

APPROVED MINUTES
VILLAGE OF ANTIOCH
PLANNING AND ZONING BOARD
MUNICIPAL BUILDING: 874 MAIN STREET, ANTIOCH, ILLINOIS
February 8, 2007

CALL TO ORDER

The Antioch Planning and Zoning Board meeting was called to order by Chairman Burdick at 7:30 p.m. in the Municipal Building, 874 Main Street, Antioch, Illinois 60002.

MOMENT OF SILENCE

Chairman Burdick asked the audience for a moment of silence to honor former Planning & Zoning Board Member Brad Ipsen. Mr. Ipsen was a member of the Planning & Zoning Board for many years and served the Antioch community in several ways.

ROLL CALL

Roll call indicated the following members were present: Cole, Kaiser, Ralston, Keller and Karasek. Also present were Chairman Burdick, Deputy Clerk Folbrick, Village Administrator Michael Haley and Attorney Magna.

MINUTES

Member Keller moved, seconded by Member Cole, to approve the minutes from the January 11, 2007 meeting as presented. Member Karasek mentioned that, at the January 11, 2007 meeting, Attorney Magna suggested that the plan track with the PUD Special Use and the board adjusted the motion accordingly, but that was not included in the minutes.

Member Karasek moved, seconded by member Kaiser, to amend the minutes to add that the plans track with the Special Use PUD. Upon roll call, the vote was:

YES: 5: Cole, Kaiser, Ralston, Keller, Karasek.

NO: 0.

ABSENT: 1: Vacant Position.

THE MOTION CARRIED.

Member Keller moved, seconded by Member Karasek, to approve the minutes from the January 11, 2007 meeting as amended. Upon roll call, the vote was:

YES: 5: Cole, Kaiser, Ralston, Keller, Karasek.

NO: 0.

ABSENT: 1: Vacant Position.

THE MOTION CARRIED.

ANNOUNCEMENTS AND CORRESPONDENCE

No report.

OLD BUSINESS

PZB 06-15 – A request for a rear yard variation; 629 Asbury Court; PIN 07-401-102.

Director Nilsen explained to the Board that the Village Board did not take any action on this item, but requested that staff work with the applicant to see if there was an alternative to their proposal. He showed that the configuration has been changed to reduce the encroachment in the rear setback by five feet. He said that they have taken the encroachment from the rear and redistributed it to the side yard where it is permitted. Director Nilsen stated that staff now recommends approval of this item.

Deputy Clerk Folbrick administered the oath to those who wished to offer testimony.

APPROVED MINUTES

Member Karasek asked if J.U.L.I.E. had been out to the property to mark any utilities. Mr. Tom Straka explained that he has had J.U.L.I.E. out in the past, and the only utility at that time was a phone utility which ran west across the front of his property. He explained that there are no utilities on the rear easement.

Chairman Burdick asked the petitioner if all of the standards of variation have been met. Mr. Straka replied yes.

Member Cole moved, seconded by Member Keller, to approve PZB 06-15; A request for a rear yard variation; 629 Asbury Court; PIN 07-401-012; per the memo dated February 2, 2007 from Director Nilsen. Upon roll call, the vote was:

YES: 5: Cole, Kaiser, Ralston, Keller, Karasek.

NO: 0.

ABSENT: 1: Vacant Position.

THE MOTION CARRIED AND WILL BE PRESENTED TO THE VILLAGE BOARD OF TRUSTEES.

NEW BUSINESS

PZB 07-01 – Antioch Marketplace request for Rezoning Pending Annexation from Lake County E to B-2, General Retail, with a Planned Unit Development Special Use, and Preliminary PUD plat approval pursuant to Section 10-14-4 and 10-9-3-2 of the Antioch Village Code; The parcel is generally located on the West side of Brown Avenue and North of Illinois Route 173.

Deputy Clerk Folbrick read aloud the public hearing and administered the oath to those who wished to offer testimony.

Attorney Magna asked the audience to follow certain procedures in the interest of time and efficiency. He explained that this type of hearing is evidentiary where testimonies and evidence are taken into record. He asked that if anyone is speaking as a licensed professional, they state their certifications and qualifications.

Attorney Gerald P. Callaghan of Freeborn and Peters LLP spoke on behalf of Antioch BB LLC. He entered the proof of notice to surrounding property owners into record. Attorney Magna verified that the person who signed the document is certifying, under oath, that the notice was served upon those attached in the document. Attorney Callaghan stated that is correct. Attorney Magna asked if the notice was given to everyone within the proximity of the property as required. Attorney Callaghan stated that the notice was distributed following the Village of Antioch standards.

Attorney Callaghan stated that the area to be developed is a proposed shopping center located on approximately 73 acres of property. He explained that although the area to be developed is 73 acres, the area of the property included in the petition is approximately 147 acres. The area outside of the 73 acres will be preserved with a conservation restriction. Attorney Callaghan stated that the slides included in his presentation will be marked as exhibits and put into the record. He explained that the property is currently located in four different zoning classifications, and is partially located in the Village of Antioch and partially located in unincorporated Lake County. The portion of the property located in the Village of Antioch is currently zoned M-1. The other three zoning classifications include OS (Open Space), R-1 (Residential) and an estate zoning (E) in unincorporated Lake County. The proposed rezoning is B-2 for business development. Attorney Callaghan explained their requests to the Board including annexing approximately 83 acres, rezoning all of the property, a special use permit for a planned unit development for a shopping center, and a preliminary subdivision approval. He stated that they have received staff comments from the Village of Antioch within the past few days, however they would not be addressing those comments at this meeting. They will review the comments and respond to them at a later date.

Mr. Andrew Goodman of GMX Real Estate Group presented the proposal to the Board. A description of his company, and their related projects was entered into the record. After determining the

APPROVED MINUTES

wetland and detention impacts on this property, they expect 600,000 square feet of retail development. He explained that they already have preliminary commitments from national anchor tenants such as Lowes, Target and Kohls.

Mr. Michael Laube of Laube Companies entered his qualification statement into the record. Mr. Laube reviewed the fiscal impact report for this development, stating that they expect approximately \$1.86 million annually in total property taxes and \$1.32 million in municipal sales taxes. He also explained that this development could create up to 800 new retail jobs.

Enrique Castel of JTS Architects entered his curriculum vitae (c.v.) into the record. Mr. Castel reviewed the proposed ingress, egress, internal access, parking, design, lighting, and signage of the development. He explained that an additional 100-foot buffer will be included along the wetlands based on the US Army Corps of Engineers (USACE) requirements. The proposed entrances will be located at Brown Avenue, Lincoln, and a $\frac{3}{4}$ access just past Grimm Road. There will be 2 internal roadways; one connecting the outlot and the parking field, and one in front of the main shopping center along with a rear truck delivery access. Mr. Castel explained that he has worked closely with the three proposed box stores, and in following the Route 173 corridor study he has created the building design as presented.

Nicholaus Zaluzec of Walsh Landscape Construction entered his c.v. into the record. Mr. Zaluzec described the proposed landscaping plan for the Antioch Marketplace. He explained that the landscaping design for the intersections will coordinate with the entry of the Marketplace. Benches and planters will be used to define the shop entrances.

Mr. Luay Aboona of Kenig, Lindgren, O'Hara, Aboona, Inc. entered his c.v. into the record. Mr. Aboona discussed the traffic impacts and access needs of this development. He stated that this study was prepared in accordance with the Illinois Department of Transportation (IDOT) and was submitted to IDOT for their review. Mr. Aboona said that the study examined traffic counts during various times of the weekdays as well as a Saturday. He explained that the other developments in the area were considered when conducting this study. Based on their study, the proposed signalized intersections will be located at the access points of Brown Avenue and Lincoln Avenue on Route 173. The third access point will be west of Grimm Road. Illinois Route 173 will be widened to provide two thru-lanes in each direction as well as left and right turn lanes into the site. Mr. Aboona explained that Brown Avenue will be upgraded and improved as the major access to the site.

Chairman Burdick asked what date the study was completed. Mr. Aboona stated that the study was done in April, 2006. He explained that another study was done with the consideration of the Neumann Homes development in the spring and summer, and that study did not show a significant difference between the two seasons.

Member Karasek asked what the distance was between the signalized intersections at Brown and Lincoln. Mr. Aboona replied that it is approximately 1,200 feet between Brown and Lincoln. Attorney Magna clarified that the State of Illinois must approve any signalized access on Route 173.

Mr. John Prusko, an engineer for Woolpert, Inc., summarized his qualifications for the Board. He stated that he is a project manager for Woolpert, Inc., a licensed professional engineer in the State of Illinois and Michigan, and has over 18 years of engineering experience. Mr. Prusko presented a brief overview of the engineering site plan. He stated that they have filed a permit with the USACE. He said that they have also met with the Lake County Storm Water Management Commission as well as the Village of Antioch. Mr. Prusko explained that the site will be serviced by the municipal water system as well as the municipal sanitary sewer system. He stated that they have contacted the utility companies for gas, electric and telephone, and have received will serve letters stating that they are able to provide their services to the facility. Mr. Prusko reviewed the storm water management at the development site. The storm water will be treated by a naturalized wetland bottom storm pond system. He explained that the storm water discharge will not enter into Silver Lake, but will go West towards a tributary of Sequoit

APPROVED MINUTES

Creek. The storm water will go through the wetland bottom pond design where it will diffuse out through a level spreader. The storm water ponds are designed to release at a 2 year rate. The storage capacity of the ponds meets all necessary requirements. The development has been divided into four different areas to treat the storm water. The first two areas of the development are the Southwest and Southeast parking areas, which will be treated by two pre-treatment ponds located in the rear of the development through a traditional storm water piping system as well as additional environmental enhancements. The third section of the development is the service drives and facilities behind the retail stores. Because of the nature of activity in this area, it will need extra treatment. The storm water in this area will be collected and contained through a piping system where it will be sent to an oil and sediment collector. The final section that collects storm water is the main line roof water. Because this water does not come into any contact with vehicles, it will be pumped into the main basin.

Chairman Burdick asked the size of the detention basin. Mr. Prusko replied that it is approximately 6 acres. Chairman Burdick asked how far the detention basin is from Silver Lake. Mr. Prusko stated that is roughly 100 feet from Silver Lake.

Member Karasek asked if a large rain or large water flow could cause an overflow that would cause the material which is sent to the spreader to go into one of the basins. Mr. Prusko stated that they sent volume calculations based on the anticipated flows through the rain events to the manufacturer of the system and they size the basin based on those calculations.

Member Ralston asked if the parking surface was permeable. Mr. Prusko replied that it is not due to the geological conditions of the area.

Mr. Scott Kuykendall of Hey and Associates entered his c.v. into the record. He explained that they initiated the wetland delineation on this property in Spring 2006, and developed a site plan in coordination with the USACE and the Village of Antioch. Mr. Kuykendall explained that there are three wetlands located on this site. The first wetland encompasses Silver Lake and Sequoit Creek, the second wetland is an excavated basin which is connected to the first wetland by a culvert located underneath an existing access road, and the third wetland (farmed wetland 1) is located on the far Northeast corner of the property. The first wetland will be preserved in its entirety, whereas wetlands two and three will be impacted and mitigated. All of the wetlands are under the USACE jurisdiction. They have submitted a regional permit one to the USACE and conducted a pre-application meeting with both the USACE and the Fish and Wildlife Service prior to the completion of the application. Mr. Kuykendall stated that the cumulative impact will be 1.06 acres. He explained that, for the 1.06 acres of impacted wetlands, there will be 6 acres of mitigation. Of the six acres of mitigation, two acres will be on-site by enhancing over 8 acres of degraded wetland. The remaining four acres of mitigation will be off-site by funding up to 18 acres of wetland restoration and creation at Chain-O-Lakes State Park. Mr. Kuykendall presented the site plan to the Board which illustrated the naturalized detention basins and bioswales. Bioswales capture storm water and interact with the soils and the vegetation to add cleansing capabilities. In order to decrease the stress on vegetation in the main basin, the runoff will go to a pre-treatment basin where particulates will settle, and then flow through the main basin. This system provides interaction with vegetation, soils, and provides a maximum amount of water clarity through natural functions. The system also provides habitat.

Mr. Stephen McChesney of Hey and Associates entered his c.v. into the record. Mr. McChesney recognized the impact of construction on storm water, and stated that the site will be disturbed for a short period of time, but in a substantial way. In order to reduce the risk of storm water impacts during construction, they have created a soil erosion and sediment control plan. Mr. McChesney reviewed the design of the erosion control plan, stating that the purpose is to retain storm water on the site, and only release the storm water by treating it through a pumping system. He explained that any runoff on the site is confined to basins, which provide a place for sediment to fall out of the water. Mr. McChesney stated that the runoff is monitored during the pumping of the storm water. There are four steps in the storm water pollution prevention plan including stabilization, retention, inspection and maintenance.

APPROVED MINUTES

Chairman Burdick asked if this was the same system that is currently located at the Menards site. Mr. McChesney said that it was essentially identical, but with an improved design. Chairman Burdick asked staff if there were known problems with the Menards site. Director Keim said that the treatment of stormwater is functioning very well.

Member Karasek asked where the clean water will be discharged at the end of the track. Mr. McChesney replied that it will be discharged at the tributary to Sequoit Creek.

Attorney Magna notified Attorney Callaghan that the Village of Antioch will require advanced bonding or letters of credit to make certain that what has been promised will be completed.

Mr. James Cole of 285 Chestnut asked how much the elevation of Brown Avenue will be reduced. Mr. Prusko responded that Brown road will remain essentially where it is currently at the Southeast corner of the site.

Judy Martini of the Lake County Board asked how far past the development they plan on expanding Route 173. Mr. Aboona responded that they will carry the 5-lane cross section past Grimm Road, and then start tapering down West of there. Ms. Martini asked if they took into consideration the build out of Neumann Homes, Pulte Development, White Tower Farms, and the Pedersen property when conducting the traffic study. Mr. Aboona replied that they took into account all of the development as well as the build out of the Menards site and all of the retail associated with that. He stated that, as part of the background growth, they assumed an aggressive five or six percent per year over the next six years of growth.

Mr. John Piet of 22528 Lillian Place asked how the water drained in another direction will affect the trees on his lot. He also asked if the polymers would eventually sink into the dirt and wells. Mr. McChesney replied that particle sizes may remain for a matter of months before the polymer breaks down. He explained that the polymer itself is EPA approved and environmentally benign. Mr. Piet stated that there were oak trees marked with tags on Brown Avenue and asked if those trees were tagged to be removed. Mr. Kuykendall replied that the tags are from the tree survey. He stated that any trees that are removed will be replaced per the Village of Antioch Code. Mr. Piet asked if the sitelines would be compromised. Mr. Kuykendall said that they will maintain the tree line within the buffer, as well as replanting a portion of the trees.

Ms. Julie Pasqua of 22528 Lillian Place asked if there was going to be any control signs on Brown Avenue. Mr. Goodman stated that they would be happy to have control signs.

Ms. Katherine Oliver of 22498 Route 173 expressed concern with the removal of older trees whose aging cannot be replaced. Mr. Kuykendall stated that not every tree that is tagged will be removed. Ms. Oliver asked if the water draining from the site will affect the level of Little Silver Lake. Mr. Prusko replied that it will not affect the level of the lake.

Ms. Pasqua asked if any holidays were included in the traffic study. Chairman Burdick replied that the traffic study is an overall average, and any community would conduct the same type of study. He explained that summertime traffic will be addressed.

Mr. Mike Adam of the Lake County Health Department (LCHD) asked if the pipe under Route 173 will be plugged or diverted because of erosion control problems in the Laguna Subdivision. Mr. Prusko replied that the improvements along Route 173 are issues that IDOT must address. He stated that there are approximately 11 acres currently on the site that drain onto Route 173 that will be directed away from the highway.

APPROVED MINUTES

Mr. Cole asked again about the elevation on Brown Avenue. Mr. Prusko replied that there will be dirt removed from Brown Avenue to flatten the road as it goes North, which will then change the elevation.

Ms. Patricia Vanlerberghe of 22554 W. Lillian Place asked if the rezoning of the property would extend to the residential area. Attorney Callaghan replied that the developer may only request rezoning on property which is owned by the developer. Attorney Magna explained that the Village of Antioch has no jurisdiction to change zoning outside of its municipal boundaries. Ms. Vanlerberghe asked what point Brown Avenue would be reduced from 5 lanes to a single lane. Attorney Callaghan replied that the road would only be improved at the development site.

Mr. Piet asked if the lighting and building height at the site have been addressed. Mr. Castel responded stating that the entire front of the building will be 35 feet with the exception of the Lowe's and Target peaks. The rear of the property will be maintained at a maximum of 31 feet. He explained that the security lighting will be facing downward in order to keep the zero-foot candle lighting from exceeding the property line.

Mr. Edward Sternberg of 41784 N. Deep Lake Road commented that he lives close to the Wal-Mart development, and that lights are not a problem as a result of that development.

Ms. Teri Pyles of 41078 Lincoln Drive asked about the lighting in the front of the development. Mr. Goodman replied that the lighting on the property is for safety reasons and will not spill onto the neighbor's property. Ms. Pyles asked if there would be left turn lane on Lincoln and Grimm Roads going West on Route 173. Mr. Aboona replied that there would be left turn lanes at both intersections. He explained that there will be a five-lane cross section on Route 173 that would carry through the entire length of the development. Ms. Pyles asked if Loon Lake will be affected by the flow from the development. Mr. Prusko stated that it will not be a significant impact.

Ms. Geraldine Michael of 41110 Lincoln Drive asked who decides the speed limits on Route 173. Chairman Burdick replied that the speed limits are a state requirement. Mr. Aboona stated that the community can submit a request to the state to reduce the speed limit, but the decision is ultimately up to IDOT.

Mr. Eric Roe of Silver Lake Avenue asked if the communities on the North and South side of Silver Lake would be surrounded by annexation of the Village of Antioch. Chairman Burdick said that is correct. He explained that the decision would be up to Silver Lake and whether or not they wanted to be annexed into the Village. Attorney Magna explained that a municipality can only take an entire area of land that is encompassed by that municipality if the land is 60 acres or less. Mr. Roe asked if this development will be under the same chloride/salt restriction as the Wal-Mart development. Mr. Goodman stated that they are open to suggestions for de-icing the parking lot. Chairman Burdick said that environmental issues such as this will be addressed in the PUD.

Mr. Piet inquired about the hours of operation for the stores that will be located in this development. A representative from Lowes stated that their normal hours of operation are from 6:00 am to 10:00 pm, with extended summer hours. Mr. Goodman stated that some of the other anchor stores are typically open on Monday through Saturday from 8:00 am to 10:00 pm and Sunday from 10:00 am to 8:00 pm with holiday hours varying. At this time they do not plan on any tenants with a 24 hour operation.

Ms. Mary Dominiak of 22553 West Silver Lake Avenue asked if this presentation would be available to the public for review. Director Nilsen replied that it will be made available to the public. Ms. Dominiak asked if the tax revenues are net amounts. Mr. Laube replied that the numbers in the presentation are gross taxes. Ms. Dominiak asked how many acres for retail development are stated in the comprehensive plan. Director Nilsen said that the recommendation in the 1991 comprehensive plan

APPROVED MINUTES

is 29 acres. Ms. Dominiak asked if the developer plans on using local union and construction workers for the construction of this development. Mr. Goodman replied that they plan to use local contractors. Ms. Dominiak asked if the IEPA has been involved in this project. Mr. Kuykendall replied that they have submitted for a regional permit from the ACE which is intertwined with the IEPA. Ms. Dominiak asked what the narrowest point in the buffer would be. Mr. Kuykendall stated that the buffer averages 100 feet along the lake, but varies from 80 feet to 120 feet. Ms. Dominiak asked if the Village could place restriction on the hours of operation and delivery. Attorney Magna stated that it is possible. Ms. Dominiak suggested the approval of this project with the consideration of a large berm and substantial landscaping in order to block the view of the development from the neighboring properties.

Member Cole asked if there was a list of the types of trees and their conditions in the tree survey. Mr. Prusko stated that the tree survey is still being completed and should be done within the next two weeks. Member Cole asked if a safe ingress and egress would be maintained during the construction of Brown Avenue. Mr. Prusko replied that it would be safe.

Member Ralston asked if the narrow piece of property which is not included in this development may be considered in the future. Mr. Goodman replied that they have not had successful contact with the owner to this point.

Mr. Jim Sheehan of 22723 W. Silver Lake Avenue inquired about the storm water discharge that will be directed to Sequoit Creek and if the Creek can handle the additional discharge. Mr. Prusko replied that the discharge from the site is being released at a two-year flow rate, which is less flow that is currently going to the site.

Ms. Pasqua asked if the global impact of the water had been considered. Attorney Magna stated that the Village of Antioch Watershed Development Ordinance (modeled after Lake County) requires that water cannot be released from a piece of property at a greater rate of flow than in its natural state.

Director Nilsen stated that the Board is in possession of his staff report, which includes an overview of the issues discussed. He explained that their request indicates a rezoning pending annexation, and creation of a special use preliminary planned unit development. He stated that the Village Board will take action regarding this annexation in a separate public hearing. He said that all of the State agencies have been contacted. All of the improvements for this development will be based on approval from IDOT and DNR. Director Nilsen explained that they will not come back to this board until all of the issues are resolved and the staff is satisfied with all of the information given to them by the developer. He recommends a continuation of this hearing.

Member Ralston moved, seconded by Member Cole, to continue PZB 07-01; Antioch Marketplace request for rezoning pending annexation from Lake County E to B-2, general retail, with a planned unit development special use, and preliminary PUD plat approval pursuant to Section 10-14-4 and 10-9-3-2 of the Antioch Village Code; to March 8, 2007. Upon roll call, the vote was:

YES: 5: Cole, Kaiser, Ralston, Keller, Karasek.

NO: 0.

ABSENT: 1: Vacant Position.

THE MOTION CARRIED AND WILL BE CONTINUED TO MARCH 8, 2007.

APPROVED MINUTES

ADJOURNMENT

There being no further discussion, Member Cole moved, seconded by Member Keller to adjourn the Planning and Zoning Board meeting at 10:19 p.m.

Respectfully Submitted,

Lori K. Folbrick
Deputy Clerk