

DEVELOPMENT REVIEW COMMITTEE MEMORANDUM

**VILLAGE OF LIBERTYVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
200 EAST COOK AVENUE
LIBERTYVILLE, ILLINOIS 60048-2090**

FROM: PLANNING DIVISION

DATE: August 21, 2025

SUBJECT: Development Review Committee (DRC) Reports for Cases Scheduled for Consideration on **Monday, August 25, 2025**

The DRC Meeting was held on **Monday, July 21, 2025**. DRC members present included:

Heather Rowe	Director of Community Development
Tony Repp	Deputy Director of Community Development
Wil Richardson	Planner
Keith Gronke	Building Division Manager/Building Commissioner
Jeff Cooper	Deputy Director of Public Works/Village Engineer
Harrison Meyer	Senior Project Engineer
Mike Weaver	Director of Fire Prevention

Attached herewith are the DRC Reports for the following cases:

Zoning Board of Appeals

Plan Commission

PC 25-16

PC 25-15, PC 25-17, and PC 25-18

**CASE NOS.: PC 25-15 Amendment to the Planned Development Final Plan
PC 25-17 Text Amendment
PC 25-18 Special Use Permit**

DATE FILED: July 11, 2025

REQUESTED ACTION:

- PC 25-15 Request is for an Amendment to the Planned Development Final Plan in order to make changes to the building exterior and site for property located in a C-4 Shopping Center Commercial District at 1405 West Peterson Road.
- PC 25-17 Request is for a Text Amendment to the Libertyville Zoning Code to include Pet Care (except Veterinary) Services but limited to dog boarding and dog day care as a Special Permitted Use in the C-4 Shopping Center Commercial District.
- PC 25-18 Request is for a Special Use Permit for Pet Care (except Veterinary) Services but limited to dog boarding and dog day care for property located in a C-4 Shopping Center Commercial District at 1405 West Peterson Road.

APPLICANT INFORMATION:

Applicant: WCDR Libertyville, LLC d/b/a K9 Resorts of Libertyville
 Owner: BRE Retail Residual Owner 4 LLC
 Agent: Meghan L. Murphy, Thompson Coburn LLP
 Address: 1405 Peterson Road

SITE INFORMATION:

Location: The property is commonly known as 1405 Peterson Road
 Current Zoning and Land Use: C-4 Shopping Center Commercial District
 Size: The subject site is located on a lot approximately 43,250 square feet in land area and is part of the Butterfield Square Shopping Center, a Planned Development approximately 15.2 acres in land area.

Surrounding Zoning:
North: R-4 Single Family Residential District
South: R-5 Single Family Residential District
East: Unincorporated Lake County that accommodates the ComEd power lines. Further east is Village of Libertyville R-4 Single Family Residential District
West: O-2 Office, Manufacturing and Distribution Park District
 Land Use Plan: Destination Commercial Corridor (DCC)

Road Classification: Peterson Road (Hwy Rt. 137) is owned and maintained by the Illinois Department of Transportation and classified as an Arterial Street. Butterfield Road is owned and maintained by the Lake County Department of Transportation and classified as an Arterial Street.

Physical

Characteristics: The site currently has an existing single story brick vacant commercial building with a footprint approximately 7,500 square feet with accessory parking.

STAFF ANALYSIS:

Background:

The petitioner, WCDR Libertyville, LLC d/b/a K9 Resorts of Libertyville, is requesting approval for a an Amendment to the Planned Development Final Plan, a Text Amendment to the Libertyville Zoning Code to include Pet Care (except Veterinary) Services but limited to dog boarding and dog day care as a Special Permitted Use in the C-4 Shopping Center Commercial District and a Special Use Permit for Pet Care (except Veterinary) Services but limited to dog boarding and dog day care for property located in a C-4 Shopping Center Commercial District at 1405 West Peterson Road.

If approved the applicant will take occupancy of the building located at 1405 W. Peterson Road in order to operate a dog day care and dog overnight boarding facility. The proposed land use is currently not listed as a permitted or special permitted land use in the Zoning Code’s C-4 Shopping Center Commercial District.

The subject lot is a standalone single tenant commercial building located in an outlot previously occupied by a FedEx/Kinko’s business. This outlot is part of the Butterfield Square Shopping Center Planned Development. The main shopping center building includes commercial tenants such as Sunset Foods grocery store, Jimmy’s Charhouse restaurant, Anytime Fitness Center and other commercial/retail tenants. Other Butterfield Shopping center outlots include a Zengler’s dry cleaners, McDonalds, Bank Financial and a Tricoci Salon and Spa.

Staff notes that beyond the shopping center property to the south is the Interlaken Valley single family residential subdivision containing the residential street Old Barn Circle. To the east just beyond ComEd power lines is the Wineberry single family residential subdivision containing residential streets such as Blackberry Court, Elderberry Drive, Lingonberry Court, and Mulberry Drive.

Project Description: K9 Resorts Luxury Pet Hotel of Libertyville - Dog Boarding & Dog Daycare

The applicant intends to occupy the 7,500 square foot vacant form FedEx building at the Butterfield Square shopping center, with a fenced outdoor area immediately adjacent to the building. The proposed dog boarding and dog daycare facility will be open to the public from 7 AM to 7 PM on weekdays and 9 AM to 5:30 PM on weekends. The proposed facility will open

with approximately 23 employees and grow up to 30 employees over time. There will be 8 to 10 employees per shift. The applicant is proposing to maintain a maximum capacity of up to 100 dogs with an approximate capacity of 50% or up to 50 dogs at the facility per day. There will be certain time periods through the year when demand will reach up to 100% due to holidays.

The applicant is proposing to install a fenced in outdoor area to let the dogs out during certain periods throughout the day. Dogs will not be let out into the outdoor area over night.

Zoning Code Deviations:

Zoning Code Section 26-16-13.7 states that the Village Board of Trustees shall have the authority to change, alter, vary, modify or waive provisions of the zoning code as they apply to an approved planned development. Staff notes that this proposal will trigger the following deviations from the Zoning Code.

1. The applicant is seeking to increase the maximum permitted number of wall signs from one to three. **Staff does not support this deviation.**
2. The proposed site plan appears to show a parking lot aisle along the north side of the building adjacent to a row of four parallel parking spaces that is not wider than 10 feet. For a one-way parking lot aisle a minimum of 12 feet is required, a two-way parking lot aisle a minimum of 22 feet is required.

This discrepancy shall be revised to comply with the minimum required off-street parking dimensions or the applicant shall provide evidence that a vehicular cross access easement is in place to serve both 1405 W. Peterson Road and the abutting out lot to the north (Zengler’s Dry Cleaners) at 1401 W. Peterson Road.

Acoustic Associates, Ltd.

Village sound consultant Acoustic Associates, Ltd. has provided a review of the applicant’s proposal. Please find attached the memorandum dated August 20, 2025.

APPEARANCE REVIEW COMMISSION:

The petitioner appeared before the Appearance Review Commission at their August 18, 2025 meeting for review and recommendation. Please find the attached ARC meeting minutes for Plan Commission consideration.

DEVELOPMENT REVIEW COMMITTEE REVIEW:

Staff have completed a review of the petitioner’s application and offers the following comments for your consideration.

PLANNING DIVISION COMMENTS:

1. Overnight boarding of dogs is not an appropriate land use in the C-4 Shopping Center Commercial District and would not be conducive to the character of the Butterfield Square Shopping Center. This type of land use has never been supported by the Village other than in the I-3 General Industrial District as a Special Permitted Use. This type of use has never been supported by the Village due to the potential “adverse impact” (see Standards for Special Use, [Sec. 26-16-9.5](#)), given anticipated noise and odor in close proximity to other commercial and residential parties—in this case proximity to commercial tenants in the Butterfield Square Shopping Center (i.e. Jimmy’s Charhouse) and the single family residential subdivisions to the south and east. **Staff does not support the applicant’s requests as presented.**
2. As this land use is currently listed as an allowable Special Permitted Use in the I-3 General Industrial District, it is recommended that an alternate location be considered.

ENGINEERING DIVISION COMMENTS:

1. **Stormwater Detention** – The applicant shall provide ‘existing’ and ‘proposed’ impervious area calculations for the site. Should the project result in a net increase in impervious area of 400 sq. ft. or greater, stormwater detention would then be required in conformance with the Village’s Appendix P Stormwater Management Regulations. Staff notes that there appears to be an expansion of the paved areas at the far southeast corner of the site to accommodate the proposed trash enclosure, but the square footage of this increase is not clearly identified.
2. **Existing Transformer** – The site plan currently proposes to relocate the existing rear drive aisle south of its current location in the area immediately south of the proposed dog turf yard. This results in the drive aisle and corresponding vehicular traffic being substantially closer to the existing transformer than currently occurs under the existing conditions. The site plan should be revised to maintain a minimum clear distance of 10’ between the transformer and adjacent drive aisles, and the drive aisle shall be clearly delineated via striping. It is recommended that the applicants consider bollards or other protective measures adjacent to the transformer, and it shall be the applicants’ responsibility to confirm with ComEd on any easement rights or restrictions or any setback requirements that may be applicable with regards to their utilities. Modification to this area may result in a clearer circulation pattern, as vehicles currently shift around the outdoor dog space, parking and transformer area.
3. **Emergency Vehicle Movements** – Autoturn Exhibits shall be provided to demonstrate that a fire truck can properly circulate the building, especially around the southeast corner of the building where the drive aisles are being minimized for the proposed dog turf yard areas.

STAFF RECOMMENDATION -- PRIOR TO PUBLIC HEARING:

Regarding **PC 25-15**, Staff recommends **DENIAL** for an Amendment to the Planned Development Final Plan in order to make changes to the building exterior and site for property located in a C-4 Shopping Center Commercial District at 1405 West Peterson Road.

Regarding **PC 25-17**, Staff recommends **DENIAL** for a Text Amendment to the Libertyville Zoning Code to include Pet Care (except Veterinary) Services but limited to dog boarding and dog day care as a Special Permitted Use in the C-4 Shopping Center Commercial District.

Regarding **PC 25-18**, Staff recommends **DENIAL** for a Special Use Permit for Pet Care (except Veterinary) Services but limited to dog boarding and dog day care for property located in a C-4 Shopping Center Commercial District at 1405 West Peterson Road.

Draft August 18, 2025, Appearance Review Commission Meeting Minutes

**ARC 25-18 WCDR Libertyville, LLC, Authorized Agent for BRE Retail Residual Owner
4 LLC, Property Owner
K9 Resorts of Libertyville, Tenant
1405 Peterson Road.**

Request is for new building facades, lighting and signage.

Mr. Zach Nisbet, K9 Resorts, presented the proposal for new building facades, lighting, and signage at 1405 Peterson Road. Mr. Nisbet stated that K9 Resorts has set out to open several locations in the Chicago area, including this location in Libertyville. He stated that the proposal includes two outdoor enclosed yards with 8' buff tech fencing. He further stated that they intend to paint the entire building 'K9 Resorts Beige' and install multiple wall signs and HVAC screening. Mr. Nisbet explained the changes to the front façade, including EIFS on the front entrance with a wall sign attached and imagery of the 8' buff tech fencing.

Commissioner Villiard asked how much of the façade is new compared to existing. Ms. Talar Berberian joined Mr. Nisbet in the presentation, informing the Commission of her role as the attorney for the applicant. Ms. Berberian clarified that the comparison images provided are not entirely accurate to the final design and are only shown for general comparison.

Ms. Berberian pointed out the changes to the façade in detail, including areas for the installation of stucco, areas to be painted, and new coping/trim. She additionally pointed out the location of the new HVAC unit screening. She clarified that the render does not accurately depict the HVAC screening and that it should not be very visible from ground level.

Ms. Berberian explained the signage plans to the Commission. She stated they intend to install three wall signs on the front façade, exceeding the maximum permitted number of wall signs. She noted that the previous tenant, FedEx, had two wall signs, and they would like to request three wall signs.

Mr. Wil Richardson, Planner, asked for clarification that the applicant does not intend to remove the additional two signs as shown in the most recent submittal. Ms. Berberian confirmed that they would like to request all three wall signs on the north elevation.

Mr. Richardson stated that this request will need to be added as a deviation from the Planned Development in their proposal.

Chair Burger asked if the previous render is accurate to the full signage proposal. Chair Burger additionally asked if the applicant has had the chance to review staff comments on the ARC memorandum staff report. Ms. Berberian confirmed that they reviewed staff comments and

revised the submittal where applicable, such as moving the trash enclosure, providing a color render, and changing the monument sign colors for the pylon panels.

Chair Burger stated that the biggest issue with the proposal is that the proposed façade changes do not match the required appearance criteria for the Butterfield Square Planned Development. Chair Burger asked if this Planned Development allows for landlord approval or requires it for certain projects. Mr. Richardson stated that the landlord would be involved in the approval of the design and that their approval is taken into consideration when making a determination for the amendment. Additionally, McDonald's went through the same process when they altered their building facades from the Butterfield Square Planned Development architectural style.

Ms. Berberian stated that they do have landlord approval and support for the project.

Chair Burger asked for confirmation that the brick, green coping, and beige paint is the style that the Butterfield Square Planned Development enforces. Mr. Richardson confirmed.

Chair Burger asked if the applicant is painting what is existing or if there are additional additions. Ms. Berberian showed the location of stucco proposed for installation. The rest of the building materials will remain but be painted.

Mr. Richardson asked if the white backgrounds of the pylon panels for the monument signs will match the other pylon panels.

Commissioner Kollman pointed out the horizontal trim elements that separate brick and stucco and asked if the details would be maintained and just painted.

Ms. Berberian confirmed they intend to keep those elements and paint all of it.

Chair Burger asked for confirmation that the entrance will be a stucco applicate. Ms. Berberian confirmed.

Ms. Berberian additionally mentioned the addition and change of exterior lights. She pointed out the location and stated that they will comply with all codes and glare regulations.

Commissioner Kollman asked if landscaping is required. Mr. Richardson stated that landscaping is not required.

Commissioner Galo asked for clarification on the locations of the dog yard enclosures. Ms. Berberian showed the locations of the yards, explaining that artificial turf will be placed in the enclosures.

Mr. Richardson asked for clarification on the render where there appears to be brick in locations where it is not existing. Ms. Berberian clarified that it is shown like brick on the render to indicate it will be painted.

Chair Burger asked for the height of the fence. Ms. Berberian stated that it is 8' in height.

Mr. Richardson asked if any breathable paints will be utilized for the masonry. Ms. Berberian stated that they do not intend to use breathable paints and that the architect was concerned about applying anything between the brick and the paint.

Chair Burger stated that the Appearance Review Commission typically likes to see physical examples of the materials and finishes before making a recommendation but does not want to delay the timeline of the project for the Plan Commission and Board of Trustees.

Mr. Richardson stated that the Appearance Review Commission does not always require physical examples of the materials but that they may be requested as supplemental items for presentation. He stated that samples could be provided as complementary support material for the request for an amendment to change the exterior design style for a structure in the Butterfield Square Planned Development.

Chair Burger expressed concern that it is hard to understand or visualize the proposed beige color, which is why samples would be useful. She questioned whether the beige is intended to match the neighboring structures.

Ms. Berberian stated that the goal is not to match the neighboring structures because K9 Resorts has its own "K9 Resorts Beige" color as part of its brand.

Commissioner Kollman asked what the zoning requests are for this project. Mr. Richardson explained each request that has been submitted for review by the Plan Commission and Board of Trustees.

Commissioner Kollman asked if the Butterfield Square Planned Development contains material guidelines as part of its appearance criteria. Mr. Richardson stated that staff is not certain and does not have any material guidelines in front of them at the moment. He explained that the style is called "old world" and that the brick, beige paint, green coping, and shingles reflect this design.

Since this is specified in the Planned Development, any exterior differences must request an amendment to the Planned Development.

Ms. Berberian stated that the subject building already does not retain all of the exterior elements of neighboring structures, such as the roof style and strong green coping. She additionally noted that the Zengler's building has a black roof.

Commissioner Enochs asked for confirmation that all HVAC units will be screened. Ms. Berberian confirmed.

Commissioner Kollman stated that he does not object to the proposed façade changes, but expressed concern about the Plan Commission deciding on a departure from the existing style of the shopping center. He asked how the Plan Commission will consider the Appearance Review Commission's meeting. Mr. Richardson stated that the Plan Commission will use the Appearance Review Commission's recommendations on aesthetics to decide on the amendment to the Planned Development for an exterior design change.

Commissioner Kollman asked if the landlord's approval will be considered. Mr. Richardson confirmed that the Plan Commission will consider the landlord's approval in their decision.

The leasing representative for the property manager, Brixmor, gave public comment in support of the proposed façade changes.

Commissioner Enochs asked if the design choices are tied to national branding. Ms. Berberian confirmed that this is the reason for the design choices.

Chair Burger allowed time for public comment.

Mr. John Stewart and Mr. Jeff Cohr of Old Barn Circle provided public comment voicing concerns about noise from the proposed use. They asked for clarification if this was the correct meeting to address these concerns and whether they would have an opportunity to speak at the Plan Commission meeting.

Mr. Tony Repp, Deputy Director of Community Development, stated that this ARC meeting is primarily for aesthetic purposes to assess design choices for facades, signage, and colors. He clarified that any concerns regarding the request for a Special Use Permit should be given at the August 25, 2025, Plan Commission meeting.

Mr. Stewart and Mr. Cohr stated that the Commission should expect opposition from the Old Barn Circle community at the public hearing for the Special Use Permit.

Ms. Kara Macdonald, resident, asked for clarification on the size and location of the outdoor L-shaped enclosures for the dogs at the subject property. Mr. Richardson pointed out the location of the dog yards and the location of the one-way drive aisle that wraps around them.

Ms. Macdonald asked for the distance that the fence extends from the building on the east and south elevations. Mr. Richardson stated that the enclosures extend approximately 19 feet from the building to the east and south.

Commissioner Enochs asked if the K9 Resorts franchise requires conformity to national branding standards. Mr. Nisbet stated that this is the preference and that they would not like to get into a habit of not conforming.

Commissioner Villiard asked if the nearby Bank Financial outlot is part of the Butterfield Square Shopping Center. Mr. Richardson expressed uncertainty but stated that the Bank Financial is not likely included in the Butterfield Square Planned Development regulations.

Commissioner Villiard also pointed out that the Zengler's building does not appear to conform to the design standards of the Planned Development.

Mr. Richardson stated that he believes the Zengler's building is included in the Planned Development but may not have warranted an amendment to the Planned Development for exterior design changes.

Mr. Repp stated that he believes the Bank Financial is not part of the Planned Development regulations.

Ms. Berberian noted that there are two buildings in front of the subject building, which may prevent visibility.

Commissioner Kollman asked about the message on the additional wall signs proposed on the principal façade. Mr. Richardson stated that the applicant will need to request an additional deviation from the Planned Development for those wall signs. He explained that they may be subject to removal by the Plan Commission, but the Commission will consider the recommendation of the Appearance Review Commission.

Commissioner Kollman asked for clarification that the signage is not in compliance. Mr. Richardson confirmed that the signage is not in conformance with the Zoning Code because the Zoning Code allows a maximum of two business wall signs and only one per façade.

Commissioner Kollman asked if the letters were illuminated. Ms. Berberian stated that the letters are not illuminated.

Commissioner Kollman made a motion, seconded by Commissioner Galo to recommend the Village Board of Trustees approve the application for new building facades, lighting and signage at 1405 Peterson Road subject to the following condition: 1) The applicant shall provide physical samples of the proposed paint and stucco material for review by the Plan Commission and Village Board of Trustees.

Motion carried 4 - 1, with Commissioner Enochs voting against.

Acoustic Associates, Ltd.



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Comments on the Sound Anticipated from the Proposed K9 Resort

August 20, 2025

The annoyance from dog noise arises primarily from barking. Barking is an impulsive sound, defined as a high-intensity sound with a sudden onset. Other examples of impulsive sounds include gun ranges, pickleball courts, and hammering. The American National Standards Association considers such sounds as having an "adverse" character, which means a noise that is more annoying than a neutral character sound of the same sound level (dB). The Applicant, WCDR Libertyville, has proposed a dog boarding and daycare facility with an outdoor area at 1405 Peterson Road. Because such a facility will typically care for some 50 dogs every day, the Village of Libertyville was prudent in requesting a noise analysis.

Dogs at this type of facility bark the most when other dogs are moving down the aisles of the caged areas. But because the cages are indoors, as long as windows are well-designed, doors remain shut, and no outside air vents are placed in the external walls, such noise will be contained within the building. Accordingly, the only significant noise for this project is from dogs barking in the outside areas.

The Applicant retained Ostergaard Acoustical Associates (OAA), a highly respected acoustical consulting firm, to examine the dog noise issue relative to the State and local noise codes. It identifies the Libertyville noise code (*Zoning Article 12-1*) as identical to the State, which gives decibel (dB) limits for nine frequency bands. To simplify this code, an overall single-number value can be derived. For sound radiated from commercial to residential property during the daytime hours (defined as 7:00 AM to 10:00 PM), this single-number value is 55 dB(A) – a level slightly less than casual conversation. Since annoyance is based not only on intensity but also on duration, the State's limit pertains to a 1-hour time-average level.

Because of the adverse character of impulsive sound (e.g., barking), the State has a more stringent daytime limit of 47 dB(A) for such noise. This limit is also based on a 1-hour time-average. To explain, one or two barks in an hour would not be annoying. However, 100 barks likely would be a problem. Hence, time-averaging is a necessary element of evaluating the annoyance of dog noise.

An essential component when projecting noise to residential areas is the use of credible source data. OAA did this by observing and measuring dog noise at a K-9 Resorts facility. It found that even with 30 dogs in an outside area, dog barking was not a common occurrence. To more fully

examine the issue, OAA measured 25 barks from a large dog. It found an average barking level of 77 dB(A) at 25 feet from a lightweight vinyl fence. Using the 77 dB(A) reference level and factoring in a heavier, 8-foot high fence (as recommended), OAA extrapolated the average barking level to the nearest residential properties, one 250 feet south and 300 feet east of the proposed outdoor area. They projected a level of 52 dB(A) to the south property and 50 dB(A) to the east property.

While these levels seemingly exceed the State's 47 dB(A) impulsive noise limit, recall that the limit pertains to a 1-hour time-average. OAA calculated that it would take 17 minutes of dog barking – about 28% of an hour – to reach the time-average limit. Based on OAA's observations and discussions with K-9 Resort representatives, barking rarely occurs for more than about three minutes or 5% of the time. This low proportion of time is because dogs are supervised, and barking is quickly addressed by the staff.

General Comments

The only element to reduce dog noise for this project is the fence. The fence proposed is a solid vinyl fence with a sound transmission class (STC) rating of 23 dB. This means the sound that goes through the fence is reduced by 23 dB. The second path is the sound that goes over the top of the fence. In acoustics, the higher the fence, the greater the sound reduction. OAA has recommended a heavier fence to ensure an adequate STC and an 8-foot high fence to ensure sufficient attenuation over the top.

In my experience of observing different types of dog areas, dog barking is significantly minimized by two features:

- 1) A solid fence that obstructs the dog's view of stimulants outside the fenceline. For example, if dogs can see other people or animals outside their exercise area (such as through a chain link fence), they are more likely to bark.
- 2) A trained staff that quickly corrects a situation where a dog begins barking. For example, dog parks with only owners are less likely to address and control a barking issue.

In summary, based on the proposed plans and the OAA report, I concur that this facility should meet the local and State noise codes at nearby receivers. Furthermore, based on the expectation that well-trained staff members can quickly address dog barking episodes, I do not anticipate that the facility will present an annoyance to nearby residential areas.

Submitted by,



Dr. Thomas Thunder, AuD, FAAA, Bd. Cert INCE Emeritus
Audiologist and Acoustical Specialist
Adjunct Faculty (Emeritus) – Rush University and Northern Illinois University