.

Commissioner Howard asked if the site will be rented out to other users. Mr. Herchenbach stated that it is possible it will eventually be rented to other occupants.

Commissioner Robinson asked for clarification of what the Comprehensive Plan envisions for the immediate area.

Mr. Spoden stated that a larger development would have been more appropriate. He stated that the Comprehensive Plan also envisions the possibility of extending Third Street further south to meet

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Church Street. He stated that the market forces will dictate the progress of development for the whole block.

Mr. Bozic stated that all the property on the block has been up for sale at least for one year.

Commissioner Robinson asked for clarification as to how the ground mounted mechanical equipment will be treated. Mr. Bozic stated that he will screen the ground equipment. He stated that the refuse container will be rolled out for trash disposal and rolled back into the structure.

Chairman Hezner asked if the driveway apron should be curbed. Mr. Pat Sheeran, Project Engineer, stated that curbing on the driveway apron is not required by Code.

Chairman Hezner asked for clarification as to the location of the sprinkler room. Mr. Bozic stated that the sprinkler room is planned to be on the north side of the building. He stated that he can relocate it per the discretion of the Fire Department.

Chairman Hezner stated that it appears that the site distance triangle at the petitioner's driveway would encumber the property to the north. He stated that this project is a spot development that will force future adjacent development to be planned around it.

Commissioner Robinson stated that he is having difficulty identifying what the public benefit is from this project.

Mr. Herchenbach stated that he is the owner of 6 properties and 2 parcels that include the John Deere establishment on East Park Avenue. He stated that he would like to store some of his John Deere at the proposed site.

Mr. Bozic stated that he has owned the subject site since 1999.

Commissioner Jaffe stated that although some of the Plan Commissioners may not like this project, it is not enough to recommend denial.

Commissioner Moore asked how much smaller should the building become in order to allow for three tenants in the building and still meet the Parking Code. Mr. Smith stated that a reduced building size has not been calculated.

Ms. Hartshorne stated that the area is good for a walkable area, near the downtown. She stated that residential condos should be considered.

Chairman Hezner asked the petitioner what he would like for the Plan Commission to do tonight. Mr. Bozic stated that he would like for the Plan Commission to give a positive recommendation for the proposed development.

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In the matter of PC 08-14, Commissioner Robinson moved, seconded by Commissioner Jaffe, to recommend the Village Board of Trustees approve a Special Use Permit for a Warehouse/Storage facility in an I-3 General Industrial District, in accordance with the plans submitted.

Motion carried 3 – 2.

Ayes: Howard, Jaffe, Robinson
Nays: Hezner, Moore
Absent: Cotey, Oakley

In the matter of PC 08-15, Commissioner Jaffe moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Site Plan Permit for a Warehouse/Storage facility in an I-3 General Industrial District, in accordance with the plans submitted.

Motion carried 3 – 2.

Ayes: Howard, Jaffe, Robinson
Nays: Hezner, Moore
Absent: Cotey, Oakley

PC 08-16 Terry L. Weppler, Esq., Applicant
285 Peterson Road

Request is for a Special Use Permit for a Drive-In Establishment accessory to an Eating Place for property located in a C-3, General Commercial District.

PC 08-17 Terry L. Weppler, Esq., Applicant
285 Peterson Road

Request is for a Site Plan Permit for a Drive-In Establishment accessory to an Eating Place for property located in a C-3, General Commercial District.

The applicants requested that these items be withdrawn from the agenda.

COMMUNICATIONS AND DISCUSSION:

Commissioner Jaffe moved and Commissioner Moore seconded a motion to adjourn.

Motion carried 5 - 0.

Meeting adjourned at 9:20 p.m.