

**MINUTES OF THE PLAN COMMISSION**  
**January 9, 2017**

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:25 p.m. at the Libertyville Civic Center, 135 West Church Street.

Members present: Chairman Mark Moore, William Cotey, Amy Flores, Matthew Krummick, Walter Oakley, and David Semmelman.

Members absent: Kurt Schultz.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Fred Chung, Senior Project Engineer; Clint Herdegen, Police Chief; Rich Carani, Fire Chief; and Ken Komers, Assistant Fire Chief.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**PC 16-08      LV 2016, LLC, Applicant**  
**901 N. Butterfield Road**

**Request is for an Amendment to the Official Map of the Comprehensive Plan from Public/Institutional to Mixed Medium Density Residential in order to construct a single family residential development for property currently located in an IB, Institutional Buildings District.**

**PC 16-09      LV 2016, LLC, Applicant**  
**901 N. Butterfield Road**

**Request is for an Amendment to the Village of Libertyville Zoning Map in order to re-zone approximately 40 acres of land from IB, Institutional Buildings District to R-6 Single Family Residential District in order to construct a single family residential development for property currently located in an IB, Institutional Buildings District.**

**PC 16-10      LV 2016, LLC, Applicant**  
**901 N. Butterfield Road**

**Request is for a Preliminary Plat of Subdivision in order to subdivide approximately 40 acres of land in order to construct a single family residential development for property currently located in an IB, Institutional Buildings District.**

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 2 of 25**

**PC 16-11      LV 2016, LLC, Applicant**  
**901 N. Butterfield Road**

**Request is for a Special Use Permit for a Planned Development order to construct a single family residential development for property currently located in an IB, Institutional Buildings District.**

**PC 16-12      LV 2016, LLC, Applicant**  
**901 N. Butterfield Road**

**Request is for a Planned Development Concept Plan order to construct a single family residential development for property currently located in an IB, Institutional Buildings District.**

Mr. David Smith, Senior Planner, introduced the petitioner's requests. Mr. Smith stated that the petitioner was before the Plan Commission at their September 26, 2016 meeting presenting their proposal to develop 148 single family homes on 40 acres of land located at 901 N. Butterfield Road.

Mr. Smith stated that during the course of the September 26, 2016 Plan Commission meeting, the petitioner presented their proposal, the members of the public gave testimony and asked questions, and the Plan Commission deliberated and provided feedback to the petitioner. Mr. Smith stated that the Plan Commission continued this matter in order to provide the petitioner the opportunity to address the comments with revised plan materials.

Mr. Smith stated that since the September 26, 2016 Plan Commission meeting, the petitioner has met with both Village Staff and the Lake County Department of Transportation to discuss access issues and the viability of a traffic signal to be installed either at the intersection of Lake Street and Butterfield Road or at the petitioner's proposed main entrance located approximately 1,500 feet further to the south of Lake Street.

Mr. Smith stated that the property owner of the subject site applied for a tree removal permit for the property in order to have the trees removed prior to approval for the requested Planned Development. Mr. Smith stated that Staff initially rejected the request for the tree removal, but upon further review of the tree survey and tree inventory, it was determined that most of 2,500 plus trees were part of a tree nursery and were in poor condition. He stated that 38 trees were identified as healthy and a favored tree species.

Mr. Jerry Callahan, attorney representing the petitioner The Roanoke Group (TRG), stated that the Comprehensive Plan amendment from Institutional to Mixed Medium Residential is for only seven (7) acres. He stated that 33 of the 40 acres of the subject site have already been emended in 2010 to Mixed Medium Residential. He stated that the 2010 Comprehensive Plan Amendment included the allowance of up to 190 dwelling units. He stated that the Plan Commission continued their requests from the last meeting in order to revisit the traffic and school impact issues. He stated that they cannot run the proposed subdivision's roadway through the golf course property to intersect at Butterfield Road and Lake Street as previously suggested.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 3 of 25**

He stated that that owner of the golf course property is not willing to allow the road to traverse that property. He stated that their main point of access is located further to the south. He stated that the main access drive does not meet the warrants for a traffic signal at that location. He stated that the traffic signal warrants would be met at the intersection of Lake Street and Butterfield Road. He stated that TRG is willing to install the traffic signal at its own expense at the intersection of Butterfield Road and Lake Street. He stated that the current Level of Service at this intersection is an 'F'. He stated that with a traffic signal at this intersection the Level of Service will improve to either an 'A' or 'B' depending upon the time of day.

Mr. Callahan stated that they had previously submitted a Fiscal Impact Analysis done by Kane, McKenna & Associates to the Village. He stated that at least 90% of Kane McKenna's clients are municipalities. He stated that the first analysis was done in March of 2016 prior to TRG submitting their initial application to the Village. He stated that the plan at that time was for 158 dwelling units with a projection of student population in grades Kindergarten through 5th grade to be 71 and junior high school students to be 39 for a total of 110 for School District 70. He stated that Kane McKenna revised their school population number to 68 for K-5th grade and 38 for junior high school aged students to reflect the revised site plan showing 148 dwelling units. He stated that the conclusions provided by Kane McKenna are based upon the formula found in the Village's ordinance. He stated that the Illinois School Consulting Service provides the analytical tools for determining school population projection data.

Mr. Callahan stated that the net revenue generated to the School District based upon the 158 dwelling unit plan would have been approximately \$4.8 million. He stated that this number drops to about \$3.9 million with the revised site plan showing 148 dwelling units. He stated that the Village consultant, Spear Financial, reviewed the Kane McKenna report and agreed with the methodology and conclusions including the net fiscal benefit of the development over the next 20 years. He stated that Kane McKenna further amended their report last month and concluded with a fiscal benefit of about \$4 million of taxes generated as well as over \$460,000 in school impact fees.

Mr. Callahan stated that the high school would receive over a 20 year time period a net benefit of approximately \$6.7 million and the Village of Libertyville would receive over \$4.4 million.

Chairman Moore explained in response to a question from a member of the attending public audience that the Plan Commission is a recommending board not the final approving board. He stated that the Plan Commission will make a recommendation up to the Village Board of Trustees who are the approving board for the petition.

Mr. Phil Brown, 423 Ridgewood Lane, presented information to the Plan Commission, Staff, and the attending public audience. He stated he is representing approximately 20 people who reside across the Village including Bull Creek to the North and down to Regency Lane to the South. He stated that the Village's Comprehensive Plan was written in 1985 and updated in 2005. He stated that the Comprehensive Plan Section Two regarding the Community Vision states that new development respects that which already exists by maintaining Libertyville's quality of life, working with the local schools to assess the impact, disallowing land development that places

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 4 of 25**

additional uncompensated demands on Village facilities and services and that any residential development connect with existing neighborhoods at more than one location.

Mr. Brown stated that the Comprehensive Plan further states that steps should be taken to ensure that the character of the new development does not alter or compromise the existing character of Libertyville by promoting development that is compatible with the existing or planned capacity of the transportation system, ensuring that the new development provides adequate open space and preserves natural features, accommodating future development in neighborhoods rather than isolated subdivisions and adopting floor area ratios or other appropriate means of volume control for single family homes.

Mr. Brown stated that the Community Vision Section in the Comprehensive Plan further states “Preserve existing natural features, including rivers, lakes, wetlands and major tree stands with the community”. He stated that the Comprehensive Plan further states to protect and preserve existing natural resources and plan for future open space needs, to ensure that new development will not adversely affect the natural features of development sites and to maintain floodplain areas and drainage-ways as open space.

Mr. Brown stated that the Community Vision Section in the Comprehensive Plan further states that there should be “Efficient & Effective Transportation System that Reinforces Village Character”. He stated that the Comprehensive Plan further states that there should be safe crossings across major roads, to improve traffic flow, to reduce cut-through traffic and to enhance pedestrian access and safety.

Mr. Brown stated that the Community Vision Section in the Comprehensive Plan provides a section that addresses “Village Image & Appearance”. He stated that the Comprehensive Plan further states that Libertyville’s visual character shall be maintained and that visual quality as perceived from the automobile shall be improved.

Mr. Brown stated that there are a number of concerns that have been brought to his attention since the last public hearing on September 26, 2016. He stated that the topics of concern include traffic, schools, property values, pollution, appearance, mobility, and risk.

Mr. Brown stated that the proposed subdivision will bring in 300 more cars into the neighborhood. He stated that the current 3,800 car trips on Lake Street that occur today will increase to 5,000 in the future because the Metra Station is the magnet. He stated that during rush hour there are at least 40 vehicles that are southbound that are tied up along Butterfield Road waiting at the Park Avenue intersection. He stated that there is a similar problem for north bound traffic along Butterfield Road waiting to turn left onto Winchester Road. He stated that he did the counting himself at around 3:00 p.m. He stated that this congested traffic creates jeopardy for pedestrians and cyclists. He stated that this development will bring 150 school-age children who will want to cross Butterfield Road on foot.

Mr. Brown stated that there will also be a construction period that may last between 24 to 60 months which will bring numerous amounts of construction truck traffic for excavation, concrete, gravel, asphalt paving, and logging. He stated there will also be the additional trades

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 5 of 25**

vehicles for electrical, framing, interior, roofing, and landscaping as part of the construction for the 148 home development. He stated that he is concerned about the increase in school bus traffic.

Mr. Brown stated that the Libertyville school system is the pride of our town. He stated that the proposed development will eventually bring in up to 150 new students which will require between 3 to 6 new classrooms. He stated that this will require taxes to pay for this impact. He stated that in addition to the taxes that are necessary there is also a park donation fee that could be \$8,000 to \$12,000 per new dwelling unit. He stated that there is a misnomer that the Butterfield Elementary School is not fully occupied, but this is mistaken as all the space in the school is fully utilized with ECE, SEDOL, Kindergarten, Art, Music, Gym, Library, and Computer programs. He stated that there are also increasing needs in Learning Disability and Social Worker staffing.

Mr. Brown stated that Libertyville schools are a fundamental component of the residential property values. He stated that property values may drop by 10% or more. He stated that according to Zillow, up to 108 homes are up for sale in Libertyville with asking prices ranging between \$400k and \$700k as of January, 2017. He stated that according to the web site Trulia there are 58 homes for sale now between \$500k and \$700k. He stated that in the last six months only 69 homes sold. He stated that if 30 to 40 new homes were added per year over a 4 or 5 year period then this will depress the area's market for new homes as there would be too many homes in the market area.

Mr. Brown stated that there are three major employers in the area that have announced that there will be employee layoffs. He stated that this will have an impact on how many people can afford to buy a new home today.

Mr. Brown stated that the petitioner has stated that the new homes will be priced between \$400k to \$600k. He stated that the petitioner's fiscal impact analysis done by Kane McKenna indicated that the value of the proposed homes now range from \$650,000 for a three bedroom home to \$805,000 for a four bedroom home on a lot that is approximately 4,500 square feet. He stated that it is his opinion that the proposed homes are overpriced. He stated that in a subdivision such as the one proposed, the value of the home should have its value reduced due to certain elements such as a reduced lot size, no amenities, no club, no pool, a homeowner's association fee, traffic congestion, nearby ComEd power lines, isolation, and 147 neighbors on fifteen (15) acres. He stated that he lives on Ridgewood Lane which is right across Butterfield Road from the proposed development which is zoned R-4 Single Family Residential District. He stated that the median value of the homes in his subdivision is approximately \$528,000.

Mr. Brown stated that he has concerns about the impact that the proposed development will have on Butler Lake. He stated that Butler Lake is a jewel in the community and that over \$3 million in tax payer money has been spent on its clean up. He stated that the Lake County Department of Health has recognized the clean-up efforts of the lake. He stated that the proposed subdivision will generate over 20 million gallons of storm water run-off per year into Bull Creek via St. Mary's Lake. He stated that Bull Creek feeds into Butler Lake. He stated that this storm water flow will bring with it all of the contaminants that are typically born from a residential

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 6 of 25**

subdivision including lawn fertilizer, motor oil, etc. He stated that the proposal incorporates three (3) detention ponds that are used to mitigate much of the potential contaminants from storm water. He stated that the Home Owner's Association will be responsible for maintaining the detention ponds and checking them regularly and ultimately they will be responsible for not polluting Butler Lake.

Mr. Brown stated that 148 dwelling units on 15 acres of land is an urban design and does not reflect the village character of Libertyville. He stated that the yard areas are extremely small and enveloped in 6 foot high white vinyl fences. He stated that small yard properties will drive kids off of the lot and into the street. He stated that straight streets encourage speeding. He stated that the alley loaded homes will trigger snow removal and the taxes to pay for it, parking, noise, loitering, and the lack of privacy.

Mr. Brown stated that the existing ComEd power lines radiate an electromagnetic field. It is not known how this may affect the new homes.

Mr. Brown stated that the new development is proposing a 10 foot high sound wall along Butterfield Road making it appear that the development will be a gated community. He stated that the sound wall will bounce the road noise back across Butterfield Road onto the properties at Ridgewood Lane.

Mr. Brown stated that access to the site has its challenges. He stated that Butterfield Road isolates the subject site. He stated he understands the developer's reluctance to construct a road through the Pine Meadow's golf course in order to intersect with Lake Street and Butterfield Road as it would be an awkward and intrusive route to take.

Mr. Brown stated that the low maintenance development as promoted by the developer really means that it will be very intensive with HOA restrictions.

Mr. Brown stated that the developer is proposing ample amount of turning restrictions exiting the site and restrictions accessing into Ridgewood Lane which would impede the homeowners who live in that existing subdivision. He stated that other residents in the surrounding neighborhoods will also be affected in terms of what traffic routes they will be able to traverse.

Mr. Brown stated that the potential risks from the development will be shouldered by the existing residents of the Village. He stated that the pricing of the homes is unrealistic and may affect the occupancies and the quality of the buildings constructed. He stated that the price range between \$650,000 and \$800,000 for the proposed homes seems exorbitant. He stated that the petitioner's fiscal impact consultant Kane, McKenna and Associates fiscal impact report was supported by the Village's consultant Speer Financial Inc. He stated that Speer made no claims about economic forecasting or about the valuation of the properties themselves. He stated that the property tax revenue is suspect. He stated that the HOA may not do the job that they are supposed to do and part of that is to look after Butler Lake. He stated that downstream impacts are slow to detect, long to repair, and very costly.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 7 of 25**

Mr. Brown stated that road traffic is a life critical safety hazard. He stated that he is concerned about pedestrians crossing Butterfield Road. Mr. Brown stated that he is concerned about the appearance of the homes 5 to 10 years later.

Mr. Brown stated that the Plan Commission should review Zoning Code 16-9.5 which speaks to adverse impacts, interfering with current development, affecting public facilities, traffic congestion, destruction of significant features, and compliance with standards. He stated that he and the group he is with is recommending that all five zoning actions requested by the petitioner be denied. He stated that consideration should be given to rezoning the subject property to R-4 in lieu of the requested R-6 for lower density. He stated that the Village's Comprehensive Plan should be re-thought as it is 12 years old now.

Mr. Brown stated that additional guidance should be provided prior to any future development proposals such as validating the development economics early. He stated that the impact on surrounding property values, cost increases, infrastructure, and taxes should be determined. He stated that the marketability of the quoted prices should be looked at. He stated that the fiduciary responsibility of the developer, builder, and HOA should be determined.

Mr. Brown stated that all Libertyville development initiatives should be harmonized for controllable growth. He stated that higher density projects should be steered away from. He stated that if this current proposal is approved then the HOA Covenants, Considerations and Restrictions should be reviewed for their fee structure and escalation, the fiduciary responsibility of the HOA to Libertyville, provision for chloride-free snow removal, provision for detention pond inspection and maintenance, and provision for water monitoring in Bull Creek and Butler Lake. He stated that any park donation for this development should be given consideration for its accessibility by the public at large.

Mr. Brown stated that until such time that a satisfactory development plan is accepted, all visible debris should be removed from the site, all visible tree damage should be repaired, and that any landscaping should be done up to Village Standards.

Mr. Brown stated that he received a phone call from a well-known realtor from Libertyville. He said that the realtor stated that he is not pro or con this development. He said that the realtor stated that he would want something that he and Libertyville can be proud of, a quality product, and something that is compatible to the quality of life that he enjoys today.

Mr. Clay Ervine, 1100 Wellington Avenue, stated that a number of people's concern about the proposed development for the Metra Station is too late because it was zoned residential in 1995 and then it went through a big court battle. He asked what the developer can do and not do regarding the subject site along Butterfield Road.

Mr. David Smith, Senior Planner, stated that in 2010 the property owner applied for a Comprehensive Plan land use classification change to mixed medium residential from institutional for 33 acres of the subject site. He stated that it was not an amendment to the Zoning Map. He stated that the current petitioner is seeking to extend the 33 acres another 7 acres for a total of 40 acres as mixed medium residential in the Comprehensive Plan future land

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 8 of 25**

use map. He stated that in addition to the Comprehensive Plan land use map change, the petitioner is seeking approval to rezone the property from IB, Institutional Buildings District to R-6, Single Family Residential District.

Mr. Ervine asked if the Plan Commission recommends against the requests by the petitioner and if the Village Board agrees with the Plan Commission recommendation to not approve the requests by the petitioner, then the proposed development cannot go forward. Chairman Moore stated that Mr. Ervine is correct, but that the Plan Commission is a recommending board.

Mr. Smith stated that the five zoning action items that are before the Plan Commission tonight will go to the Village Board for approval or denial. He stated that if the Village Board approves these five items on tonight's agenda, the developer will have to apply for approval for the Final Plat of Subdivision and the Planned Development Final Plan which will bring them back before the Plan Commission and Village Board again.

Mr. Smith stated that it will be Staff's intent to reach out to the public in order to bring clarification to any potential confusion of future meeting dates. He stated that this is one of the reasons for the use of the sign in sheets at the entrance board room.

Mr. Ervine stated that the use of the Libertyville Town Flyer to announce future developments or park land sales would be appreciated. He stated that the Village Board should give consideration to holding a referendum in response to any future residential development that is comprised of six dwelling units or more. He stated that consideration should be given to requiring increased minimum sizes for lots located on buildable land located further out from the Village center for development that is considered.

Mr. Ervine stated that the Bolander development is way too dense. He stated that with the combination of Bolander, the Butterfield Road proposal being discussed tonight, and the proposal for Trimm (Metra Station) is over 400 dwelling units and this is way too much. He stated that the property taxes that this project would bring in may not be enough to support the needed additions to the school facilities. He stated that Libertyville High School is considering the addition of a new swimming pool at a cost of \$22 million dollars. He stated that there is a proposed new school gym which will cost around \$25 million dollars. He stated that he is concerned that the proposed residential development will make property taxes go up and student classroom size going up which will lead to lower test scores and reduced property values. He stated that the boards and commissions must say no to this proposed development.

Mr. Jim Engdahl, 234 W. Maple, stated that he has lived in Libertyville for over 61 years. He stated that he remembers a time that he would see one car every ½ hour along Milwaukee Avenue. He stated that it's like a combat zone downtown now. He said that people do not want this project or anything like it. He stated that anything with more than four dwelling units should go through a public referendum. He stated that if it should pass a referendum he will be gone in a few years and then he won't care. He stated that the rule of democracy should be used to determine what this town will become.



**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 9 of 25**

Mr. Chris Tanner, 545 Sedgewick, stated that he has been a civil engineer and an environmental engineer for over 40 years. He stated that he has experience with civil and environmental engineering with land development that is relative to what is being discussed tonight. He stated that he is most concerned about the 52 alley loaded homes in the plan proposal. He stated that the design of these particular units will require snow removal assistance with salt. He stated that this isn't done anymore. He stated that this development will have to keep dedicated snow removal equipment on site, which means that land will need to be set aside to store the snow removal equipment. He stated that the alley loaded occupants may choose to find a way to use cheaper salt to deal with winter ice and snow. He stated that these residents may not care about the phosphate fertilizer ban either. He stated that this will have an impact upon Butler Lake.

Mr. Tanner stated that upon difficult economic times the developer will market the alley loaded homes at substantial discounts. He stated that they might be rented or sold to the future occupants who would benefit from the local school system and then move on without regard to the impact upon St. Mary Lake or Butler Lake. He stated that 30 out of the proposed site's 40 acres is outside of the adjacent St. Mary Lake water shed. He stated that we cannot expect that St. Mary Seminary would allow drainage to be directed towards their water shed then increasing risk to Butler Lake. He stated that he urges the Plan Commission to reject the plan with the alley loaded homes.

Ms. Ana Draa, 1020 Ashley, stated that she regrets missing the public hearings for the Bolander project. She stated that the Village has woken up in response to the multiple development proposals and activity. She stated that Butterfield Road is dangerous and that the subject land should be left as IB, Institutional Buildings District. She stated that there are no single family zoning districts in the Village that allows lots to be less than 7,200 square feet in land area. She stated that this proposal has some lots that will be around 2,000 square feet in area. She asked why would the Village allow a clustered development of this magnitude. She stated that the Village's green space has taken a hit especially by developments like the Bolander project. She stated that she is concerned about the traffic impact, especially upon Winchester Road, and that she hopes that this project is not approved.

Mr. Mike Barron, 180 Acorn Lane, stated that he is concerned by the impact that this development will have on the schools, the traffic on Rt. 176 and the impact upon the property values.

Mr. Chris Rudolph, 515 Roosevelt, asked if the petitioner has the prerogative to de-annex from Libertyville and petition the Village of Mundelein if Libertyville's Village Board of Trustees turn this project down.

Mr. David Pardys, Village Attorney, stated that as long as the subject property is at least 20 acres in size and is on the perimeter of the Village, the property owner has the option of seeking approval to disconnect from the Village. He stated that there could be issues of water and sewer utility connections to the adjacent municipality. He stated that there is a process to disconnect from one Village and being annexed into another Village for those properties located on the boundaries of such Villages.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 10 of 25**

Mr. Rudolph asked if such a disconnection took place would the children living in the homes of the subject site still attend schools in District 70. Mr. Pardys stated that school district boundaries are separate from municipal boundaries.

Mr. Rudolph stated that the Village of Libertyville could say no to the proposal and Mundelein could say yes to the development and it would still be possible for the students coming from the subject development to still attend District 70 schools. Mr. Pardys stated that Mr. Rudolph is correct.

Mr. Rudolph stated that consideration should be given to discouraging that outcome.

Chairman Moore stated that it is not within the Plan Commission's charge to discuss tactics of discouraging or influencing the school district boundaries. He stated that the Plan Commission makes recommendations to the Village Board based upon what an applicant proposes and how the Zoning Code and Comprehensive Plan would address an applicant's proposal.

Mr. John McWilliams, 716 Hillcrest, stated that there seems to be a lack of common sense when approaching this issue. He stated that the clearing of trees because the property has been neglected does not make sense when the property owner could install a fence and put up 'No Trespassing' signs. He stated that the Seminary is the same owner for the subject site and the Pine Meadow Golf Course. He stated that he read an article that talks about how developers are having trouble finding large parcels of land in Lake County to build. He stated that one of the reasons for the lack of large parcels of open land is because he and others bought into the referendum to fund the Open Spaces Project. He stated that the purpose is to prevent certain parcels of open land from being developed.

Mr. McWilliams stated that it seems counter intuitive to build a residential development that isn't zoned for it and if it would have a burden upon the surrounding communities. He stated that when property is taken off of the tax rolls and make it public open space then the burden of the government falls on the property that is on the tax rolls. He stated that the residents of the Village pay the taxes to the local government who is responsible for managing the day to day operations of the Village. He stated that the residents are already paying more to have less density in the Village.

Mr. McWilliams stated that the proposed plan appears to lack adequate setbacks from the golf course property. He said that it does not appear to be consistent with other existing neighborhoods in the Village. He stated that once the land area devoted to parks and detention is removed from the density equation, the density increases even more. He stated that there are 40 gross acres, but when certain components are removed from the density equation such as the detention basins, the alley ways, public streets, and the driveways then the site is left with the home types. He stated that what is left is about 15 acres and would have a certain imposition on the future occupants of the proposed homes. He stated that the 'No to Low Maintenance' concept would encourage a lack of maintenance on individual properties and there would be an increase of litter in and around the detention areas.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 11 of 25**

Mr. McWilliams stated that with the anticipated influx of yard waste removal trucks, recyclables removal trucks, and trash trucks will bring additional difficulty for the residents to get in and out of the development. He stated that he is concerned about the lack of accessibility for emergency vehicles for this site. He stated that he questions as to whether or not the USPS, FedEx, and others will deliver to a low maintenance community. He stated that the current development proposal should be tweaked.

Mr. Mike Walline, The Roanoke Group and petitioner representative, stated the main access is proposed at the front portion of the project. He stated that at the north end of the site the road terminates with a cul-de-sac, but a planned emergency access is provided to exit the cul-de-sac circle and access Butterfield Road. He stated that it would only be used in the case of an emergency.

Mr. Smith stated that the public hearing is required because the petitioner is requesting a Special Use Permit for a Planned Development. He stated that if the proposal was a build-by-right development, there would be bigger yards, larger lots, fence lines that were compliant with the Zoning Code regulations or noise barrier fences not higher than 8 feet. He stated that the Planned Development provides an opportunity to ask for certain deviations from the Zoning Code regulations such as smaller lots. He stated that as an example the R-6 District requires a minimum lot size to not be less than 7,500 square feet and that this proposal has lot sizes ranging from a little more than 2,000 square feet up to more than 8,000 square feet. He stated that the deviations from the Zoning Code as part of this proposal will allow Staff, the Plan Commission, and the public to give the plan its due scrutiny through the public hearing process.

Ms. Katie Suttie, 331 S. Stewart Avenue, stated that she is a third generation Libertyville resident. She stated that she moved back to Libertyville when she had children, which is why most people come to Libertyville. She stated that she wanted to raise her children in this community. She stated that to develop a subdivision behind fences with homes that have no yards is against everything that this town was built upon. She stated that even after people move away they come back to visit because they still have ties to this community. She stated that the proposed development is not progress. She stated that there just isn't enough space for a development like the one being proposed. She stated that she has concerns about the impact upon traffic that is already too busy. She stated that a development like the one proposed is inappropriate when the Village will not allow a coach-house addition to a single family lot.

Ms. Chris Geiselhart, 1408 Bull Creek, stated that she has lived in unincorporated Libertyville for 44 years and was a Butterfield elementary school teacher for 30 years. She asked for clarification of the traffic signal issue as it relates to this proposed development. She stated that it is her understanding that the Archdiocese will not permit an access road through the Pine Meadow Golf Course to access the intersection of Butterfield Road and Lake Street. She asked for clarification as to how vehicles will exit the development from the proposed full access drive located several hundred feet to the south and go north during rush hour without a traffic signal.

Mr. Erik Russell, KLOA, Traffic Engineering consultant for the petitioner, stated that there will not be a connection to the development through the golf course from Butterfield Road and Lake Street. He stated that the proposal is to install a traffic signal at the intersection of Butterfield

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 12 of 25**

and Lake. He stated that this would benefit traffic on Lake Street. He stated that it would help vehicles turning left to go southbound from Lake Street onto Butterfield Road. He stated that the main access point to the development will be located about 1,500 feet south of Lake Street. He stated that there will be a stop sign at the access drive for vehicles exiting the site onto Butterfield Road. He stated that the current development proposal offers a no turn left sign during peak traffic hours for vehicles exiting the site onto Butterfield Road allowing right turn only during those restricted time periods.

Ms. Geiselhart stated that she has seen various types of developments over that last 44 years that she has lived here. She stated that this is the first time that many of the Libertyville residents have seen any kind of development proposal like this one. She stated that this land will eventually be developed. She stated that she is concerned about the developer's ability to manage the development as it is being built. She stated that she has not been able to find examples of past projects that have been successfully completed by this particular developer. She stated that there does not appear to be completed development projects by the developer that Village officials could visit in order to check the style or quality of construction. She stated that there should be criteria for the developer. She stated that she would like to recommend to the Plan Commission that the developer provide a comprehensive report to detail the corporate ownership of the Roanoke Group, including location, date of incorporation, financial statements for the past three years, primary work in progress, any legal actions against the company and how they were resolved, any associated business entities, how they pay for their business bills, what past work they have done under the TRG name or under a related corporate name, and review of the Lake Bluff project in order to understand if there were any compliance issues or conflicts of interest with respect to the conservation easement and the non-profit group chosen to manage it.

Ms. Geiselhart stated that she is requesting to know what other developments are currently under construction by TRG and if there are any concerns as to TRG's capacity to manage those developments. She stated that she is requesting that the proposed builder, not developer, for the Butterfield Road property, be identified and validated for past work history or work in progress, and legal actions and how they were resolved.

Mr. Arthur Kleck, stated "shame on you" to the petitioner, Village Staff, and their consultants and to the Plan Commission. He stated "not shame on you" to Phil Brown. He stated that people should be ashamed of themselves for not recognizing the intelligence of the public audience attending tonight who were once students of Libertyville, Lake Bluff, and New Trier high schools. He demanded that attempts to fool them should not be tried. He stated that he started to teach science in Swanton, Ohio in 1955. He stated that he moved to another school district from there and to coach and teach science and became the principal there for another 25 years. He stated that this has taught him that good schools matter. He stated that the Libertyville people are the brightest that you will ever encounter. He stated that they should be given the necessary information and to not withhold it from them. He stated that he noted that other people are at home watching a football game between Clemson and Alabama for the national championship. He stated that he questions if it was accidental that the Plan Commission meeting was scheduled for tonight. He stated that the attending audience of tonight's Plan Commission meeting might be three or four times as big if it was not for the college

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 13 of 25**

championship football game going on right now. He stated that this is the type of trick that is used. He stated that after he was a principal at Lake Forest, he retired in 1986, he sold real estate in Libertyville, Lake Forest, Mundelein, and Grayslake. He stated that he encountered developers and builders and they tried to schedule him in the same way. He stated that this could be the reason that this meeting was scheduled for tonight. He stated that he hates it that they do not have enough respect for the people of this community to get their thoughts and feedback on this proposal. He stated that they should not just get the thoughts and comments from the people that the residents have elected. He stated that some of the elected or appointed officials may not recognize what their responsibilities are to the residents of the Village. He stated that he may care more about this development issue than many of the younger residents in the Village because once something like this development proposal gets underway, it can't be stopped. He stated that we need to keep the developer responsible, and the Plan Commission to do their homework.

Mr. Kleck stated that the residents care about their community and they want their kids to go to the schools in their community. He stated that if he reaches his 100<sup>th</sup> birthday, he wants to come back and see a green field at the proposed site. He wants to see the pile of rubbish taken away that is there now. He stated that he has lived in the Libertyville community for 30 years. He stated that he moved here from Lake Forest. He stated that he lives on Ridgewood Lane now. He stated that he has asked the police many times why they do not have a stop light at Butterfield Road and Ridgewood Lane. He stated that he was told that it does not warrant a signal there. He stated that Phil's home was run into a couple of years ago. He stated that sometimes he has to wait five minutes to get out of Ridgewood onto Butterfield Road because we have no stoplight there. He stated that when he was the principal at Lake Forest West Campus High School he wanted to have a stoplight installed at a dangerous intersection located at their exit road onto Rt. 43. He stated that he was told by the State that it was not needed because the studies don't warrant the signal. He stated that he then demanded a meeting for the following Monday morning in the school cafeteria at 7:00 a.m. when the buses are coming in and some of the parents are exiting the campus. He stated that he offered to provide breakfast at the meeting and he also asked that the newspapers attend the meeting as well. He stated that there was a snowfall that Monday morning and that there were two fender benders at the intersection where he wanted the traffic signal. He stated that the State representative promised to have a signal at that intersection within 20 days.

Mr. George Cook, 905 Windhaven Road, stated that he is concerned about potential for the increase in traffic. He stated that he is concerned about the reduction in proposed lot sizes. He stated that people are baffled that this proposal is even being considered. He stated that the people of Libertyville do not want this development.

Ms. Jacqueline Anderson, 18320 Old Peterson Road, stated that at a prior Plan Commission meeting another developer made a presentation for the Trimm and Metra Train station properties. She stated that someone at that meeting stated that we live in a community that benefits from slow and thoughtful growth, and ordinances that were passed with vision for the community, and a mind for the future. She stated that when there is a development proposal that consideration must be given to the community of the present and the community of the future. She stated that she has lived in this community for 27 years and she loves this place. She stated that the

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 14 of 25**

decisions that are made now will have an impact for decades to come. She stated that if a giant subdivision like the one proposed is built then a precedent is being set for the future.

Ms. Anderson asked the petitioner what their vision is for the Village of Libertyville. She stated that she is concerned that the petitioner does not share the values of the Village residents. She stated that we value the environment and we value community. She stated that we want to be able to ride our bikes or cross the road without getting hit by a car. She asked the petitioner what their stake is in the community. She stated that she does not want to see the Libertyville community change.

Mr. Mike Walline, petitioner representative for TRG, stated that everyone has their own values. He stated that they are listening to the community. He stated that they have approached this project almost two years ago. He stated that many of the guidelines and standards for development have been taken into consideration and incorporated into the plan. He stated that the plan respects the various environments that surround the development proposal. He stated that the community as a whole has many things to take into consideration. He stated that the proposed development was given consideration as to how it will fit into the fabric of the community including a density analysis. He stated that there have been several small myopic views about the proposed lot sized, but those views do not take into account the 70% of open space. He stated that if they had proposed the 7,500 square foot lots for all of it without the proposed amount of open space they would end up in the same place. He stated that they are trying to respect those elements that the community is concerned about and propose a plan with a diversity of housing. He stated that this plan has been designed consistent with the Comprehensive Plan which had previously approved 191 dwelling units for this property. He stated that they have down-scaled the unit number as they felt that the higher number was appropriate. He stated that they have listened to the comments and have addressed most of the Engineering Division comments. He stated that the traffic issues are difficult.

Mr. Walline stated that they are unable to install a traffic signal at their main entrance as it does not meet the Lake County Department of Transportation warrants. He stated that they cannot run their road through the golf course, even though it is owned by the Archdiocese, as there is a lease on it for the golf course. He stated that the Archdiocese has to honor that lease. He stated that he believes that they have listened to the community about their concerns. He stated that the Libertyville community has several historical areas in the Village, but they cannot mimic the historical character in all cases, but they have designed smaller streets in the proposed subdivision which allows for traffic calming. He stated that a lot of thought has gone into their plan and it has not been haphazard. He stated that the density has not been maximized per the 2010 Comprehensive Plan amendment. He stated that he believes that they are bringing a great project to the community.

Ms. Anderson asked for clarification of the open space that the petitioner is proposing. Mr. Walline stated that the open space is shown as the green areas on the site plan being displayed. He stated that 30% is required for open space but that they are providing 47% open space.

Ms. Anderson stated that she is concerned that this development or future developments to not subvert the Village ordinances.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 15 of 25**

Ms. Barbara Wilcox, 1120 Pinetree Lane, stated that she is concerned about the general moral of the community, inadequate greenspace, the disappearing trees, air pollution, the impact upon the wildlife, a sense of well-being. She stated that a successful Village does not mean that every parcel of land is built upon, but should mean a Village of happy people. She stated that she is concerned about the additional burden on the library. She stated that the library does not have room to grow. She stated that she is concerned about the disappearing open spaces. She stated that serious consideration should be given to the over-development in Libertyville.

Mr. Kevin Malec, 623 Ridgewood Lane, stated that it means something to live in Libertyville. He stated that others are covetous about the Libertyville community. He stated that the schools are traditionally rank in the top 1% in the State. He stated that the Village is ranked in the top 100 in the country. He stated that the developer stands to make a lot of money if this project gets approved. He stated that this project is not going to work.

Ms. Ellen Wettlaufer, 513 Ridgewood Lane, stated that she is opposed to the project and is concerned about the impact upon the traffic. She stated that the no left turn restriction out of the development will encourage cut through traffic through Ridgewood Lane and impact those residents along Ridgewood and Sedgewick. She stated that she does not want to see the sound barrier along Butterfield Road as it will impact her property. She stated that she does not support this project.

Mr. Joe Gattone, 817 Bedford Lane, stated that he is a real estate agent and that he does respect the developers and their intent. He stated that this does not make sense for Libertyville. He stated that from a real estate perspective that the price points do not make sense. He stated that this development proposal is not the character of Libertyville. He stated that we need to keep the character of the community the way that it is. He stated that he is concerned about the subject property disconnecting from Libertyville and then being annexed into Mundelein. He stated that prairie land or bike trails could be considered.

Ms. Carol August, 1201 Amy Lane, stated that she is a local realtor. She stated that she is concerned the potential growth and its impact upon the community. She stated that she is concerned about the job loss in recent memory and is concerned that the market cannot support a residential development like the one being proposed. She stated that she is concerned about the lack of people that might otherwise purchase the homes from this development. She stated that she is concerned about the result of empty houses because there isn't a market for this kind of housing development. She stated that she bought in to the Libertyville area in 2000 and raised her children in this community. She stated that she does not understand why the Planning Commission cannot tell the public where the jobs will come from.

Mr. Rashid Davis, 1620 Old Barn Circle, stated that he used to play for the Chicago Bears. He stated that he is concerned about the overcrowding on the school system. He stated that he anticipates a higher enrollment. He stated that the Libertyville school system is ranked high. He stated that he came from Los Angeles and he knows the impact where there are 40 students for one teacher. He stated that he grew up in that environment and he does not want his kids to grow up in that kind of environment. He stated that he had a choice between private school for his children and the Libertyville school system. He stated that they chose the public system because

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 16 of 25**

of where the area where they wanted to live. He stated that it seems like that there has not been enough attention paid to the history of Libertyville and its future. He stated that he is concerned about the residential growth. He stated that he is opposed to the development.

Ms. Carol Cooper, 550 Bartlett Terrace, stated that she is a product of Chicago. She stated that she has lived in Libertyville for 24 years. She stated that consideration should be given to the flora and fauna in the subject site. She stated that she is concerned about where the bats will go since the trees have been cut down. She stated that we, as a Village, have an obligation to the subject land and its wildlife habitat. She stated that the proposed density of the project will be a problem.

Ms. Leslie Wexler, 1225 Virginia Avenue, asked if there are three-dimensional drawings of the proposed homes. She asked how tall the houses are and how much space is planned between the houses. She stated that she is from the north side of Chicago. She stated that her parents had often come up to Libertyville to look for a home. She stated that the reason she moved here was for the schools. She stated that she agrees with the previous comments about the open space and the ecology. She stated that they used to get deer coming up into their back yard, but has not seen a deer for several years. She stated that she is concerned about the potential impact on both the school system and the ecology.

Ms. Terri Gattone, 332 Kenloch Avenue, stated that she lives in a smaller home on Kenloch. She stated that there are 33 children that live on Kenloch Avenue that are school age K through 12<sup>th</sup> grade. She stated that there are 25 school age children that live on Harding. She stated that in order to come into her neighborhood, we have to turn left. She stated that every turn in her neighborhood is a left hand turn.

Ms. Kim Sanders, 180 Homewood, stated that she is a real estate agent in Libertyville. She stated that the proposed development is not Libertyville. She stated that school districts drive home values. She stated that it is the school districts that bring people to Libertyville. She stated that the developers proposed number of school enrollment is accurate. She stated that 2, 3 and 4 bedroom homes will bring families to our community. She stated that she would like to hear from the representatives from School Districts 70 and 128 relative to the potential impact that this development may bring to the school system such as the financial impact and what changes will need to be made to accommodate the anticipated increase in enrollment, how it may impact the residents relative to taxes, will another new school be necessary, etc. She stated that she would like to know what the options are if this subject land gets disconnected from Libertyville and annexed by Mundelein. She stated that this does not seem like a development that the community wants.

Chairman Moore stated that the Village has requested a written response from the school districts and isn't sure if that has been received yet.

Dr. Guy Shumacher, Superintendent, Libertyville School District 128, stated that he knew that tonight's meeting will be bigger. He stated that this community is not prepared for this kind of development. He stated that he welcomes the developer to come back and meet with him and to partake in a tour of the school to show how tight it will be. He stated that the development will



**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 17 of 25**

cause the school to grow. He stated that they have done everything they can to protect the tax payer dollars of the residents and will do everything they can to make great schools. He stated that he lives in Libertyville as well. He stated that he is speaking as an educator and is concerned about what this development will do to the size of the classes in Butterfield School. He stated that they have moved classrooms around to adjust to the needs of children within the special education curriculum. He stated that the demographics have gone down in Butterfield School, but they have made adjustments in order to open up spaces in order to provide kindergarten education for free. Dr. Shumacher stated that he is concerned about the possibility of de-annexing and is not certain how to respond to that possibility. He stated that they have gone down in demographics in some pockets and up in others. He stated that the Copeland enrollment has gone up. He stated that they have run out of space at Rockland School. He stated that even though the Butterfield School enrollment has gone down, they continue to add programming there. He stated that there are programming needs.

Mr. Paul Burali-Forti, 649 Hillcrest Drive, stated that he has lived in Libertyville for one year. He stated that he feels it is important to speak on behalf of his 2½ year old daughter. He stated that there appears to be very few benefits to the community by the development. He stated that the Plan Commission should give consideration to the children. He stated that Butterfield Road is already very busy and that people constantly speed along that road. He stated that he sees no benefit from the proposed development. He stated that he is also concerned about the increase in the population.

Commissioner Krummick stated that he has lived in this community for almost 40 years. He stated that he was having trouble rectifying the petitioner's arguments in the Standards for Special Use Permit. He stated that he likes the architecture of the project. He stated that the density is a major issue. He asked if the subject land will drain into the Bull Creek tributary. He asked for clarification as to which body of water this site will drain into whether it is St. Mary's Lake or Butler Lake first. Mr. Fred Chung, Senior Project Engineer, stated that it will go into St. Mary's first then to Butler Lake.

Commissioner Krummick asked if the proposed detention ponds will be dry bottom or wet bottom detention areas. Mr. Chung stated that the Village has not received storm water management calculations as of yet and will defer to the petitioner to respond to that question. He stated that the HOA will have to maintain the detention ponds.

Commissioner Krummick asked for clarification regarding the amount of land area that was subject to the Comprehensive Plan amendment in 2010 and the amount of land area that is part of the current petition subject to the land use category amendment. Mr. Smith stated that it is the petitioner's intent to expand the planned development area from 33 to 40 acres which necessitated the Comprehensive Plan land use amendment for the seven (7) acres.

Commissioner Krummick asked for clarification of the Village standards for street width. Mr. Chung stated that the Village standard is 27 feet from back of curb to back of curb.

Commissioner Krummick stated that his overall concern is the proposed density.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 18 of 25**

Commissioner Semmelman stated that the Zoning Code states that a Planned Development is supposed to promote public health, safety, and the general public welfare. He stated that there has been a lot of testimony during the course of the public hearing regarding the potential impact on traffic, overcrowding the schools, the isolation of this development almost creating an island, etc. He stated that safety as it relates to traffic is the major concern for him. He stated that the single access point in which the developer is not able to get a traffic signal for is a major concern.

Commissioner Semmelman stated that the petitioner has stated that the Archdiocese owns both the golf course property and the subject site. He stated that he believes that the Archdiocese is choosing to not provide the road through the golf course in order to intersect with Butterfield and Lake Street. He stated that he understands that the golf course is a tenant on the property and may have an objection to the road going through the golf course leased land, but it is still a commercial enterprise. He stated that the property owner, developer, and the golf course tenant should give consideration to negotiating an arrangement to make it work so that the road can go north through the golf course property to a signalized intersection at Butterfield and Lake Street. He stated that there may still be other issues with the proposal, but for him it is a 'no go' if there cannot be a traffic signal into the development.

Commissioner Cotey stated that he gives high praise to Phil Brown for initiating such a good public turnout. He stated that the Plan Commission may deserve some criticism, but that they work hard for the community. He asked the petitioner if they can see the stop light being installed as part of this petition. Mr. Walline stated that the traffic studies support a traffic signal at the Lake Street and Butterfield Road intersection. He stated that they do not support a traffic signal at the main project entrance to the south of Lake Street. He stated that a signal can be installed at Lake Street and Butterfield Road, but a connection from the development site through the golf course cannot be accomplished.

Commissioner Cotey stated that it appears that the warrants cannot be met for a signal at the project's proposed main entrance.

Mr. Walline stated that they re-evaluated the traffic study and re-did the traffic counts during peak traffic periods and it was determined that a warrant at the Lake Street, Butterfield Road, and Pine Meadow Golf course intersection was met.

Commissioner Cotey asked how many warrants were met. Mr. Walline stated that they met two warrants - the speed and volume warrants for peak traffic hours.

Mr. Chung stated that the Village had a meeting with Mundelein, the developer, and Lake County, but the Village has not received any written correspondence from Lake County as of yet.

Mr. Walline stated that they have a verbal response from LCDOT that they will most likely approve a traffic signal at Lake Street and Butterfield Road. He stated that they are still waiting for a formal written approval from LCDOT and hope to have it as part of this application process.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 19 of 25**

Commissioner Cotey asked the petitioner if they have thought about de-annexation if the current application does not get approved. Mr. Walline stated that they will keep all the options open, but at this point this application is with Libertyville and it is their hope that they get approval from Libertyville.

Commissioner Cotey asked the petitioner if they have engaged in any conversations with Mundelein about de-annexation. Mr. Walline stated that they have examined what it would take to de-annex and reviewed the infrastructure issues that would be involved.

Commissioner Cotey stated that he has review the Standards for the Special Use Permit as they are listed in the Zoning Code. He stated that he has a problem with the development proposal not complying with the Standard which states it should not create an adverse impact to the surrounding area. He stated that it seems that it will have an impact upon traffic congestion. He stated that he questions if there will be adequate public facilities. He asked Village Staff if there will be enough existing utility capacity. Mr. Chung stated that they have installed a flow meter in the existing sanitary pipe and they have determined that there is enough capacity.

Commissioner Cotey stated that the Standards for the Special Use Permit have not been met by the proposed development application. He stated that as it stands today, he cannot support the project. He stated that there is a larger issue in Libertyville, a cultural crossroads of a kind. He stated that consideration should be given to putting a moratorium on future residential construction.

Mr. David Pardys, Village Attorney, stated that there are certain provisions in place to allow for a moratorium for certain items. He stated that it would not be appropriate to apply such moratorium on the development proposal that is before the Plan Commission tonight. He stated that moratoriums have a time limit and depending upon what the issue is, a Zoning Code text amendment could be studied for its plausibility during the moratorium event.

Commissioner Cotey stated that he would like to see a moratorium on future plan developments until these issues can be rectified or to see if changes to the Comprehensive Plan should be looked at.

Mr. Smith asked for clarification as to what the moratorium should be applied to. Commissioner Cotey stated that consideration should be given to applying a moratorium towards any residential development that is four or five units. He stated that Planned Developments are easier to scrutinize, but there is a lot of infill development that may be 'build-by-right' and get past the boards and commissions and could become a bigger issue than a P.U.D.

Commissioner Flores stated that she is concerned about the traffic. She asked how traffic would route back in a northerly direction onto Butterfield Road if vehicles are forced to turn right only out of the development during peak traffic hours. Mr. Erik Russell, KLOA, stated that the likely route would be southbound to Park Avenue, then eastbound to Brainerd and turn left going north up to Lake Street, then westbound to Butterfield School.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 20 of 25**

Commissioner Flores asked about the pedestrian path planned from the development up to the intersection of Lake Street and Butterfield Road to a street crossing at that point.

Mr. Russell stated that the path will be provided within an easement area within the subdivision and not along or abutting Butterfield Road. He stated that the path will lead up to the signal at the intersection where there will be a signalized pedestrian crosswalk.

Commissioner Flores asked how might pedestrians walk to Dairy Dream. Mr. Russell stated that it is his understanding that the Village will ultimately have a bike trail, but the developer cannot build a sidewalk that is not on the subject site.

Commissioner Flores stated that she is just trying to get an understanding as to how kids will be able to get in and out of the subdivision or visit other classmates in other neighborhoods. She stated that she is also concerned about the impact upon the school demographics. She stated that it seems that according to Dr. Shumacher that it is not just about the enrollment numbers, but also it is about the impact upon school programming which also take up classroom space reducing capacity.

Mr. Walline stated that they have also been concerned about the impact upon the school system as well. He stated that they did the fiscal impact analysis and had the Village review that report. He stated that the Village's consultant was in agreement with their report. He stated that they have been waiting for the school district to provide the data that supports their position, but the one letter received is anecdotal at best. He stated they need proof of what those actual student counts are and how the various classrooms are utilized.

Commissioner Oakley asked the petitioner if they have formally applied for permit with the Lake County Department of Transportation. Mr. Walline stated that they have not yet made a formal application submittal to LCDOT. He stated that it will take one additional step in order to include a very specific proposal that will include what all of the agencies have concurred upon.

Commissioner Oakley stated that there are other situations in Libertyville, for example along Peterson Road, where vehicles need to exit sites making left hand turns into busy traffic. He stated that this is the first time where the existing issue is relative to a residential development of this magnitude. He asked the petitioner if they have worked with the other parties in an effort to make the plan work.

Mr. Walline stated that there are some elements that are not within their control. He stated that there are elements that they can incorporate such as the pedestrian path to the Lake Street intersection, this can be worked out. He stated that the next step is to formally apply for permit with the LCDOT and incorporate all the elements into the plan that all of the agencies have concurred with.

Commissioner Oakley asked if there are better ways to communicate with the general public regarding development proposals like this one. Mr. Smith stated that the Village has recently started putting major projects on the Village's web site. He stated that the suggestion about the

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 21 of 25**

Village News Letter is a good one in addition to the standard public notice procedures that are already in place.

Chairman Moore asked the petitioner if they have seen the Development Review Committee Staff Report. He referred to Planning Division comment number one that states that the site plan appears to show full access onto Butterfield Road without a traffic signal either at the access point or at Butterfield Road and Lake Street. He stated that the petitioner has confirmed that the warrants are there for a signal at Lake Street and Butterfield Road intersection based upon a reevaluation of the traffic counts. He stated that the petitioner has agreed to install a traffic signal at Lake Street and Butterfield Road but without a road connecting to that intersection from the proposed development other than a pedestrian connection from the development.

Mr. Walline stated that Chairman Moore's summary is correct and added that it would be a full signalized intersection with turning lanes so that the school bus traffic could navigate the intersection more safely as well as a full pedestrian crossing.

Chairman Moore stated that the Village has asked for empirical data from the school district relative to the fiscal impact analysis already provided. He stated that he has a lot of respect for Dr. Shumacher and what he has done with the school district, but it does help the Plan Commission members to know what the actual numbers look like as well as the school programs that are in place. He stated that by knowing all of the data, including from the school district's perspective, it helps the Plan Commission to know the overall true picture of the potential impact that the development will have on the school district.

Chairman Moore asked the petitioner if they have seen the Planning Division comment regarding the petitioner's proposal for park land dedication. Mr. Walline stated that he did see the comment, but that further clarification is needed regarding Outlot H. He stated that Outlot H is proposed to be deed restricted and is proposed as a Preserve. He stated that they have talked about that as part of the overall park program and would have a trail running through it. He stated that the detention pond in that area is part of the storm water management calculation. He stated that we believe that Outlot H is a vital part of the development.

Chairman Moore referenced the Engineering comments in the DRC Staff Report. He stated that there appears to be Engineering Division comments about proposed street bump outs. He referenced Engineering Division comment number three (3) which is asking if there is enough storage for the outgoing left turn movement at the entrance with Butterfield Road.

Mr. Walline stated that they have reviewed this issue a number of times.

Mr. Russell stated that the access driveway has been designed to provide about 100 feet before it reaches the first secondary road within the subdivision which would accommodate about four or five cars. He stated that this should be sufficient stacking space as vehicles are waiting to exit the site at Butterfield Road during those times when the left turn out onto Butterfield Road is permitted.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 22 of 25**

Chairman Moore asked if there were no turn restrictions what the wait time would be. Mr. Russell stated that wait time and stacking are two different things. He stated that the wait times are between one to two minutes for vehicles waiting to turn left out of the subdivision during peak hours.

Chairman Moore asked about the limitations on the anticipated traffic patterns. He stated that he can appreciate the safety issues relative to vehicles turning left out during peak traffic periods and the proposed need to restrict that. He stated that this limitation forces vehicles to go in a different direction. The subsequent alternate route that they would take would become circuitous. He stated that it would seem that this may have an impact on the developer's ability to market these properties. He stated that residents of the new development would have to drive around a substantial area of Libertyville because of the no left turn out restriction.

Mr. Walline stated that there may be an impact upon the sales of the homes. He stated that in this particular case, the way that the site lays out, and the various jurisdictions involved, they have exhausted all of their options at this point. He stated that they do not have the right to utilize someone else's property in order to gain access to this development. He stated that the future residents who need to get from point A to point B will take the path of least resistance. He stated that he cannot anticipate how that will play out.

Chairman Moore stated that it is a fair exercise to try to determine how it will play out. He stated that it is not unreasonable to anticipate that people will cut through where they can cut through.

Mr. Walline stated that the conversation now is speculation. He stated that he does not know how to answer the question except for what they have proposed at this point which includes the no left turn restrictions and buses would be excluded from that restriction.

Chairman Moore asked the petitioner if they believe that they will be able to obtain the easement for the water main extension through Pine Meadows. Mr. Walline stated that he believes that they will be able to get the easement. He stated that further study is indicated for this issue. He stated that there are multi-jurisdiction issues that need to be addressed. He stated that they are looking at whether there is adequate space for an alternate route in case it is needed. He stated that the connection that would run through the golf course would be the most convenient and economical option.

Chairman Moore asked about Engineering Division comment number seven (7) that talks about the cul-de-sac at the north end of the site being essentially a "sea of asphalt" and is requesting that a landscape island to be provided. Mr. Walline stated that they do not have a problem with the landscaped island in the center of the cul-de-sac circle. He stated that it was the Director of Public Works who wanted less asphalt. He stated that the Village requested the street widths to be 27 feet wide back of curb to back of curb even though their prior site plan showed 29 feet. He stated that the main access point will remain wider in order to accommodate turning lanes and street parking on both sides of the street.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 23 of 25**

Chairman Moore stated that the other Engineering Division comments include the request to seek additional storm water management calculations.

Mr. Walline stated that he is having their engineers do some modification to their calculations for the southwestern pond. He stated that the detention areas will be wet ponds and they will be maintained by the HOA. He stated that there will be stringent guidelines for their maintenance. He stated that oftentimes there is an S.S.A. put in place as back up.

Chairman Moore asked there are other examples whereby the HOA manages the storm water management facilities. Mr. Chung stated that Concord Homes located in the northwestern area of the Village is an example with HOA management of their detention ponds. He stated that in other examples the Village has ended up managing the detention ponds. He stated that experience has shown that it is better if the detention facilities are owned and managed by the HOA.

Mr. Walline stated that most of the engineering has been worked out. He stated that there are a lot of detailed engineering comments that will be incorporated into the final engineering plans. He stated that there will be engineering solutions for all of the Staff comments.

Chairman Moore asked at what point Staff will want to see the engineering comments relative to the Water Shed Development Ordinance addressed. Mr. Chung stated that these comments should be address with the Final Plan submittal.

Chairman Moore made reference to a review letter by the Police Department. He stated that the letter indicates that there is anticipation that there will be a lack of compliance for the left turn restriction. He stated that the letter mentions that there is a concern that vehicles will stack in the center median in a northbound direction along Butterfield Road after they turn left out of the development. He stated that whether the intersection of Lake Street and Butterfield Road has a traffic signal or not that there should be a school crossing guard there. He stated that the Police Chief indicated in the letter that there should be a traffic signal at the access point of the development.

Chairman Moore stated that he concurs with Commissioner Flores' safety concerns about the pedestrian traffic patterns in and out of the development. He stated that it is important that the development should be accessible to the community. He stated that the proposed development has a very isolated feel to it. He stated that as much as possible it is important to promote continuity between the neighborhoods in the Village. He stated it is important that the general public have the ability to access the subject site in order to enjoy the development's amenities in addition to visiting a friend or neighbor.

Mr. Walline stated that they have purposefully held back some of the detail until they knew what they would be allowed to do relative to the traffic signal because they need to look at all of the safety issues.

**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 24 of 25**

Chairman Moore asked the petitioner if they have considered plans with a lower density than what they are proposing. Mr. Walline stated that they are not willing to reduce the density any further. He stated that it was higher initially, but have brought it down to the current proposal.

Chairman Moore stated that he likes the look of the units themselves. He stated some of the lot sizes are extremely small which would trigger multiple deviations from the Zoning Code in terms of setbacks, lot size, building, and lot coverage, etc. He stated that he shares some of the other concerns expressed tonight including impact on traffic, safety, cut through traffic, etc. He stated that he cannot support the development without a reduction in density and a signalized access point into the development.

Chairman Moore stated that Village Staff has recommended a continuance of the requests to a future Plan Commission meeting. He asked the petitioner how they would like for the Plan Commission to proceed. Mr. Walline requested a short recess.

Mr. Jerry Callahan, attorney representing the petitioner, stated that they would like for the Plan Commission to give recommendation on their requests.

Chairman Moore stated that it will take a considerable amount of time to draft a list of conditions to go along with a motion. He stated that there are too many unknowns and missing details to the plan that will enable them to craft the appropriate list of conditions for the motion. He stated that as an example, one of the missing details from the plan is the pedestrian path that leads from the development to the Lake Street and Butterfield Road intersection. He stated that there are a number of Planning Division and Engineering Division comments that are left unanswered at this point. He stated that it will take a long time to put that list together as there may be as many as 60 conditions.

Mr. Walline stated that the bulk of the Staff comments can be addressed with final engineering plans. He stated that they have agreed that they will be consistent with the WDO. He stated that the pedestrian path is outlined in the traffic report. He stated that the they believe that they can address the Staff comments at the discretion of the Director of Public Works.

Chairman Moore stated that not knowing how the comments will be addressed hinders the Plan Commission from drafting the proper language appropriately.

Chairman Moore asked the petitioner if they will provide any additional information from the Lake County Department of Transportation per the Planning Division comment number two (2) found in the DRC Staff Report.

Mr. Walline stated that the procurement of the LCDOT permit is a necessity for the development. He stated that providing the LCDOT permit information is more of a timing issue. He stated that they have had numerous meetings with LCDOT and that they have verbally supported the proposal as it is currently proposed, but they have every right to change their minds.



**Minutes of the January 9, 2017, Plan Commission Meeting**  
**Page 25 of 25**

Mr. John Spoden, Director of Community Development, stated that it is Staff's recommendation for a continuance because the Village does not have all the necessary information. Mr. Spoden stated that the Plan Commission is being asked to make a decision based upon insufficient information. He stated that in order for the Plan Commission to make a recommendation, it is Staff's recommendation that the Village should have something in writing from Lake County on what the County will approve and we do not have that to present this evening.

Chairman Moore asked the petitioner what the status is on obtaining the information from Lake County. Mr. Walline stated that they had been going through a series of meetings with the various groups and they weren't certain as to what point they should submit a formal application to LCDOT.

Chairman Moore stated that he thinks that it is appropriate to continue the matter because there is too much information to work with and put something together that reflects a list of conditions for the Plan Commission motion that everyone would be comfortable with.

*In the matters of PC 16-08, PC 16-09, PC 16-10, PC 16-11, and PC 16-12, Commissioner Oakley moved, seconded by Commissioner Flores, to continue these items to the February 27, 2017, Plan Commission meeting at the Libertyville Civic Center, 135 W. Church Street, at 7:00 p.m.*

*Motion carried 6 - 0.*

*Ayes: Moore, Cotey, Flores, Krummick, Oakley, Semmelman*  
*Nays: None*  
*Absent: Schultz*

**COMMUNICATIONS AND DISCUSSION:** None.

Commissioner Cotey moved, seconded by Commissioner Semmelman, to adjourn the Plan Commission meeting.

Motion carried 6 - 0.

Meeting adjourned at 11:20 p.m.