

MINUTES OF THE PLAN COMMISSION
January 23, 2017

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:00 p.m. at the Village Hall.

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

Members absent: William Cotey.

A quorum was established.

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

Commissioner Oakley moved, seconded by Commissioner Schultz, to approve the November 28, 2016, Plan Commission meeting minutes.

Motion carried 6 - 0.

Commissioner Oakley moved, seconded by Commissioner Schultz, to approve the December 12, 2016, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

**PC 16-31 SA Station Square LLC, Applicant
 400 W. Lake Street**

Request is for a Map Amendment to re-zone approximately 2.8 acres of land from C-1, Downtown Core Commercial District and R-6, Single Family Residential District to R-8, Multiple Family Residential District in order construct a residential development on approximately 11 acres of land currently located in a C-1, Downtown Core Commercial District and R-6, Single Family Residential District.

**PC 16-32 SA Station Square LLC, Applicant
 400 W. Lake Street**

Request is for a Special Use Permit for a Planned Development in order construct a residential development on approximately 11 acres of land currently located in a C-1, Downtown Core Commercial District and R-6, Single Family Residential District.

**PC 16-33 SA Station Square LLC, Applicant
 400 W. Lake Street**

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Request is for a Planned Development Concept Plan in order construct a residential development on approximately 11 acres of land currently located in a C-1, Downtown Core Commercial District and R-6, Single Family Residential District.

PC 16-34 SA Station Square LLC, Applicant
400 W. Lake Street

Request is for a Preliminary Plat of Subdivision in order construct a residential development on approximately 11 acres of land currently located in a C-1, Downtown Core Commercial District and R-6, Single Family Residential District.

In the matters of PC 16-31, PC 16-32, PC 16-33, and PC 16-34, Commissioner Schultz moved, seconded by Commissioner Oakley, to continue these items to the March 13, 2017, Plan Commission meeting at the Libertyville Civic Center, 135 W. Church Street, at 7:00 p.m.

Motion carried 6 - 0.

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

PC 16-35 N3 Property Advisors, LLC, Applicant
175 W. Peterson Road

Request is for a Special Use Permit for a Drive-In Establishment accessory to a restaurant in order to construct a Burger King restaurant with drive-thru for property in a C-3, General Commercial District.

PC 16-39 N3 Property Advisors, LLC, Applicant
175 W. Peterson Road

Request is for a Site Plan Permit for a Drive-In Establishment accessory to a restaurant in order to construct a Burger King restaurant with drive-thru for property in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, stated that the Plan Commission may recall that the petitioner, N3 Property Advisors, LLC, was before them at their November 28, 2016, meeting requesting approval for a Special Use Permit for a Drive-In Establishment Accessory to a Restaurant; a Site Plan Permit; variations for signage, and a variation to reduce the minimum required Perimeter Landscaped Open Space in order construct a Burger King restaurant with drive-thru for property located in a C-3, General Commercial District at 175 W. Peterson Road.

Mr. Smith stated that the petitioner is proposing to construct a single story Burger King restaurant building with a drive-thru service approximately 1,900 square feet in floor area located on the south side of Peterson Road.

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Mr. Smith stated that during the course of the November 28, 2016 Plan Commission meeting, the petitioner presented their plans, testimony was heard from the public, and the members of the Plan Commission asked questions and deliberated. Mr. Smith stated that at the conclusion, the Plan Commission made a motion to continue the matter to the January 23, 2017, meeting in order to provide the petitioner an opportunity to revise the plans and provide additional information in response to public, Staff, and Plan Commission comments.

Mr. Mark Huonder, agent for the petitioner, stated that the proposed restaurant building is a little under 2,000 square feet in floor area on a one acre site. He stated that they are proposing both a right and left turn exit lanes. He stated that they have adjusted the angle of the parking from 60° to 45°. He stated they have agreed to install a ten (10) foot high fence along the rear property line and extend the fence line along the side property lines an additional 30%. He stated that they have provided a photometric lighting plan that shows the foot candle illuminations to not exceed 0.0 at the southwest corner of the site which is adjacent to the residentially zoned district to the south. He stated that the light fixtures will be directed downward so as to not cast glare onto the neighboring property. He stated that the traffic study shows that this is not a destination site and should not interfere with the normal traffic flow.

Mr. Huonder stated that their noise evaluation shows that sound measurements were taken both at the subject site and at another Burger King site located in Huntley for comparison.

Mr. Phil Cavicchia, 1716 Cedar Glen Court, stated that he is concerned about early delivery time noise. He stated that he has not had the opportunity to review the applicant's lighting plan and wants the opportunity to do that. He stated that he would like to know what the proposed fence material will be and that the fence should match the height of the existing building currently located along the rear of the subject site. He stated that he is concerned about the drainage and storm water management. He stated that he is concerned about the equipment handling, the exhaust, and the noise that the system will make. He stated that he is also concerned about the drive-thru speaker noise.

Mr. Clay Ervine, 1100 Wellington, stated that there is a vacant Burger King less than a half mile from this site. He stated that he does not understand why the Village would support this proposal and risk creating another derelict site.

Ms. Katherine Lobus, 1718 Cedar Glen Court, asked what the hours of operation will be for this proposed Burger King restaurant. She stated that she is concerned that the lights on the west elevation of the restaurant building will shine into their living rooms. Mr. Huonder stated the proposed lighting plan will be compliant with the Village Code. He stated that the hours of operation are proposed to be from 6 a.m. to 11 p.m. seven (7) days a week. He stated that they are proposing a 2 layer wooden fence at 10 feet in height which will act as screening from the adjacent properties. He stated that the drive-thru speaker noise was incorporated into the noise measurements taken by their consultant. He stated that the Burger King projected sales show that there will be long term viability. He stated that the exhaust equipment specifications used for this restaurant are designed with two layers of filtration which should address the smell and pollution.

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Mr. Michael Caldwell, agent and engineer for the petitioner, stated that all of the Village and Lake County requirements will be met regarding the civil engineering and storm water management.

Mr. Cavicchia asked what color will the exterior lights be. Mr. Huonder stated that the lights will be clear and not colored.

Ms. Jacqueline Anderson, 18320 Old Peterson Road, stated that she is concerned about the impact upon the traffic. Stated that she is concerned about the existing vacant restaurants along Milwaukee Avenue and questioned the logic of building a new restaurant on Peterson Road.

Ms. Christine Cavicchia, 1716 Cedar Glen Court, stated that she is concerned about the early morning delivery time to this site. She stated that the noise readings did not account for the delivery trucks. She stated that the noise readings were not taken during later evening hours. She asked what kind of corrective action will be taken if they are not in compliance. Mr. Caldwell stated that their traffic study identified the a.m. and p.m. traffic peak hours and the data showed no adverse impact on the traffic.

Mr. James Woods, Civiltech Engineering and the Village's traffic consultant, stated that Peterson Road is an IDOT SRA route. He stated that IDOT would like to see access points no less than 500 feet apart. He stated that there are many narrow commercial driveway entrances along Peterson Road and achieving a 500 foot separation cannot happen in this circumstance. He stated that the applicant's traffic study shows 45 vehicles turning out in the a.m. peak traffic time. He stated that he assumes that most of those vehicles are exiting to the east. He stated that 45 cars existing during a.m. peak equals about one vehicle every 1-1/2 minutes on average. He stated that their traffic study shows approximately 30 vehicles turning out during p.m. peak traffic period which equals one car per every two minutes on average. He stated that getting out and turning right should be fairly easy. He stated there may be times in the mornings where it will be a little more difficult and cars exiting may have to rely on courtesy gaps on occasion.

Mr. John Spoden, Director of Community Development, stated that the Village does have an adjudication process for non-compliance of the Village's Municipal Code including the Zoning Code.

Mr. Cavicchia stated that he is concerned about the potential impact of noise and believes that the proposed fence will not be good enough.

Mr. Huonder stated that traditionally the delivery time is 5:30 a.m., but they are willing to adjust that to 7:00 a.m. He stated that the site economics for this particular site made the acquisition feasible for a new Burger King for this site.

Commissioner Oakley asked about the number of employees. Mr. Huonder stated that they would employ 12 employees per shift and they will have the ability to park on the site.

Commissioner Flores stated that she would be in favor of no deliveries before 7:00 a.m.

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Mr. Caldwell stated that they have learned from the noise evaluation that any land use for this site will not meet the noise ordinance because of the ambient/background noise is already louder than what the Code allows.

Commissioner Krummick stated that the petitioner might find it difficult to install a fence taller than 10 feet due to the structural integrity and may become an issue.

Mr. Cavicchia stated that his property is at a higher elevation than the adjacent subject site. He stated that the roof line of the existing building towards the rear of the lot helps to block noise from Peterson Road. He stated that once the Burger King is up and running he is concerned about the potential for noise on Sunday mornings.

Commissioner Krummick asked if the landscaping will screen vehicle headlight glare. Mr. Caldwell stated that the evergreen landscaping is densely planted at 6 to 11 feet in height.

Commissioner Krummick asked if the drive-thru speaker volume can be regulated. Mr. Caldwell stated that the volume can be adjusted and the speakers can be adjusted so that they face more to the east away from the residents to the south.

Commissioner Krummick asked the petitioner to address the potential for cooking exhaust smell. Mr. Caldwell stated that they will be using latest technology on the venting and hood system with a series of baffles in the hood system to collect particulates. He stated that the two-fold exhaust ventilation system is 96% efficient.

Commissioner Krummick asked where the proposed fence will end. Mr. Caldwell stated that they will run the fence along the rear property line and up each side property line about 30% the length of each side property line.

Commissioner Schultz stated that it appears that the restaurant building footprint did not change. He stated that the 10 foot fence is good, but more than 10 feet will be difficult to physically support that height. He stated that he supports delivery times to be after 7:00 a.m. He asked for clarification of the parking lot lighting. Mr. Huonder stated that the rear lights can be set on a timer to dim after a certain time period.

Commissioner Schultz stated that Village Staff should consider obtaining a sound consultant to review the petitioner's evaluation or do their own sound measurements.

Chairman Moore stated that he concurs that the Village should provide their own review of the petitioner's noise evaluation. He asked for clarification of the auto turn exhibits provided by the applicant. Mr. Caldwell stated that Burger King will use the smaller size delivery trucks so that the turning radii should not be a problem.

Mr. Woods asked for clarification if the delivery trucks that are to be used are the single unit box truck. Mr. Caldwell concurred in the affirmative with Mr. Wood's question.

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Mr. David Pardys, Village Attorney, stated that the Village cannot base their approval for a Special Use Permit for a drive-thru on whether or not the proposed business will have economic viability or not.

Chairman Moore stated that they need additional information and clarification of the petitioner's noise evaluation report.

Mr. Caldwell stated that that only the speaker noise is different than any other commercial development.

Chairman Moore stated that this item should be continued in order to give the petitioner the opportunity to come back with clarification of the noise impact and to allow the Village the opportunity to have their own noise consultant report to the Plan Commission as well.

In the matters of PC 16-35 and PC 16-39, Commissioner Schultz moved, seconded by Commissioner Semmelman, to continue these items to the February 20, 2017, Plan Commission meeting.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Schultz, Semmelman

Nays: None

Absent: Cotey

PC 16-41 Paul Swanson, Applicant
213, 317, 403, and 417 S. Butterfield Road

Request is for a Preliminary Plat of Subdivision in order to subdivide property and develop a single family residential subdivision for property in an R-5, Single Family Residential District.

Mr. Paul Swanson, introduced himself as the petitioner for the proposed project. He stated that the Site Plan he is showing them now comprises 19 lots. He stated that he is not asking for any zoning change or variations. He stated that it is strictly a subdivision approval. He stated that the lots are a minimum of 10,000 square feet which is compliant with the R-5 zoning. He stated that there is a wetland on the property that is approximately a half acre in size. He stated that he went back to re-examine the design of the proposed plat after listening to the Plan Commission and the neighbors after the last meeting. He stated that the biggest impact came from the Lake County Department of Transportation who said that they will take an additional 20 feet of right-of-way along Butterfield Road which made the 19 lot proposal unworkable.

Mr. Swanson stated that in regards to the proposed extended cul-de-sac road, the Police and Fire Departments did not make any comments on that. He stated that he has revised his proposed Plat of Subdivision to be only 15 lots to include two detention areas and a little park land. He stated that that they are keeping some of the natural trees in the west corner. He stated that they are proposing to mitigate the wetland by paying into an SMC approved Wetland Mitigation Bank for

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credit. He stated that the proposed storm water management system will be comply with the Engineering requirements.

Mr. Ron Adams, engineer for the petitioner, explained the anticipated traffic routes that residents will most likely take when leaving this subdivision. He stated that there are no left turns at Dymond. He stated that some people might try making U-turns at Crane to north on Butterfield Road.

Mr. Clay Irvine, 1100 Wellington, stated that he is concerned about the increase in density in the area.

Mr. John Spoden, Director of the Community Development Department, stated that the subject property has been zoned R-5, Single Family Residential District for many years.

Mr. Irvine stated that consideration should be given to creating larger lots for fewer houses.

Ms. Maura Morris, 523 Lothair Drive, stated that the property is an eyesore. She stated that people won't go to Crane to turn around, they will go to Victory Drive. She stated that there are no lights between Stevenson and Crane and that is a dark corridor with no sidewalks. She stated that cars speed by Lothair and Stephenson, there should be a stop sign there.

Ms. Katie Suttie, 331 S. Stewart Avenue, stated that the zoning for the property should be changed in order to reduce the density.

Mr. Scott Holzer, 550 Sedgewick Drive, stated that he is concerned about the increase in cut-through traffic through the Kenloch neighborhood. He stated that he is concerned about the removal of the trees and wetland. He stated that any removed trees should be replaced.

Mr. Howard Goldberg, 1128 Crane Boulevard, stated that the proposal looks better than it did at the last meeting. He stated that he is concerned about the impact upon the traffic routes and that people will use his driveway as a turnaround point. He stated that consideration should be given to changing the subject land into a public park. He stated that he is concerned about the traffic routes of the construction equipment.

Mr. Swanson stated that there will outdoor amenities including a pedestrian access to the bike path, outdoor exercise equipment, and natural park land in the corner of the subdivision.

Ms. Ellen Wettlaufer, 513 Ridgewood Lane, thanked the petitioner for revising their Site Plan. She stated that there is a Comprehensive Plan Vision Statement that there should be neighborhood connectivity. She stated that consideration should be given to adopting a moratorium on future development. She stated that consideration should be given to establishing a cap on the number of dwelling units the Village should allow.

Chairman Moore stated that if anyone is interested in implementing a moratorium, they should consider contacting the Mayor or discuss what the process would be with Village Staff outside of

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the Plan Commission public meeting. He stated that the issue of a moratorium on future residential development is not regulated by the Plan Commission.

Ms. Wettlaufer stated that consideration should be given to maintaining the spirit of the community.

Mr. Andris Slessers, 1320 Victory Drive, stated that he is concerned about the impact on the traffic. He stated that Victory Drive will be used by cut-through traffic. He stated that he is concerned about the storm water management.

Ms. Barbara Wilcox, 1129 Pine Tree Lane, stated that she appreciates the adjustments that the developer has made to the plan. She asked about the median on Butterfield Road.

Ms. Jacqueline Anderson, 18320 Old Peterson, asked for clarification as to how the wetland will be mitigated. She stated that wetlands typically have a rich biodiversity, native plants, habitat for animals, and provide some amount of flood control.

Ms. Mara Slessers, 1320 Victory Drive, stated that she is against the proposal and is concerned about the impact on the traffic.

Ms. Lisa Roti, 1212 Victory Drive, stated that there is a natural tree barrier along the south property line of the subject site and would not want to see that removed. She stated that she is concerned about the storm water management and the impact on traffic.

Ms. Debbie Wilson, 1312 Victory Drive, stated that she is concerned that the heavy construction equipment will damage the streets. She is concerned about the impact and would like to know if any adverse impact caused by the development will be rectified and that the developer promises in writing to rectify any adverse impact caused by the development.

Mr. David Pardys, Village Attorney, stated that there is a permitting process whereby plans are reviewed and construction is inspected. He stated that there is often a Development Agreement struck between the Village and the Developer that oversees and regulates how the development is constructed.

Ms. Andrea Klatt, 1009 Havenwood, asked about the size of the homes. Mr. Swanson stated that they may average around 3,500 square feet in floor area.

Ms. Klatt stated that she is concerned about the aesthetics.

Mr. Slessers stated that he is concerned about the storm water management.

Mr. Ron Adams stated that they will comply with all storm water management regulations and that the public utilities are more than adequate enough to accommodate the needs of the proposed development.

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Ms. Kim Saunders, 180 Homewood, stated that this plan is better than the one proposed by The Roanoke Group on North Butterfield Road. She stated that this proposal here along South Butterfield Road will have nice size lots.

Ms. Ana Draa, 1020 Ashley Lane, stated that she is concerned about the impact upon the traffic. She stated that consideration should be given to rezoning the property in order to reduce the density. She stated that consideration should be given to scheduling these public hearings around other community meetings in order to reduce the scheduling conflicts.

Ms. Susan White, 305 South Butterfield Road, stated that she is concerned about the proposed detention ponds.

Ms. Roti, stated she is concerned about what the new homes will look like.

Ms. Randi Wheelock, 1410 W. Park Avenue, stated that she is concerned about the trees being removed.

Ms. Ariel Landvick, 1306 Victory Drive, stated that she is used to seeing trees on the subject property from the bike path.

Mr. Craig Hammond, 1220 Victory Drive, consideration should be given to make the subject property into public land.

Commissioner Schultz stated that the plan has improved since the last meeting. He stated that the reduction in lots is good. He stated that the Village has the proper number of checks and balances in place including regulations to address the storm water management. He stated that the petitioner should try to keep as much of the natural landscaping as possible. He stated that consideration should be given to increasing the landscaping north of Lot 9.

Mr. Swanson stated that it is his intention to use that area for the outdoor exercise equipment.

Commissioner Schultz stated that it may make more sense to increase the buffer in that area.

Commissioner Krummick stated that the layout of the site is better, but he is concerned about the impact upon traffic.

Commissioner Semmelman stated that the reduction in lots is better. He stated that consideration should be given to increasing the trees along the south property line.

Commissioner Flores concurs with increasing the tree buffer along the south property line.

Mr. Adams stated that there will be no construction traffic allowed onto Victory Drive.

Commissioner Oakley stated that the reduction in the number of lots is good. He stated that he is concerned about the construction traffic.

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Chairman Moore stated that the development should be screened as much as possible and that the storm water management shall be compliant with the Lake County WDO.

In the matter of PC 16-41, Commissioner Schultz moved, seconded by Commissioner Oakley, to continue this item to the March 20, 2017, Plan Commission meeting.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Schultz, Semmelman

Nays: None

Absent: Cotey

NEW BUSINESS: None.

COMMUNICATIONS AND DISCUSSION: None.

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

Motion carried 6 - 0.

Meeting adjourned at 10:25 p.m.