

MINUTES OF THE PLAN COMMISSION
June 28, 2021

The regular meeting of the Plan Commission was conducted virtually due to public health concerns and called to order by Chairman Mark Moore at 7:08 p.m.

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

Members absent: None.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Jeff Cooper, Village Engineer.

Others present: Brooke Lenneman, Village Attorney.

Commissioner Pyter moved, seconded by Commissioner Steffe, to approve the June 14, 2021, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

**PC 20-28 Village of Libertyville, Applicant
1800, 1850, and 1950 N. US Highway 45**

Request is for Final Approval for an Amendment to the Village of Libertyville Comprehensive Plan Future Land Use Map, located at 1800, 1850 and 1950 N. US Highway 45 in an O-2 Office, Manufacturing and Distribution Park District.

**PC 20-29 Village of Libertyville, Applicant
1800, 1850, and 1950 N. US Highway 45**

Request is for Final Approval for an Amendment to the Special Use Permit for a Planned Development in order to reduce the land area for the Village of Libertyville Sports Complex and for the removal of the Golf Learning Center and Family Entertainment Center, and to add industrial and commercial land uses for property located at 1800, 1850 and 1950 N. US Highway 45 in an O-2, Office, Manufacturing and Distribution Park District.

**PC 20-30 Village of Libertyville, Applicant
1800, 1850, and 1950 N. US Highway 45**

Request is for Final Approval for an Amendment to the Planned Development Final Plan in order to reduce the land area and add additional parking spaces for the

Village of Libertyville Sports Complex, removal of the Golf Learning Center (GLC) and Family Entertainment Center (FEC), and to add industrial and commercial land uses for property at 1800, 1850 and 1950 N. US Highway 45 located in an O-2, Office, Manufacturing and Distribution Park District.

**PC 20-31 Village of Libertyville, Applicant
1800, 1850, and 1950 N. US Highway 45**

Request is for Final Approval for an Amendment to the Special Use Permit for a Sports and Entertainment Complex in order to reduce the land area for the Village of Libertyville Sports Complex, removal of the Golf Learning Center (GLC) and Family Entertainment Center (FEC), and to add industrial and commercial land uses for property located at 1800, 1850 and 1950 N. US Highway 45 in an O-2, Office, Manufacturing and Distribution Park District.

**PC 20-32 Village of Libertyville, Applicant
1800, 1850, and 1950 N. US Highway 45**

Request is for Final Approval for an Amendment to the Site Plan Permit for a Sports and Entertainment Complex in order to reduce the land area for the Village of Libertyville Sports Complex, removal of the Golf Learning Center (GLC) and Family Entertainment Center (FEC), and to add industrial and commercial land uses for property located at 1800, 1850 and 1950 N. US Highway 45 in an O-2, Office, Manufacturing and Distribution Park District.

**PC 20-33 Village of Libertyville, Applicant
1800, 1850, and 1950 N. US Highway 45**

Request is for a Final Plat of Subdivision in order to develop industrial and commercial land uses for property located at 1800, 1850 and 1950 N. US Highway 45 in an O-2, Office, Manufacturing and Distribution Park District.

**PC 20-34 Midwest Industrial Funds, Applicant
1800, 1850, and 1950 N. US Highway 45**

Request is for Final Approval for an Amendment to the Village of Libertyville Comprehensive Plan Future Land Use Map, located at 1800, 1850 and 1950 N. US Highway 45 in an O-2 Office, Manufacturing and Distribution Park District.

**PC 20-35 Midwest Industrial Funds, Applicant
1800, 1850, and 1950 N. US Highway 45**

Request is for Final Approval for an Amendment to the Planned Development Final Plan in order to develop industrial land uses for property located in an O-2, Office, Manufacturing and Distribution Park District at 1800, 1850 and 1950 N. US Highway 45.

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PC 20-36 Midwest Industrial Funds, Applicant
1800, 1850, and 1950 N. US Highway 45

Request is for a Final Plat of Subdivision in order to develop industrial and commercial land uses for property located at 1800, 1850 and 1950 N. US Highway 45 in an O-2, Office, Manufacturing and Distribution Park District.

In the matters of PC 20-28 through PC 20-33, Commissioner Steffe moved, seconded by Commissioner Oakley, to continue these items to the August 23, 2021, Plan Commission meeting.

Motion carried 6 - 0.

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

In the matters of PC 20-34 through PC 20-36, Commissioner Steffe moved, seconded by Commissioner Pyter, to continue these items to the August 23, 2021, Plan Commission meeting.

Motion carried 6 - 0.

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

NEW BUSINESS:

PC 21-13 Novartis, Applicant
1940 USG Drive

Request is for a Text Amendment to the Libertyville Zoning Code, Section 26-16-8.5 Authorized Variations – Board of Trustees, in order to enable the Village Board of Trustees to vary regulations in Section 26-13-5.2 relating to location of refuse containers that are located on reverse frontage lots in an O-2 Office Manufacturing and Distribution Park District.

Mr. Bob Davidson, architect from Middough and agent representing the applicant, introduced the request for the Text Amendment to the Zoning Code and the request for the variation to the Plan Commission and Zoning Board of Appeals. Mr. Davidson stated that Novartis maintains three (3) refuse containers at the south end of their building located between the building and the USG Drive right of way property line. He stated that he current location of the refuse containers does not comply with the Zoning Code regulations. He stated that they have drafted a text amendment to the Zoning Code that if approved will enable the Village Board to grant a variation regarding the location of the refuse containers. He stated that the variation is to locate the refuse containers between the building and the front property line located on a reverse frontage lot. He stated that the south end of the building closest to USG Drive is considered by Novartis as the rear of the

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building and the north end of the building that is closest to Winchester Road is considered by Novartis as the front of the building as it includes the front entrance. He stated that the truck dock area is located on the south end of the building and the refuse enclosures are located in front of the truck dock area. He stated that a chiller mechanical unit is currently located within one of the truck dock bays and is screened by a 12 foot high fence. He stated that the refuse containers will have the same type of fence screening as currently used for the chiller.

Mr. John Spoden, Director of Community Development, defined what a reverse front lot is. He stated that there are other examples of reverse frontage lots between Winchester Road and USG Drive. He stated that there are not rear yards for these lots. He stated that Staff worked with the petitioner on how to address their refuse enclosure location, but in the end that applicant decided that the most viable solution is presented in the current request for the Zoning Code Text Amendment and variation request.

Commissioner Oakley stated that Novartis has done a good job maintaining the property. He stated that he supports the Text Amendment as the proposed language provides appropriate limitations by applying it to reverse frontage lots.

Commissioner Flores asked about the location of the trash enclosures on the neighboring property. She stated that the proposal is a good solution for the applicant's trash enclosures.

Commissioner Steffe stated that this is a reasonable proposal.

Commissioner Pyter stated that he supports the Text Amendment.

Commissioner Schultz stated that he has no concerns.

Chairman Moore stated that he supports the requests. He asked the petitioner if they are ready for the Plan Commission to make a recommendation to the Village Board. Mr. Davidson stated that he is ready for the vote.

In the matter of PC 21-13, Commissioner Steffe moved, seconded by Commissioner Flores, to recommend that the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code, Section 26-16-8.5 Authorized Variations – Board of Trustees, in order to enable the Village Board of Trustees to vary regulations in Section 26-13-5.2 relating to location of refuse containers that are located on reverse frontage lots in an O-2 Office Manufacturing and Distribution Park District.

Motion carried 6 - 0.

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

PC 21-14 Riva Ridge Umbrella Association, Applicant
Riva Ridge Subdivision Phases 1, 2, 3, and 4

Request is for an Amendment to Exhibit C, Special Conditions, under Ordinance No. 84-O-22, An Ordinance Approving Riva Ridge Phase I, in order to remove the requirement for Wood Cedar Shake Shingle Roofs located in the R-7, Single Family Attached Residential within the Riva Ridge Subdivision Phase I.

PC 21-15 Riva Ridge Umbrella Association, Applicant
Riva Ridge Subdivision Phases 1, 2, 3, and 4

Request is for an Amendment to Exhibit C, Special Conditions, under Ordinance No. 84-O-33, An Ordinance Approving Riva Ridge Phase II, in order to remove the requirement for Wood Cedar Shake Shingle Roofs located in the R-7, Single Family Attached Residential within the Riva Ridge Subdivision Phase II.

PC 21-16 Riva Ridge Umbrella Association, Applicant
Riva Ridge Subdivision Phases 1, 2, 3, and 4

Request is for an Amendment to Exhibit C, Special Conditions, under Ordinance No. 87-O-01, An Ordinance Approving Riva Ridge Phases III and IV, in order to remove the requirement for Wood Cedar Shake Shingle Roofs located in the R-7, Single Family Attached Residential within the Riva Ridge Subdivision Phases III and IV.

Mr. Leslie Scott, 1203 Emerson Drive and representative of the Riva Ridge Umbrella Association, introduced the requests to amend Ordinances 84-O-22, 84-O-33 and 87-O-01. He stated that they are requesting to remove the requirement for Wood Cedar Shake Shingle Roofs for the Riva Ridge Townhome Subdivision Phases 1, 2, 3 and 4. He stated that the problem is that the Wood Cedar Shake roofing material do not last long and that they would like to replace the Wood Cedar Shake material with a more modern, durable and better looking roofing material.

Ms. Andrea Moore, 1302 Kempton Drive, stated that the application to amend these ordinances should include a replacement roof material with a specific product.

Mr. Scott stated that they did not want to be locked in to a specific product because the technology seems to continually evolve. He stated that they are looking at a polymer material, but the homeowner's association has not yet come to a consensus.

Ms. Moore stated that the residents living in the Riva Ridge townhome subdivisions have made a major investment into their homes. She stated that if they do not know what the roof material will be then how can they support this change to the ordinances. She stated that the subdivision should have a uniform appearance.

Mr. Scott stated that the Umbrella Association cannot make a recommendation on a replacement roofing material until all of the boards from HOA number one (1) HOA and number two (2) support a roof material proposal. He stated that they do not want to be stuck with the Wood Cedar

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Shake material. He stated that the request to remove the wood requirement is step one and that they understand that they will have to go to the Appearance Review Commission for each building as they apply for a re-roof permit.

Ms. Moore stated that the residents are not being fairly represented. She asked if asphalt shingles are being considered. Mr. Scott stated that asphalt shingles are not being considered.

Mr. Jack Chisek, President of the Riva Ridge Umbrella Association, stated that there have been 20 roofs that leaked during the last rain fall. He stated that it will be their intent to keep the same appearance across of the roof tops throughout the subdivision. He stated that they want to use a Cedar Shake style but with a more durable material, not wood. He stated that they are currently reviewing two roof material brands include the Davinci and the Brava products.

Ms. Lauren Drew, 900 Suffolk Court, stated that she serves on two (2) Riva Ridge HOA boards and that she supports the polymer material shake roof material. She asked what protection does the homeowner have until their building is re-roofed in order to maintain the integrity of their subdivision.

Mr. David Smith, Senior Planner, reviewed the application process that the applicant is currently engaged in now. He stated that if the Wood Cedar Shake requirement is removed from the ordinance without a proposal for a specific roof tile type to replace the wood cedar shake then each building within the Riva Ridge subdivision Phases 1, 2, 3 and 4 will have to appear before the Appearance Review Commission when they apply to re-roof each building.

Chairman Moore asked the petitioner if they have support from the HOA for this request. Mr. Scott stated that there are two separate HOA boards that govern the four subdivision phases and that they are still negotiating. He stated that they could add additional language to the request to amend the ordinances that the replacement roof material could be an 'Engineered Roof Material' in a similar fashion that Carriage Hill Park did for their recently amended design guidelines. He stated that the two brands they are currently reviewing can be in a Cedar Shake style but made of an engineered polymer material.

Commissioner Pyter stated that he supports the removal of the Wood Cedar Shake requirement from the ordinances. He stated that there will be turnover in the HOA board membership and opinions could change over time as better products come along. He stated that he would be concerned about the buildings within the Riva Ridge subdivisions could have different roof colors and styles and potentially influence the unified look of the subdivisions.

Commissioner Steffe stated that he supports the removal of the Wood Cedar Shake requirement, but is concerned that the will not be consistent roofing material. He stated that it is important to avoid a patchwork quilted outcome. He stated that the petitioner should consider going to the Appearance Review Commission with a new roof material product in mind.

Commissioner Oakley stated that it will be important to get a consensus from HOA board.

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Commissioner Flores stated that she supports the removal of the Wood Cedar Shake requirement from the ordinances, but that it will be important that all subdivisions in Riva Ridge are in agreement.

Commissioner Schultz stated that he supports the removal of the Wood Cedar Shake requirement, but that a replacement roof type and material be established.

Mr. Scott stated that the Carriage Hill Park subdivision adopted the two polymer roof tile products, Davinci and Brava. He stated that they could add the language to the amendment to include that the roof material shall be limited to an Engineered Roof Material that aligns with a Cedar Shake Appearance.

Chairman Moore stated that the Plan Commission prefers to not add additional language to the amendment during the public hearing without providing Staff adequate time between meetings to review and draft a recommendation to the Plan Commission.

Mr. Spoden stated that the petitioner could come back to the July 12, 2021, Plan Commission agenda in order to provide the petitioner and Staff the opportunity to draft the proper language to the amendment to the ordinances.

Chairman Moore stated that the Appearance Review Commission should be part of this review and recommendation and therefore they should appear before the Appearance Review Commission first and then come back to the Plan Commission. He stated that this item should be continued in accordance.

Mr. Spoden stated that the next Appearance Review Commission meeting is scheduled for July 19, 2021, which will then bring this petition back to the August 9, 2021 Plan Commission.

In the matters of PC 21-14 thru PC 21-16, Commissioner Oakley moved, seconded by Commissioner Flores, to continue these items to the August 9, 2021, Plan Commission meeting.

Motion carried 6 - 0.

Ayes: Moore, Flores, Oakley, Pyter, Schultz, Steffe

Nays: None

Absent: None

STAFF COMMUNICATIONS AND DISCUSSION:

Chairman Mark Moore, read a proclamation to honor Commissioner Schultz's service to the Village as a member of the Plan Commission and Zoning Board of Appeals for the last 11 years.

Commissioners Flores and Moore stated that they will not be available for the July 26, 2021 Plan Commission meeting.

Mr. Spoden stated that there will not be a quorum on July 26, 2021.

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

Motion carried 6 - 0.

Meeting adjourned at 8:35 p.m.