

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**March 18, 2019**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Kurt Schultz at 7:07 p.m. at the Village Hall.

Members present: Chairman Kurt Schultz, Amy Flores, Mark Moore, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: Matthew Krummick.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Rich Carani, Fire Chief.

Board Member Moore moved, seconded by Board Member Pyter, to re-approve the February 25, 2019, Zoning Board of Appeals minutes, amended as follows:

Page 2, Paragraph 4, remove the language “employed at Meyer Industries located on the south side of Peterson Road across from the subject site at 1700 Franklin Boulevard”.

Motion carried 6 - 0.

Board Member Oakley moved, seconded by Board Member Steffe, to approve the March 11, 2019, Zoning Board of Appeals minutes.

Motion carried 6 - 0.

**OLD BUSINESS:**

**ZBA 19-04 North Shore Gas Delivery, Applicant  
19238 W. Peterson Road**

**Request is for variations to: 1) reduce the minimum required front yard setback from 100 feet to approximately 35.6 feet in order to construct a 750 square foot Odorant Building; from 100 feet to approximately 70.6 feet in order to construct a 500 square foot Control and Generator Building; and from 100 feet to approximately 17 feet in order to construct a 30 inch in diameter gas delivery (out let) pipe; and 2) reduce the minimum required side yard setback from the east side yard property line from 25 feet to approximately 17.5 feet for a 400 square foot Regulator Building and from 25 feet to approximately 14.9 feet for a 221 square foot Valve House building; and 3) reduce the minimum required side yard setback from the west side yard property line from 25 feet to approximately 7.5 feet for a 1,360 square foot Meter Building in order to re-build the Grayslake Gate Station, an existing natural gas transmission plant for North Shore Gas Company, for property located in an I-1, Limited Industrial District.**

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**ZBA 19-05 North Shore Gas Delivery, Applicant**  
**19238 W. Peterson Road**

**Request is for a variation to reduce the minimum required Perimeter Landscape Open Space, as depicted in the Landscape Plan by Hampton, Lenzini and Renwick, Inc. dated February 27, 2019, in order to re-build the Grayslake Gate Station, an existing natural gas transmission plant for North Shore Gas Company, for property located in an I-1, Limited Industrial District.**

**NEW BUSINESS:**

**ZBA 19-13 North Shore Gas Delivery, Applicant**  
**19238 W. Peterson Road**

**Request is for a variation to extend a fence beyond the front building line of the principal structure located on a lot for property located in an I-1, Limited Industrial District.**

Mr. David Smith, Senior Planner, stated that the petitioner was before the Plan Commission and Zoning Board of Appeals at their February 25, 2019 meeting seeking approval for the Special Use Permit, Site Plan Permit and the previously stated variations. He stated that in the interim, representatives from the adjacent William Meyer and Sons Company have submitted additional documentation for the Plan Commission and Zoning Board of Appeals to review prior to tonight's public hearing. He stated that among the submitted documentation includes a letter that lists a number of concerns that the representatives from William Meyer and Sons Company is requesting that the Plan Commission and Zoning Board of Appeals review and take into consideration prior to making their recommendation to the Village Board. He stated that the applicant, North Shore Gas Company, has provided a written response to the concerns listed in the William Meyer and Son Company letter.

Mr. Smith stated that the petition has been continued from the February 25, 2019, meeting to the Plan Commission and Zoning Board of Appeals tonight due to the improper public notice for a fence variation that is included in the petition. He stated that no action was taken on all of the other zoning requests at the February meeting, so then all requests are open for continued discussion and testimony for tonight's meeting.

Mr. Alan McCurdy, Valdez Company and agent for the applicant, stated that North Shore Gas Company has applied for a Special Use Permit for a public utility yard, a Site Plan Permit, setback variations, and a variation for the location for a proposed fence. Mr. McCurdy presented the proposed site plan to the Plan Commission and Zoning Board of Appeals. He identified the setback variations from the side and front property lines. He stated that the variations are needed due to the restrictive shape of the triangular lot and the fact that they are unable to acquire additional land.

Mr. McCurdy stated the Grayslake Gate Station is a primary feed for North Shore Gas Company. He stated that 80% of its feed goes through the Grayslake Gate Station. He stated that the

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proposed redevelopment project is intended to meet new standards and to make the facility more reliable for long term use. He stated that the plan is to redevelop the site within the existing boundaries of the site and to make use existing inlet and outlet piping. The existing site constraints restrict the flexibility on the design for the redevelopment. He stated that there is not a lot of space to shift the equipment around on the site.

Mr. McCurdy stated that Village Staff have supported the request for the Special Use Permit and that they do not have any issues with the Staff recommended conditions for approval. He stated that they are asking for front yard setback variations to reduce the minimum required 100 feet from the front property line in order to construct their Odorant Building and an outlet piping structure. He stated that this is the piping that feeds out to the territory. He stated that this particular section of piping needs to be above ground in order to help facilitate access to this aspect of the utility.

Mr. McCurdy stated that they are also asking for side yard setbacks from the eastern side property line in order to construct their Regulator and Valve House structures. He stated that they are also asking for a side yard setback from the western side property line in order to construct Meter Building structure. He stated that the triangular layout of the property restricts how the layout the site and makes it difficult to meet the Village's setback regulations.

Mr. McCurdy stated that they have asked for a variation to reduce the required Perimeter Landscape Open Space due to the configuration of the site and the location of the equipment. He stated that as a compromise they have proposed to plant many of the required plantings towards the north end of the property.

Mr. McCurdy stated that the final variation request is for the location of their fence replacement. He stated that due to the nature of this facility, a fence is needed around the perimeter of the site in order to protect the equipment on the site.

Mr. McCurdy stated that North Shore Gas Company is aware of the letter sent by the William Meyer and Son Company. He stated that they tried to schedule a meeting with representatives from the William Meyer and Son Company to discuss their concerns, but was unable to on short notice.

Ms. Gayle Baird, 752 Stonegate Road, stated that she is employed at the William Meyer and Sons Company located at 1700 Franklin Boulevard. She stated that she received a call from Andrea Danks from the North Shore Gas Company to try and schedule a meeting with representatives from William Meyer and Son Company. She stated that they were unable to meet due to the short notice, but they are happy to meet with the representatives from North Shore Gas Company when everyone's schedule allows.

Ms. Baird stated that they are concerned about the smell of gas that emanates from the facility and the impact upon the air quality. She stated that Peterson Road can become hazardous due to the fast moving traffic and is concerned about a potential accident at the facility from the traffic.

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Ms. Jennifer Clark, Lake County Board Member, 15<sup>th</sup> District Representative, stated that communication between North Shore Gas Company needs to improve. She stated that due to the close proximity of the facility to the railroad tracks she is concerned about the potential consequence if there is a train derailment.

Mr. Juan Gonzalez, Transmission Engineer for North Shore Gas Company, stated that they will provide a safety and communications plan to the Village and will have a better outreach program to include the William Meyer and Sons Company during scheduled gas release dates.

Board Member Moore asked how the gas release procedures are scheduled and communicated. Mr. Gonzalez stated that they try to release gas earlier in the day as part of the scheduled gas release events. He stated that they will have a communications plan in place which includes notifications to the Village and the Fire Department.

Ms. Lauren Buric, Hampshire Illinois resident, stated that she is concerned about a possible gas explosion. She stated that her friend's daughter attends a day care near the subject site and is concerned about their safety if there is an accident at the North Shore Gas facility. She asked who else received the public notice letters for the meeting.

Board Member Moore asked how the construction phase of the project is managed. Mr. Gonzalez stated that there is a controlled release of gas in order to blow out remnant gas prior to shut down for construction. He stated that gas released will be filtered through an odorizing process in order to help mitigate any fume nuisances. He stated that there will be a shutdown procedure that will be implemented for the proposed construction phase of the development.

Mr. John Spoden, Director of Community Development, stated that the applicant is required to send public notice letters to property owners for a distance of 250 as measured from the perimeter property lines of the subject site. He stated that this is required by State statute and administered through the Village's Zoning Code. He stated that in addition to the public notice letters, there is also the public notice sign, and the notice published in the newspaper.

Ms. Baird requested clarification about the gas release schedule and its frequency. Mr. Gonzalez stated that for the initial phase of construction there will be a release of gas in the beginning. He stated that there are two gas companies on the site that include Kinder Morgan and North Shore Gas Company. He stated that there will be three short, in duration, gas release events, during the course of the demolition and construction of the new upgrades to the facility.

Ms. Baird stated that she is concerned about the potential for an accident caused by a vehicle losing control along Peterson Road and crashing through the fence at the site. She asked if there are safety precautions put in place for such an accident. Mr. McCurdy stated that there will be a fence and bollard barricade around the perimeter of the site.

Mr. Gonzalez stated that there is a remote gas valve control system that can shut the gas operations down in an accident scenario.

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Ms. Buric stated that she is concerned about gas explosion accidents as they have happened before in other gas utility locations. She stated that she is concerned about North Shore Gas Company's ability to communicate with the Fire Department in an efficient and timely manner.

Board Member Pyter stated that he understands the importance to rebuilding and upgrading a facility like this in order to improve the safety standards.

Mr. Gonzalez stated that the enhancements will be more reliable. He stated that there will be 24 hour surveillance with cameras. He stated that the new fence is designed to inhibit climbing and that the fence shall obscure visibility into the site for security reasons. He stated that the upgrades to the facility will meet current standards.

Board Member Pyter asked for clarification of the Odorant Building. Mr. Gonzalez stated that the Odorant Building is equipped with charcoal filters to control odor. He stated that the existing odorant building will be demolished in order to allow for the construction for a new and improved Odorant Building and its equipment. He stated that the old building has asbestos which will be removed in accordance with the proper procedures.

Board Member Steffe stated that communication with the Village and the neighboring property owners is very important relative to the demolition of the old facility, any gas release events, and the construction of the new facility.

Board Member Oakley asked how a first responder will handle a major accident event on the site. Mr. Rich Carani, Village of Libertyville Fire Chief, stated that the Fire Department trains every year with Kinder Morgan. He stated that they are trained to contain and control natural gas on the site, but that they must wait for the gas to be shut down as part of the contain and control process.

Board Member Flores stated that she supports the proposal to upgrade the facility.

Chairman Schultz asked if the proposed scope of work is an expansion or the modernization of the facility. Mr. Gonzalez stated that the scope of work is predominately a modernization of the facility. He stated that there will be a minor expansion towards the north end of the facility as well.

Chairman Schultz asked why there needs to be periodic release of gas from the facility. Mr. Gonzalez stated that they cannot work on a pipe without purging the gas inside that section of the pipe.

Chairman Schultz asked how North Shore Gas would respond to a train derailment accident. Mr. Gonzalez stated that they will have security cameras in place monitoring the facility 24 hours. He stated that first responders will assess the accident conditions of the site. He stated that the gas can be shut off remotely.

Chairman Schultz stated that a notice should be sent to the residents.

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Ms. Glannie Chan, North Shore Gas Company representative, stated that during planned downs North Shore Gas will send a representative to the site.

Chairman Schultz asked if notices could be sent to a website. Mr. Gonzalez stated that notices will be sent to the Fire Department and to the Village of Libertyville. He stated that North Shore Gas Company will have to get a permit from the Village of Libertyville before any work is done. He stated that this facility needs to be upgraded to become more reliable and safer.

Board Member Moore asked the petitioner how long they have been planning this upgrade. Mr. McCurdy stated that they have been planning this upgrade since 2017.

Board Member Moore asked if efforts have been made to buy more land. Mr. Gonzalez stated that attempts have been made to expand to the west, but were unsuccessful.

Ms. Chan stated that the owner of the land to the west would only consider selling their land, but only the whole parcel which is more than what is needed.

Board Member Moore asked if the petitioner has a Plan B if the requested zoning actions were not approved. Ms. Chan stated that they would have to relocate, but that would be too costly.

Mr. McCurdy stated that they met with the Village Staff for the pre-application conference prior to submitting their application and Staff explained what the public hearing process would involve. He stated that Staff was not unsupportive of the zoning requests, but indicated that they could not predict how the Village Boards and Commissions would react to the proposal.

Mr. Spoden stated that the subject property and the current land use were annexed into the Village in its current triangular lot configuration. He stated that Staff acknowledged that the applicant has indicated that the purchase of additional land to the west was not an option.

Board Member Moore asked for clarification as to the construction of the fence and safety barrier along the perimeter of the property. Mr. Gonzalez stated that four (4") inch thick concrete bollards will be set in a foundation behind the proposed security fence as part of the scope of work.

Board Member Moore asked the petitioner what they would like for the Plan Commission and the Zoning Board of Appeals to do this evening. Mr. McCurdy stated that he would like for the Plan Commission and the Zoning Board of Appeals to give a positive recommendation to the Village Board for the zoning requests.

*In the matter of ZBA 19-04.1), Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 100 feet to approximately 35.6 feet in order to construct a 750 square foot Odorant Building; from 100 feet to approximately 70.6 feet in order to construct a 500 square foot Control and Generator Building; and from 100 feet to approximately 17 feet in order to construct a 30 inch in diameter gas delivery (out let) pipe in order to re-build the Grayslake Gate Station, an existing natural gas transmission plant for North Shore Gas*

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*Company, for property located in an I-1, Limited Industrial District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Schultz, Flores, Moore, Oakley, Pyter, Steffe*  
*Nays: None*  
*Absent: Krummick*

*In the matter of ZBA 19-04.2), Board Member Schultz moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required side yard setback from the east side yard property line from 25 feet to approximately 17.5 feet for a 400 square foot Regulator Building and from 25 feet to approximately 14.9 feet for a 221 square foot Valve House building in order to re-build the Grayslake Gate Station, an existing natural gas transmission plant for North Shore Gas Company, for property located in an I-1, Limited Industrial District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Schultz, Flores, Moore, Oakley, Pyter, Steffe*  
*Nays: None*  
*Absent: Krummick*

*In the matter of ZBA 19-04.3), Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required side yard setback from the west side yard property line from 25 feet to approximately 7.5 feet for a 1,360 square foot Meter Building in order to re-build the Grayslake Gate Station, an existing natural gas transmission plant for North Shore Gas Company, for property located in an I-1, Limited Industrial District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Schultz, Flores, Moore, Oakley, Pyter, Steffe*  
*Nays: None*  
*Absent: Krummick*

*In the matter of ZBA 19-05, Board Member Flores moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscape Open Space, as depicted in the Landscape Plan by Hampton, Lenzini and Renwick, Inc. dated February 27, 2019, in order to re-build the Grayslake Gate Station, an existing natural gas transmission plant for North Shore Gas Company, for property located in an I-1, Limited Industrial District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

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*Ayes: Schultz, Flores, Moore, Oakley, Pyter, Steffe*  
*Nays: None*  
*Absent: Krummick*

*In the matter of ZBA 19-13, Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to extend a fence beyond the front building line of the principal structure located on a lot for property located in an I-1, Limited Industrial District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Schultz, Flores, Moore, Oakley, Pyter, Steffe*  
*Nays: None*  
*Absent: Krummick*

**STAFF COMMUNICATIONS AND DISCUSSION:**      None.

Board Member Steffe moved, seconded by Board Member Pyter to adjourn the meeting.

Motion carried 6 - 0.

Meeting adjourned at 8:21 p.m.