IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

The Catholic Bishop of Chicago)
)
vs.)
)
The Village of Libertyville)

General No. 17MR1013

FILED
JUN 19 2017
Eric Covington Weinstein
CIRCUIT CLERK

CERTIFICATE OF ATTORNEY – CIVIL DIVISION

1) Pursuant to Local Rule 3.01(c), I hereby certify that:

☒ There has been no previous Voluntary or Involuntary Dismissal of the subject matter of this litigation.

☐ There has been a previous Voluntary or Involuntary Dismissal of the subject matter of this litigation and at the time of dismissal that Case No. _____ was assigned to the

Honorable _____

☐ There is no other litigation presently pending in the county involving these parties.

☐ There is other litigation presently pending in the county involving the parties to or subject matter to this lawsuit and that case(s) is/are assigned Case No.(s)_____ which is/are assigned to the

Honorable _____

2) Are you seeking any injunctive relief?

☐ Yes - Select the appropriate case subtype under the Chancery-CH heading below.
☒ No - Select the appropriate non-Chancery case subtype below.

This data is being gathered for administrative purposes and will not be used for any other purpose.

Arbitration – AR
- ☐ Arbitration/Tort
- ☐ Arbitration/Contract
- ☐ Foreign Judgment
- ☐ Subtype Not Listed

Chancery – CH
- ☐ Residential Mortgage Foreclosure
- ☐ Residential Mortgage Foreclosure w/Mechanics Lien
- ☐ Non-Residential Mortgage Foreclosure
- ☐ Injunction
- ☐ Specific Performance
- ☐ Mechanics Lien Foreclosure
- ☐ Complaint for Rescission
- ☐ Partition
- ☐ Quiet Title
- ☐ Class Action
- ☐ Structured Settlement
- ☐ Foreign Judgment
- ☐ Subtype Not Listed

Eminent Domain – ED
- ☐ Eminent Domain
- ☐ Condemnation
- ☐ Subtype Not Listed

Law Magistrate – LM
- ☐ Forcible Entry and Detainer
- ☐ Replevin
- ☐ Detinue
- ☐ Distress for Rent
- ☐ Foreign Judgment
- ☐ Confirm Arbitrator's Award
- ☐ Confession of Judgment
- ☐ Subtype Not Listed

Law – L
- ☐ Tort
- ☐ Contract
- ☐ Product Liability
- ☐ Medical Malpractice
- ☐ Legal Malpractice
- ☐ Forcible Entry and Detainer
- ☐ Replevin
- ☐ Accounting Malpractice
- ☐ Foreign Judgment
- ☐ Confirm Arbitrator's Award
- ☐ Subtype Not Listed

Municipal Corporation – MC
- ☐ Annexation
- ☐ Disconnection
- ☐ Subtype Not Listed

Miscellaneous Remedy – MR
- ☒ Declaratory Judgment
- ☐ Corporation Dissolution
- ☐ Election Contest
- ☐ Mandamus
- ☐ Habeas Corpus
- ☐ Review of Administrative Proceeding/Statutory
- ☐ Review of Administrative Proceeding/Certiorari
- ☐ Quo Warranto
- ☐ Change of Name
- ☐ Forfeiture
- ☐ Fugitive from Justice
- ☐ Search Warrant
- ☐ Application for Eavesdropping Device
- ☐ Foreign Judgment
- ☐ Request for Subpoena/ Foreign Jurisdiction
- ☐ Non-Attendance of Jurors
- ☐ Miscellaneous
- ☐ Subtype Not Listed

Tax – TD
- ☐ Deeds
- ☐ Subtype Not Listed

Probate – P
- ☐ Decedent/Testate > $15,000
- ☐ Decedent/Intestate > $15,000
- ☐ Decedent/Testate $15,000 or less
- ☐ Decedent/Intestate $15,000 or less
- ☐ Guardianship of Person/ Disabled Person
- ☐ Guardianship of Estate/ Disabled Person
- ☐ Guardianship of a Person and Estate/Disabled Person
- ☐ Guardianship of Person/ Minor
- ☐ Guardianship of Estate/Minor
- ☐ Guardianship of Person and Estate/Minor
- ☐ Proof of Heirship Alone
- ☐ Foreign Judgment
- ☐ Subtype Not Listed

Tax – TX
- ☐ Objections
- ☐ Disposition of Collections of Judgment of Settlement
- ☐ Sale in Error
- ☐ Subtype Not Listed

Print Name ~~Robert T. O'Donnell~~ Adam J. Finnell

Signature _____

☒ Attorney ☐ Self-Represented Litigant

171-366 (Rev 5/16)

FILED

IN THE CIRCUIT COURT OF NINETEENTH JUDICIAL DISTRICT
LAKE COUNTY, ILLINOIS

JUN 19 2017

Eric Covington Weinstein
CIRCUIT CLERK

THE CATHOLIC BISHOP OF CHICAGO,
a corporation sole,
Plaintiff,

v.

THE VILLAGE OF LIBERTYVILLE,
a municipal corporation
Defendant.

17MR1013

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Plaintiff, The Catholic Bishop of Chicago (a/k/a the Archdiocese of Chicago) ("Plaintiff") by and through its attorney, O'Donnell Haddad LLC, for its complaint against the Village of Libertyville (the "Village"), states as follows:

NATURE OF ACTION

1. This action is brought pursuant to the due process clause of the Illinois Constitution and in accord with 65 ILCS 5/11-13-25(a).

2. Plaintiff is the owner of 39.5 acres of property within the Village (the "subject property"). The subject property is currently zoned IB (Institutional Building).

3. In 2016, Plaintiff and its then-contract purchaser, The Roanoke Group, LLC, ("Roanoke") applied to the Village for a re-zoning of the Subject Property, and other zoning relief, i.e., a special use permit, a preliminary plat of subdivision and a planned development concept plan, which would allow Roanoke to develop the subject property with 148 single family homes.

4. On March 21, 2017, the Village's Board of Trustees denied Plaintiff/Roanoke's request for the re-zoning and denied the other requested zoning relief. Attached as Exhibit 1 are the minutes of the March 21, 2017 Board of Trustees Special Meeting at which the Village formally denied the requested re-zoning and the other zoning relief.

5. Plaintiff now challenges the Village's refusal to re-zone the subject property and the Village's refusal to allow the proposed development of the subject property as set forth in Plaintiff's/Roanoke's application, as amended.

6. As relief, Plaintiff asks that the Court find that: (i) the current zoning of the Subject Property is arbitrary and capricious as evaluated by the factors set forth in *LaSalle National Bank of Chicago v. County of Cook*, 12 Ill. 2d 40 (1957), and *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill. 2d 370, 378 (1960), and (ii) that Plaintiff's proposed development of the Subject Property, as set forth in its application, is reasonable. As such, Plaintiff asks that the Court order the Village to grant zoning approval for Plaintiff's proposed development of the subject property.

THE PARTIES, JURISDICTION AND VENUE

7. Plaintiff, known colloquially as the Archdiocese of Chicago, is organized as an Illinois corporation sole, established by a special act of the Illinois legislature, with its principal place of business in Chicago, Illinois.

8. The Village is an Illinois non-home rule municipality, located in Lake County.

9. Venue is appropriate in Lake County because both the subject property and the Village are located in Lake County.

THE CURRENT ZONING OF THE SUBJECT PROPERTY IS ARBITRARY AND UNREASONABLE

The Subject Property

10. The subject property is 39.5 acres, located southwest of Butterfield Road and east of the Pine Meadow Golf Club, in Libertyville, Illinois. The subject property is composed of properties with the following PINs: 11-17-300-032, 11-17-300-033. The subject property is the northern part of a larger tract in the Village owned by Plaintiff, which larger tract totals 97 acres.

11. An aerial photograph showing the subject property, with the subject property identified by a blue outline, is attached hereto as Exhibit 2.

The Zoning of the Subject Property

12. The subject property is currently zoned IB (Institutional Building).

13. Section 8-3.1 of the Village's Zoning Code describes the purpose of the IB zoning district as follows:

> The IB Institutional Building District is established to accommodate existing and future public buildings and buildings having purposes and impacts similar to public buildings.

14. Because the IB zoning classification is intended for public buildings, the IB zoning classification severely limits the ways in which a private land owner can use its property.

15. Per Section 8-3.2 of the Village's Zoning Code, permitted uses in the IB district include, "Arts, Entertainment, and Recreation, but limited to Museums;" "Educational Services, but limited to Elementary and Secondary Schools," "Public Administration," "publicly owned parks, playgrounds, forest preserve, botanical gardens, arboreta, conservatories, recreational areas, and other open spaces," and "Village-Owned Structures." Residential uses are not permitted in the IB district.

16. The Village acknowledged that the IB zoning classification is inappropriate for the subject property when, in 2010, the Village amended its Comprehensive Plan through Ordinance 10-O-109, which the Village adopted on December 14, 2010. A copy of Ordinance 10-O-109 is attached as Exhibit 3.

17. Through Ordinance 10-O-109, the Village amended its Comprehensive Plan and adopted a "Subarea Plan" for the 97 acres owned by Plaintiff. See Exhibit 3, p. 2.

18. The Subarea Plan adopted by the Village calls for the northern 33 acres of the 97 acres to be used for "a mix of single-family, two-family, and medium density townhouse developments," with a maximum density of 191 units. Exhibit 3, p. 2. The northern 33 acres identified in the Subarea Plan is part of the subject property.

19. The Village amended its Comprehensive Plan to encourage residential development on the subject property in accord with findings of fact and a report prepared by the Village Plan Commission. Exhibit 3, p. 2.

The Uses and Zoning of Neighboring Property

20. The uses and zoning of neighboring property is depicted on Exhibit 4.

21. The property to the north/northeast of the subject property, across Butterfield Road is the Butterfield School, a public elementary school, and is zoned IB. North of the Butterfield School is a residential subdivision, zoned R-5, and developed with single family homes.

22. The diamond-shaped parcel north and east of the subject property is zoned IB and owned by Lake County. However, pursuant to a written agreement with Lake County, Plaintiff has a right to use that parcel (as detention) as part of its development.

23. The property to the immediate east of the subject property is a utility right of way, approximately 300 feet wide. To the east of the right of way, north of Butterfield Road, is a residential subdivision, zoned R-4 and developed with single family homes. To the east of the right of way, south of Butterfield Road, the property is zoned IB and developed with a church. The property surrounding the church is zoned R-5. Further south, and west of Butterfield Road, is a residential subdivision zoned R-6 and developed with single family homes.

24. The property to the south of the subject property is the remaining acreage owned by Plaintiff. This property is also zoned IB and is undeveloped.

25. The property to the west of the subject property is Pine Meadow Golf Course, located in the Village of Mundelein.

26. The IB zoning classification given to the subject property is inconsistent with the uses and zoning of neighboring property, and inconsistent with the Village Comprehensive Plan.

27. The property to the north of the subject property is zoned IB. That property is appropriately zoned IB because the property is owned by School District 70 and is used in a manner consistent with the IB classification.

28. Plaintiff, unlike School District 70, is a private land owner. The owners of private property in the vicinity of the subject property have been able to develop their property, consistent with the R-4, R-5 and R-6 zoning classifications given to their property.

29. By adopting Ordinance 10-O-109 and revising its Comprehensive Plan in 2010, the Village acknowledged that the IB zoning classification is unduly restrictive and the subject property should be developed as a mixed density residential development.

The IB Zoning Classification Severely Diminishes the Subject Property's Market Value

30. Since the 1920s, the subject property has been owned by Plaintiff. In July 2014, Plaintiff entered into a written agreement to sell the property to Roanoke, subject to Roanoke obtaining approval from the Village for the Roanoke's proposed residential development. The contract with Roanoke was amended from time to time with the last amendment being dated September 14, 2016.

31. The sale price for the property was in excess of $10 million. However, under the terms of the contract, Roanoke's obligation to purchase the subject property was contingent on the Village re-zoning the subject property and approving Roanoke's proposed development.

32. Because the subject property was not re-zoned, Roanoke elected to terminate its contract with Plaintiff.

33. Other buyers who have expressed an interest in purchasing the subject property have also insisted that the purchase be contingent on the subject property being re-zoned to allow residential development. No buyer has been willing to purchase the subject property if the zoning remains IB.

34. The Village's failure to re-zone the subject property and failure to approve Roanoke's proposed development have caused the value of the subject property to be severely diminished, as compared to the value of the subject property if re-zoned as requested by Plaintiff.

The Hardship on Plaintiff Is Not Offset by Any Benefits to the Community

35. Because of the limited uses allowed in the IB district, the IB zoning classification effectively keeps the subject property from being developed.

36. As the Village itself has recognized, the IB zoning classification, which effectively prevents private development, provides no real benefit to the community because, *inter alia*, the IB zoning classification is not the "highest and best use" of the subject property. Exhibit 3, p. 2. Further, there is no need for the uses that are allowed by the IB zoning classification.

37. There are no tangible benefits to the community derived from keeping the subject property zoned IB, or by preventing the subject property from being developed with single family homes.

38. The Lake County Division of Transportation has determined that, if the subject property is developed according to plan submitted to the Village, the proposed access to and from the property (i.e., to/from Butterfield Road) will be safe and effective. Therefore, keeping the property undeveloped does not provide a benefit to the community in terms of traffic safety.

39. Because there are no tangible benefits to keeping the subject property zoned IB, the harm to Plaintiff with respect to the depressed value of the subject property under the currently IB zoning classification, is not offset by any benefits to the community.

The IB Zoning Classification is Not Suitable for the Subject Property

40. For the reasons identified in Paragraphs 14-19 and 36-40, above, the IB zoning classification is not suitable for the subject property.

The Length of Time the Property Has Remained Undeveloped

41. For decades, the property has been undeveloped and vacant. Plaintiff began to consider the possible sale of the subject property in 2008 and took steps to make the property marketable. In 2014, Roanoke expressed interest in the subject property, but only if it could be re-zoned. Because of the Village's failure to re-zone the subject property, Roanoke has elected not to extend its contract with Plaintiff. Subsequent to Roanoke's decision not to extend its contract, no other person or entity has expressed an interest in buying the subject property as it is currently zoned.

The Community Need for the Proposed Use

42. Because of its recreational, entertainment, shopping, food and beverage, educational, and transportation amenities, the Village is a desirable place to live.

43. There are very few open-space or in-fill opportunities for the development of additional housing in the Village.

44. There is significant demand for the housing that would be generated by re-zoning and development of the subject property.

45. The current use of the subject property as undeveloped land provides no benefit to the public; the proposed use would allow the property to be developed consistent with neighboring residential uses and would allow the property to achieve its highest and best use.

46. The re-zoning and development plan proposed by Plaintiff would support the value of surrounding residential properties.

The Care With Which the Community Has Planned Development

47. The planning study that led to the enactment of Ordinance 10-O-109 and the adoption of the Subarea Plan that governs the subject property demonstrated careful planning on the part of the Village.

48. The zoning relief requested in the application submitted by Plaintiff/Roanoke is consistent with Ordinance 10-O-109 and the adoption of the Subarea Plan.

49. The Village's refusal to grant the zoning relief requested in the application is inconsistent with, and contrary to, the planning that the Village previously undertook with respect to the subject property.

PLAINTIFF'S PROPOSED USE OF THE SUBJECT PROPERTY IS REASONABLE

50. The application submitted to the Village requested: (i) a re-zoning of the property from the IB zoning classification to the R-6 zoning classification and (ii) approval of a special use permit, in the form of a planned development, and (iii) approval of a preliminary plat of subdivision and a planned development concept plan.

51. These approvals would allow the subject property to be developed with 148 single family homes, in accord with a proposed plat of subdivision. The proposed development of the subject property is depicted in Exhibit 5, and more fully described in Exhibit 6, both attached hereto.

52. The proposed development of the subject property is consistent with the Village's Comprehensive Plan, as amended by Ordnance 10-O-109, in that the density of the proposed development is properly described as "Mixed Medium Residential" and is less than the limit of 191 units set forth in Ordinance 10-O-109.

53. The proposed development is consistent with the residential zoning (R-4, R-5, and R-6) and residential uses to the north, east, and southeast of the subject property. See Exhibit 4.

54. The proposed development provides substantial amenities to its residents and to the Village in the form of, *inter alia*, housing diversity, walkable streets, parks, nature trails, event spaces, native tree preservation and landscaping. Exhibit 6.

55. As expressed by the Village Plan Commission and the Village Board of Trustees, the Village's overriding concern regarding the proposed development was access to and from Butterfield Road. The Plan Commission and Village Trustees expressed concern that unsignalized access to/from Butterfield Road was unsafe and/or could adversely affect neighboring property owners.

56. These concerns were unfounded and not supported by evidence.

57. The proposed development provides appropriate access to and from Butterfield Road, which access was approved by the Lake County Division of Transportation ("LCDOT"). A copy of LCDOT's February 1, 2017 letter approving "full access" to the proposed development to/from Butterfield Road is attached hereto as Exhibit 7 (see paragraph 2).

58. Further, as explained in the LCDOT letter, additional improvements to access, including a traffic signal at the intersection of the subdivision entrance and Butterfield Road, could be constructed in the future if warranted by the number of school children needing to cross Butterfield Road. Exhibit 7 (paragraph 5). Plaintiff/Roanoke informed the Village that it would be willing to pay for such improvements, should they be warranted.

59. For all of the above reasons, the proposed use of the subject property offered by Plaintiff is reasonable.

WHEREFORE, Plaintiff asks that the Court:

1. Find and declare that the existing zoning of the subject property, IB, is arbitrary, capricious and violates Plaintiff's right to due process under the Illinois Constitution.

2. Find and declare that Plaintiff's proposed use of the subject property, as set for in its application to the Village, and as depicted in Exhibits 5 and 6 hereto, is a reasonable use of the subject property.

3. Order the Village to approve a re-zoning of the subject property, a special use permit in the form of a planned development, and all other necessary zoning relief, so as to allow Plaintiff to develop the subject property consistent with the uses and site plan set forth in the application or, in the alternative, order the Village to allow Plaintiff to develop the subject property consistent with the uses and site plan set forth in the application.

The Catholic Bishop of Chicago

By: _____
One of its attorneys

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VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES-SPECIAL MEETING
March 21, 2017

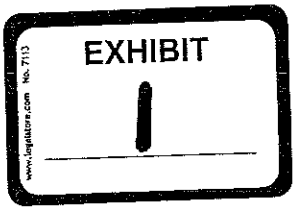
President Weppler called to order a special meeting of the Board of Trustees at 7:00 p.m. at Libertyville High School, 708 West Park Avenue, Libertyville, Illinois. Those present were: Trustees Donna Johnson, Richard Moras, Jay Justice, Peter Garrity, and Patrick Carey. Trustee Adams was absent.

ITEMS NOT ON THE AGENDA
President Weppler asked if there was anyone in the audience who wanted to address an item not on the agenda. There were no comments.

REPORT OF THE PLAN COMMISSION (PC 16-08, 16-09, 16-10, 16-11, and 16-12)
President Weppler explained that Roanoke Development (Roanoke) was requesting approval of a Planned Development concept plan to construct 148 single family homes on approximately 40 acres located at 941 N. Butterfield Road. The property is owned by the Catholic Bishop of Chicago and is zoned IB, Institutional Buildings District. After an extensive review and multiple public hearings, the Plan Commission voted on 5 items for Village Board of Trustees action, which are on the agenda for this meeting.

John Spoden, Director of Community Development, thanked the Developer, the Appearance Review Commission and Plan Commission for their extensive review of this development. President Weppler then asked the Developer, Peter Kyte of Roanoke to give his presentation. Mr. Kyte addressed the Village Board and thanked everyone for the work on this project and gave a history of the project, the site plan, and the proposed development. He stated that key components to their approach for planning the site included thorough market research. The Roanoke Group believed that a cluster of single family homes was the best fit for this site.

President Weppler then asked for public comment from the Trustees. Trustee Johnson thought the plan was too dense for the location and that traffic flow would have an adverse effect on the community and the volume of traffic was a concern. Trustee Johnson would like to see preserve the space with much larger parcels, larger homes on acre lots which would have less impact on the School District and the community. Trustee Johnson did not think the proposed development was compatible for the community. Trustee Moras concurred with Trustee Johnson on the traffic issues and did not think the proposal was a good fit for Libertyville. He also indicated that the sound barrier wall does not fit in with the community. He thanked the developer for their time and commitment to this development proposal. Trustee Justice agreed with the staff recommendation to amend the Comprehensive Plan map. Trustee Justice said the project was not right for Libertyville and it was his desire to protect the 38 (thirty-eight) trees that are remaining. He believed that if action was not taken immediately, the remaining trees would die. Trustee Garrity echoed many of the comments provided by the other



Trustees. He stated that the proposed development was too dense for the area and did not fit the character of the Village. Trustee Garrity also stated that it doesn't meet affordable housing concepts for the Village and the needs of "empty nesters". Trustee Garrity believed the Archdiocese was not being a good neighbor in not listening to the Village concerns. Trustee Carey focused on the traffic plan and stated that a traffic light would be needed to avoid accidents. Trustee Carey supported the recommendations of the Plan Commission.

President Weppler thanked everyone for attending the meeting and also thanked the developer. He explained he could not support the development as proposed. He was concerned about the impact on the schools and the need for a more appropriate traffic flow.

President Weppler then asked for public comment.

Phil Brown, 423 Ridgewood, gave a presentation regarding his opinion of the financials and stated that property values would not generate the tax revenue that was needed. He stated that the development was too dense with 148 homes on 15.2 acres, and he did not agree with the estimated sale prices. He was also concerned there would be traffic risks with 300 additional cars and pedestrian hazards, all day, all week, with 150 kids crossing Butterfield to the school yard. Also, salt from the roads would end up in Butler Lake from the new development. Mr. Brown also talked about the lack of open space which would be hidden by a concrete wall. A 1,000 foot sound wall would be a visual obstruction which reflected sound back at Ridgewood and the school. Mr. Brown requested that the Board deny the proposed development.

Margaret Borcia, 1116 Jessica Lane, an attorney representing a group of homeowners that are opposed to the development, explained that the school does not have the services to provide for additional school children from the development and there would be too much impact on the school resources. She believed the density is not compatible with the area and the homes behind the sound wall would be difficult to sell. The Plan Commission recommendations should be upheld.

Jim Caldwell, 1260 Lake Street, questioned the removal of the trees. Mr. Caldwell wanted to know if the removal process of the tress was in compliance with Village regulations, and President Weppler explained that it was. Staff went to the site and confirmed that only the tagged trees were removed. Mr. Caldwell also asked if there were any plans to restore the tree line that was along Butterfield that now had been removed. President Weppler indicated he will contact the Archdiocese about restoring the property.

Thomas Baier, 725 Stonegate, inquired if the Village had approached the Archdiocese about doing something else with the land, (i.e. sell it and preserve it as open space). He wanted to know if it was possible for the Village to influence the Archdiocese to purchase the open land to create a park. President Weppler explained he did speak to the High School and Grade School, Ann Maine, President of Forest Preserve District, and

Kathleen O'Connor, Township Supervisor, about preserving space but due to financial concerns, there was no interest.

Art Kleck, 543 Ridgewood Lane, thought the price of the planned homes was too high. He thought the schools were great and that is why people want to live in Libertyville. He wanted to know if residents could count on the Board to make good decisions for the Village.

Leslie Wexler, 1225 Virginia Avenue, thanked Trustee Garrity for mentioning that the Archdiocese had not been communicating with the Village. Increased communications between developers and residents would be a benefit in her opinion. She asked the Mayor to make development plans more transparent for residents. President Weppler has asked staff to put plans on the website currently.

The Village Board believed residential was best for this space. They did not want commercial. Trustee Johnson explained she would like to see the property maintained as open space. The alternative she envisioned would be acreage parcels to decrease the density. Trustee Moras stated that it was originally zoned institutional. He thought a church or school would be a good fit there.

Moira Breen, 139 Woodland Road, thanked the Village Board and Plan Commission for doing such a good job.

Chris Geiselhart, 1409 Bullcreek Drive, expressed the need to talk more about the Bullcreek Watershed. She is a member of the Bullcreek Watershed Council which helps improve the Bullcreek Watershed. Since the trees were removed, water flows to Bullcreek and she is concerned about chlorides that may come from the development and contaminate the Bullcreek Watershed.

John O'Malley, 1125 Jessica Lane, stated that he has concerns that the professional staff recommended a traffic light at Lake Street and that was not followed by the developer. He wanted to emphasize that the traffic light is not the only issue and density was also an issue.

Ann Coburn, 1122 Loyola Drive, said this was not the correct location for this development. The location is landlocked and there are no walking trails, no bike trails, and no sidewalks. Ms. Coburn also would like email notifications when there is a new planning development being considered. President Weppler explained there are email blasts from the Village and if you contact the Village you can be signed up for the emails.

Jacklyn Peterson, 18320 Old Peterson Road, questioned whether staff had a disconnect with the community about this development. She also supported Trustee Justice in saving the remaining 38 trees and wanted to know why the clearcutting was allowed. President Weppler said the current Village ordinance for tree removal was written for a normal residential lot. A larger development was not anticipated and there would be a review of the Tree Preservation ordinance.

Ann Draa, 1020 Ashley Lane, thanked Trustee Justice for looking out for the trees. She also encouraged the Village Board to look at a Building Moratorium. Ms. Draa thanked Director of Community Development John Spoden and Senior Planner David Smith who spent countless hours with residents regarding this proposed development. Anna welcomed the Mundelein residents who came to the meeting.

Carol August, 1201 Amy Lane, thanked Phil Brown and Anna Draa for the work they had done to communicate information regarding the development. She pointed out that three (3) retention ponds would be the responsibility of the homeowner's association (HOA) and she did not believe this was the case with other retention ponds in the Village.

Joe Gattone, 817 Bedford Lane, expressed concerns about traffic on Butterfield Road. He didn't see how it would work in this location and that the only way it could work was to put a light in at Lake and an entrance in a golf course neighborhood. Mr. Batone thanked the Board for their comments.

Ellen Wettlaufer, 513 Ridgewood Lane, thanked the Board, Staff, Plan Commission and all the residents who had come to the meetings. She believed that this development didn't fit in with Libertyville. She did not think that it should be zoned as larger lots.

Greg Garofolo, 231 Kenloch Avenue, explained he put a second addition on his house and he had to mail out over 300 letters for a 4 inch variance. He thought that developers should have to do the same. He also expressed that before the Board decided on anything they need to think of the safety of the children.

Phil Brown, 423 Ridgewood Lane, wanted everyone to know that this is not a done deal. Trustee Johnson said it is not a done deal and there is still the option of de-annexation. She said it was important to continue to be engaged in the process.

Jeff Mueller, 941 Windhaven, wanted to know why the Village didn't have the builder pay impact fees. President Weppler explained that impact fees would be collected if the development was approved.

Gordon Botts, 1035 Blackburn Circle, stated that if the developer decided to de-annex from the Village, they could make a road on the SW corner of the site as the entrance to the development. President Weppler explained that Mundelein would have to take care of that if they de-annexed.

Joyce Herres, 1049 Wellington Avenue, expressed her opinion that the Village would lose taxes from District 70 if the property was de-annexed. President Weppler stated that School District boundaries do not follow Village boundaries.

Jim Connell, 1215 Sussex Lane, asked residents to please send letters to the Archdiocese regarding the option of de-annexation. Trustee Moras stated that residents should also contact the county regarding the traffic issues if the development was de-annexed.

Mark Grote, 418 S. Fourth Avenue, asked if the Village Board had discussed with the School Board the possibility of de-annexation. President Weppler said they were not engaged in conversations at this point.

Janice Garofolo, 231 Kenloch Avenue, asked for clarification of the proposed intersection. The County would not support turn restrictions. Safety is a big concern of hers.

Paul Geiselhart, 1408 Bullcreek Drive, stated that he was glad that the citizens spoke and had the right to petition. He thanked Phil Brown for awakening constitutional rights to petition.

President Weppler then stated that if there was no further comment, that four (4) out of the five (5) of the petitions failed to receive a positive recommendation from the Plan Commission. The developer requested that the Board vote on these as a package. President Weppler said the Board can take them separately and the developer can address the Board on a specific item. The Developer asked to address the Comprehensive Plan Amendment and requested that if the Board is not going to approve the zoning request that they should also not approve the Comprehensive Plan Amendment. President Weppler said the reason it was voted on this way was because that this was the area with trees and they did not want to see any more trees go. President Weppler stated that the Board will vote on the petitions individually. Peter Kyte stated that the Archdiocese hired a consultant to start working with the Village with a plan for development. Through that process they came up with the current plan. The Comprehensive Plan was approved in 2010 by the Village. He reviewed that they followed the Village ordinances regarding the numbers and that they met all the requirements of the Village of Libertyville. He stated that the proposal is 25% less dense than originally planned.

Following the discussion and public comment, Trustee Johnson moved and Trustee Moras seconded a motion regarding **PC 16-08,** to approve a request for an Amendment to the Official Map of the Comprehensive Plan from Public/Institutional to Mixed Medium Density Residential currently located in an IB, Institutional Buildings District at 901 N. Butterfield Road, subject to the condition that this area become a conservation area with no structures built.

The motion carried on a roll call vote as follows:

AYES: Johnson, Moras, Justice, Garrity, Carey
NAYES: None

MOTION CARRIED

Trustee Johnson moved and Trustee Justice seconded a motion regarding **PC 16-09,** to approve a request 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 at 901 N. Butterfield Road.

AYES: None
NAYES: Johnson, Moras, Justice, Garrity, Carey

MOTION FAILED

Trustee Johnson moved and Trustee Justice seconded a motion regarding **PC 16-10**, to approve a request 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 at 901 N. Butterfield Road, subject to the conditions set forth as conditions numbered 1-16, including all subparts thereof, as set forth on pages 13 through 17 of the Report of the Plan Commission dated March 14, 2017.

AYES: None
NAYES: Johnson, Moras, Justice, Garrity, Carey

MOTION FAILED

Trustee Johnson moved and Trustee Carey seconded a motion regarding **PC 16-11**, to approve a request 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 at 901 N. Butterfield Road, subject to the conditions set forth as conditions numbered 1-16, including all subparts thereof, as set forth on pages 17-21of the Report of the Plan Commission dated March 14, 2017.

AYES: None
NAYES: Johnson, Moras, Justice, Garrity, Carey

MOTION FAILED

Trustee Johnson moved and Trustee Carey seconded a motion regarding **PC 16-12**, to approve a request for a Planned Development Concept Plan in order to construct a single family residential development for property currently located in an IB, Institutional Buildings District at 901 N. Butterfield Road, subject to the conditions set forth as conditions numbered 1-16, including all subparts thereof, as set forth on pages 21-25 of the Report of the Plan Commission dated March 14, 2017.

AYES: None
NAYES: Johnson, Moras, Justice, Carey
PRESENT: Garrity

MOTION FAILED

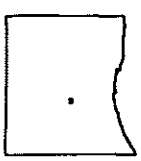
ADJOURNMENT

With no further business, Trustee Moras moved and Trustee Carey seconded to adjourn the meeting at 9:36 PM. The motion carried on a unanimous voice vote.

Respectfully submitted,

Christopher D. Clark
Deputy Village Clerk

Lake County, Illinois



LakeCounty
Geographic Information System

Lake County
GIS Division
18 N County St
Waukegan IL 60085
(847) 377-2388

Map Printed on 6/16/2017

N

☐ Tax Parcel Lines

EXHIBIT
2

Disclaimer: The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 10-O-109

AN ORDINANCE AMENDING THE VILLAGE OF LIBERTYVILLE COMPREHENSIVE PLAN AND THE OFFICIAL MAP OF THE VILLAGE OF LIBERTYVILLE COMPREHENSIVE PLAN

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
this 14th day of December 2010

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
this 15th day of December 2010

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 10-O-109

AN ORDINANCE AMENDING THE VILLAGE OF LIBERTYVILLE COMPREHENSIVE PLAN AND THE OFFICIAL MAP OF THE VILLAGE OF LIBERTYVILLE COMPREHENSIVE PLAN

WHEREAS, the President and Board of Trustees of the Village of Libertyville considered amending the Village of Libertyville Comprehensive Plan and Official Map of the for the property generally located along Butterfield Road, legally described in Exhibit A "Legal Description", from Public/Institutional to Mixed Medium Density Residential; and

WHEREAS, on July 19, 2010, the Development Review Committee reviewed and recommended to approve the requested amendment; and

WHEREAS, the Plan Commission of the Village of Libertyville, pursuant to notice duly published on July 10, 2010, in the *Daily Herald*, held a public hearing at 7:05 p.m., commencing on July 26, 2010, and concluding on August 23, 2010, in the Libertyville Village Hall, 118 West Cook Avenue, Libertyville, Illinois, for the purpose of hearing and considering testimony regarding the requested amendment; and

WHEREAS, on August 23, 2010, the Plan Commission made findings of fact as required by law and recommended to the President and Board of Trustees of the Village of Libertyville that the proposed amendment be approved, all as is more specifically set forth in that certain Report of the Plan Commission on Case No. PC 10-22, dated as of September 8, 2010; and

WHEREAS, the President and Board of Trustees of the Village of Libertyville have found and determined that it is in the best interest of the Village and its residents to amend the Village of Libertyville Comprehensive Plan and Official Map for the property generally located along

Butterfield Road, legally described in Exhibit A, from Public/Institutional to Mixed Medium Density Residential.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LIBERTYVILLE, COUNTY OF LAKE, STATE OF ILLINOIS, AS FOLLOWS:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated herein as if fully set forth.

SECTION TWO: Amendment to the Village of Libertyville Comprehensive Plan. The Village of Libertyville Comprehensive Plan shall be, and it hereby is, amended as follows:

SECTION 4.2 SUBAREA PLANS

University of St. Mary of the Lake; Mundelein Seminary

Approximately 97 acres of the University of St. Mary of the Lake is located within the municipal boundaries of the Village of Libertyville. The site is inundated with trees and open spaces and is undeveloped as of the date of adoption of this plan amendment. In 2009-2010, the Village of Libertyville, the University of St. Mary of the Lake, and local residents conducted a planning study to determine the highest and best use for the property. At the conclusion of the study, it was determined that the southerly 64 acres remain in its current land use category of Public/Institutional as shown as Figure 4.1 of this plan. The northerly 33 acres became the subject of this amendment to the plan.

At the conclusion of the study, the Village of Libertyville agreed to include a new Land Use Definition: Mixed Medium Density Residential - area intended to accommodate a mix of single-family, two-family, and medium townhouse developments and include that designation for this property on Figure 4.1 of this plan. The plan limits the density of the site to 191 dwelling units and is subject to the following conditions:

1) That the site only be developed as a Planned Development in order to allow for creative design that reflects this environmentally sensitive area; and

2) That any residential housing development contain such Affordable Housing as may be required by Village ordinance which is in effect at the time of development; and

3) That any development include a Tree Preservation Plan that will protect and preserve trees that belong to the Village of Libertyville's list of desirable tree species and any historical tree as defined in the Village's ordinances.

This amendment to the plan was approved by Ordinance 10-O-____ at the Village Board of Trustees meeting on December 14, 2010.

SECTION THREE: Amendment to the Official Map of the Comprehensive Plan. The Official Map of the Village of Libertyville Comprehensive Plan shall be, and it hereby is, amended from Public/Institutional to Mixed Medium Density Residential as shown on Exhibit B "Land Use Designation Change" for the property located along Butterfield Road, legally described in Exhibit A.

SECTION THREE: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 14th day of December, 2010.

AYES: JOHNSON, PROEPPER, CULLUM, MORAS, GAINES, JUSTICE

NAYS: None

ABSENT: None

APPROVED this 15th day of December, 2010.

Terry L. Weppler, Village President

ATTEST:

Sally Kowal, Village Clerk

EXHIBIT A

Legal Description of the Property

That Part of the Southwest Quarter of Section 17, Township 44 North, Range 11 East of the Third Principal Meridian, in Lake County, Illinois, Described as Follows:

Commencing at the Found Steel Rod with Aluminum Cap Marking the Southwest Corner of Said Southwest Quarter of Section 17, Recorded July 7, 2004 as Document No. 5595648; Thence Northerly Along the West Line of Said Southwest Quarter, Having a Illinois East Zone Grid Bearing of North 00 Degrees 13 Minutes 27 Seconds East, a Distance of 267.26 Feet to the Point of Beginning; Thence Continuing North 00 Degrees 13 Minutes 27 Seconds East, 2186.98 Feet Along Said West Line to a Point on a 1687.30 Feet Radius Curve (Westerly Right-of-Way Line of Butterfield Road, F.A.P. 330, County Highway 57, Acquired by the Lake County Department of Transportation Per Document Number 6034348, Recorded 7-27-2006), the Center of Circle of Said Curve Bears North 76 Degrees 15 Minutes 03 Seconds East From Said Point; Thence Southeasterly Along Said Curve, 482.07 Feet, Central Angle 16 Degrees 22 Minutes 11 Seconds (the Chord Bears South 21 Degrees 56 Minutes 02 Seconds East 480.44 Feet); Thence North 59 Degree 52 Minutes 52 Seconds East, 10.00 Feet Along the Radial of Said Curve, to a Point on the Westerly Right of Way Line of Butterfield Road (A.K.A. County Highway 57) as Dedicated by Document No. 1113719, Recorded June 30, 1961, Said Point Being on a 1677.30 Feet Radius Curve, of Said Center of Circle; Thence Southeasterly Along Said Curve, 509.27 Feet, Central Angle 17 Degrees 23 Minutes 47 Seconds (the Chord Bears South 38 Degrees 49 Minutes 02 Seconds East 507.32 Feet); Thence South 47 Degrees 30 Minutes 55 Seconds East, 507.05 Feet to a Point on a Line 240.00 Feet West of and Parallel With the West Line of the Land Deeded to the Commonwealth Edison Company According to Document No. 945829, Recorded April 4, 1957 (Being the Northerly Line of a Parcel of Land Acquired by the Lake County Department of Transportation for Storm Water Detention Purposes Per Said Document Number 6034348); Thence South 00 Degrees 12 Minutes 50 Seconds West, 310.83 Feet Along Said Parallel Line to a Point on a Line 230.00 Feet Southwesterly of, and Parallel With Said Westerly Right of Way Line of Butterfield Road; Thence South 47 Degrees 30 Minutes 55 Seconds East, 324.34 Feet Along Said Parallel Line (Being the Westerly Line of Said Parcel of Land Acquired by the Lake County Department of Transportation for Storm Water Detention Purposes) to a Point on Said West Line of Document No. 945829; Thence South 00 Degrees 12 Minutes 50 Seconds West, 478.11 Feet Along Said West Line to a Point on a Line 267.26 Feet North of and Parallel With the South Line of Said Southwest Quarter; Thence South 89 Degrees 58 Minutes 10 Seconds West, 1124.84 Feet Along Said Parallel Line to the Point of Beginning.

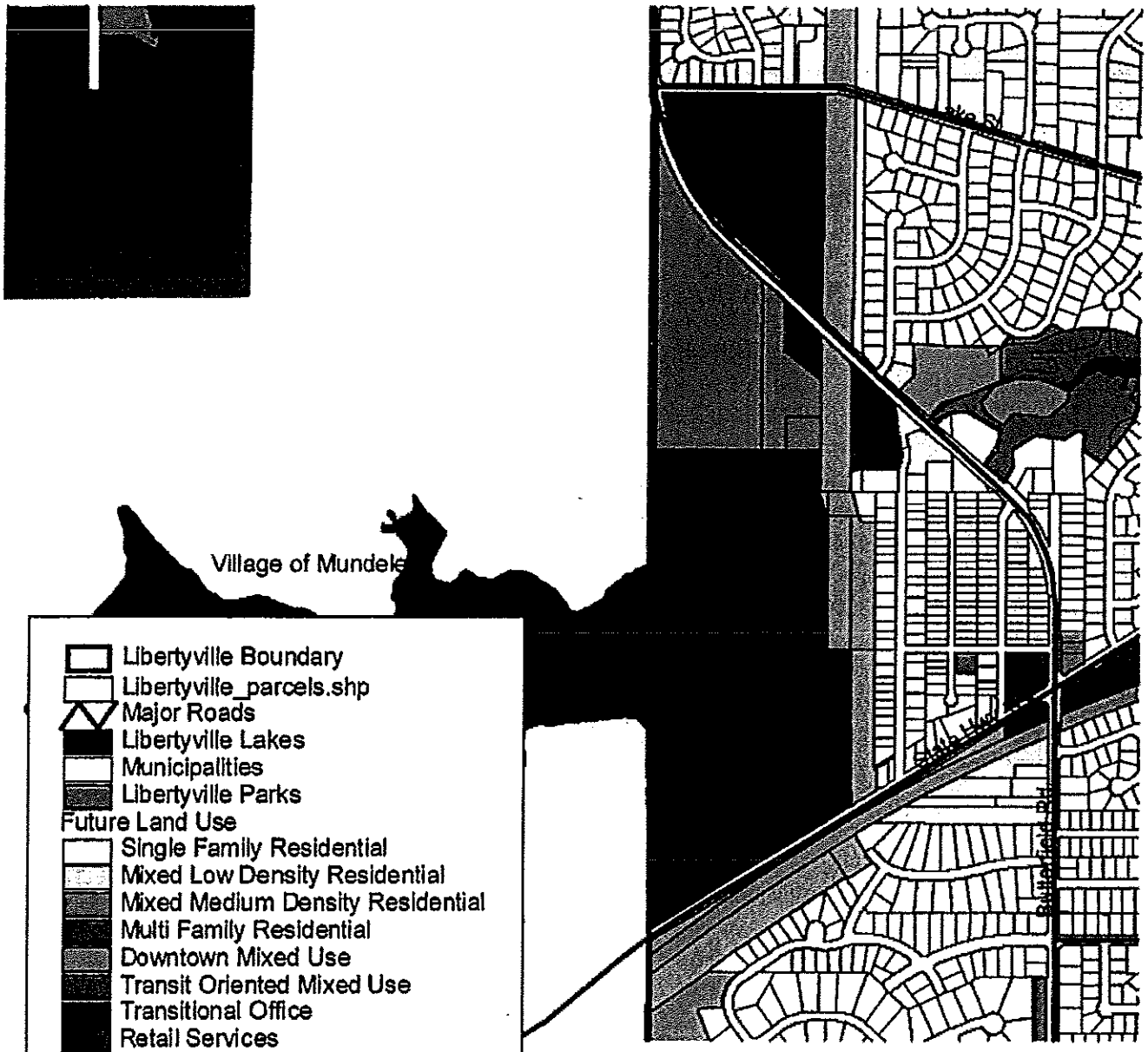
Said Parcel of Land Containing 33.000 Acres, More or Less.

EXHIBIT B

Land Use Designation Change

Village of Libertyville Comprehensive Plan Amendment

Saint Mary of the Lake Seminary



Ordinance 10-O-109
Approved December 14, 2010

Lake County, Illinoi

Lake County
Geographic Information System

Lake County
GIS Division
18 N County St
Waukegan IL 60085
(847) 377-2388

Map Printed on 6/16/2017

N

Tax Parcel Lines

EXHIBIT 4

Disclaimer: The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

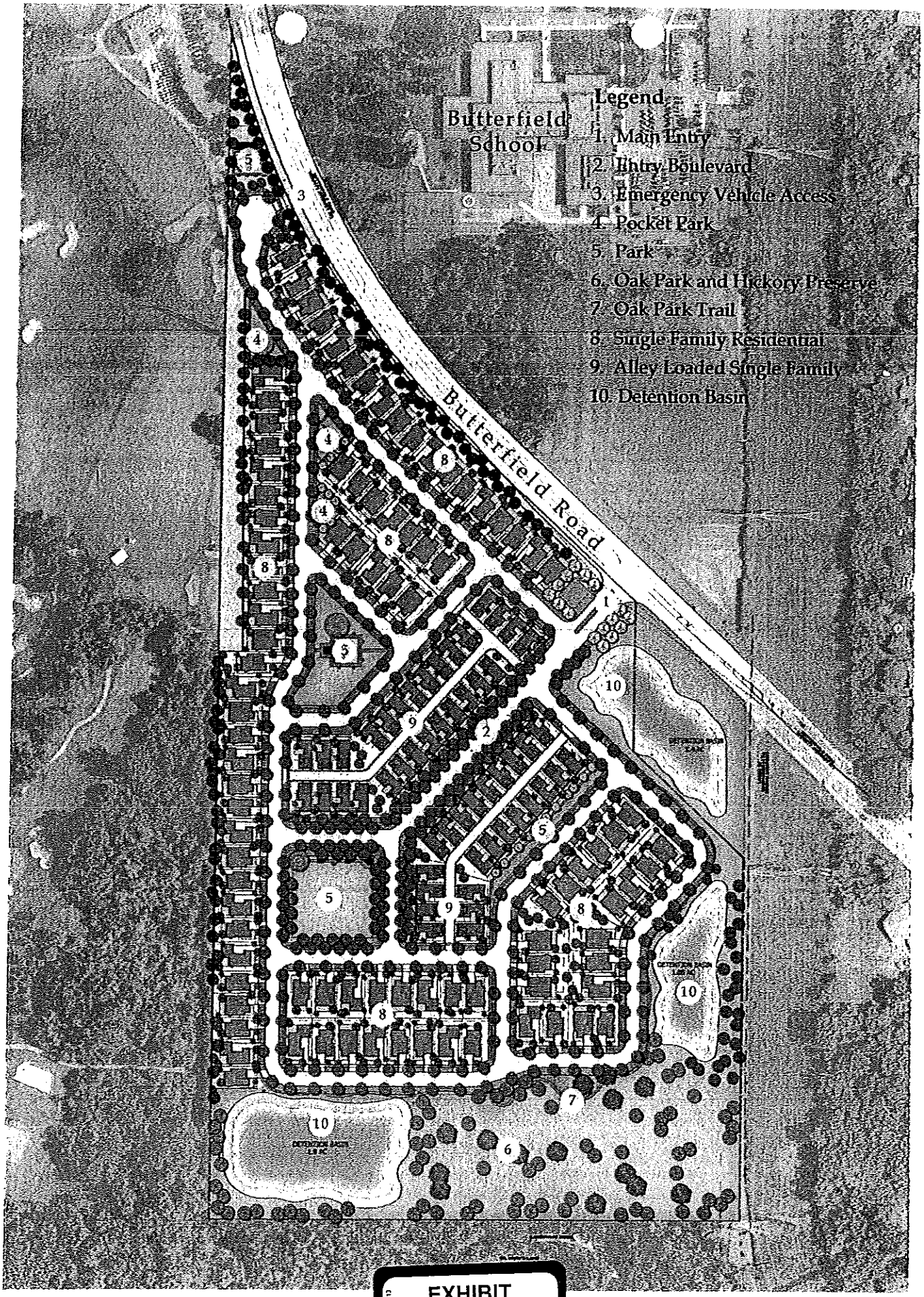
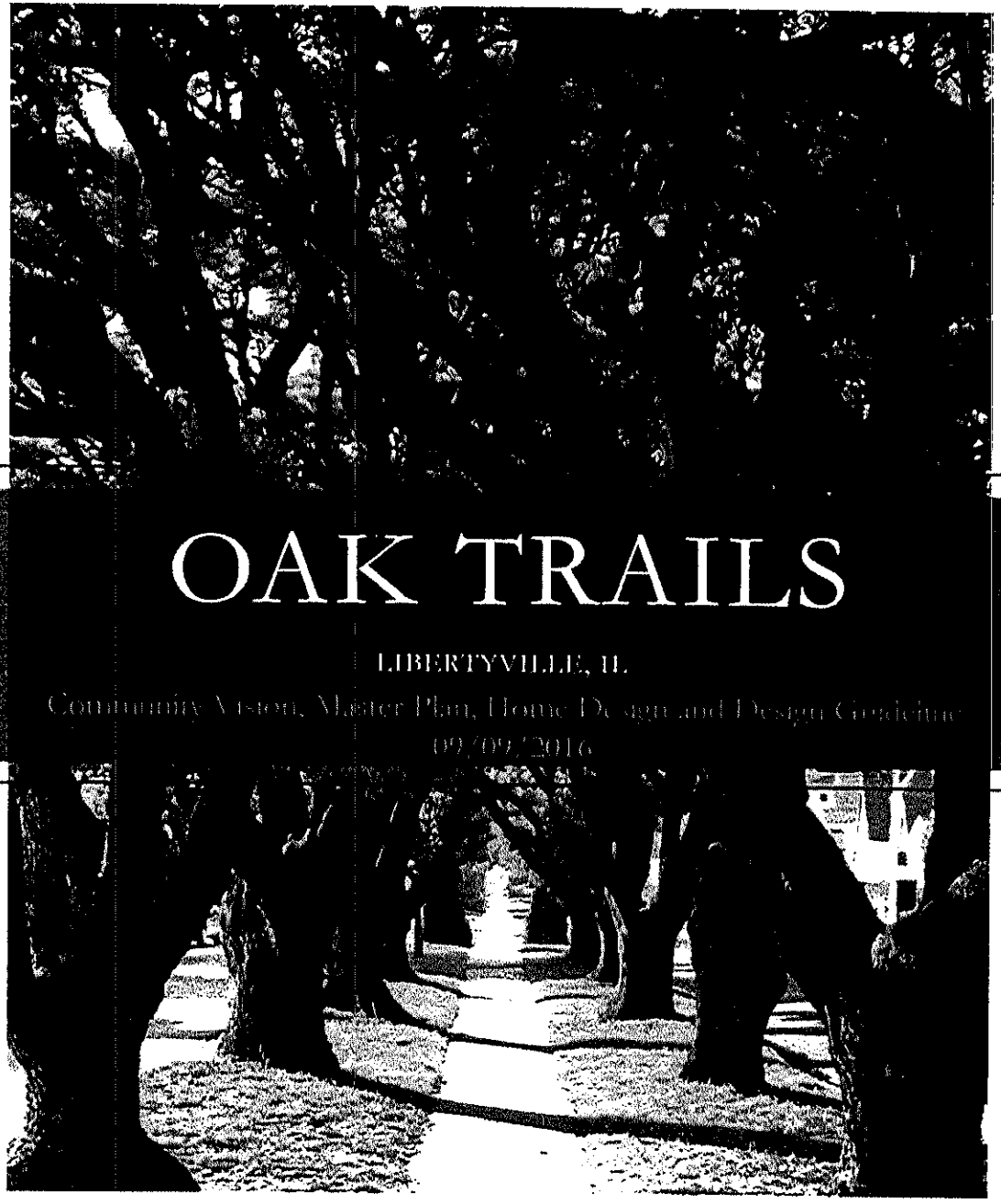

Butterfield School
Legend
1. Main Entry
2. Entry Boulevard
3. Emergency Vehicle Access
4. Pocket Park
5. Park
6. Oak Park and Hickory Preserve
7. Oak Park Trail
8. Single Family Residential
9. Alley Loaded Single Family
10. Detention Basin
Butterfield Road

EXHIBIT 5



OAK TRAILS

LIBERTYVILLE, IL

Community Vision, Master Plan, Home Design and Design Guidelines

02.02.2016

www.legalstore.com No. 7113

EXHIBIT

Table of Contents

PROJECT VISION	2
COMMUNITY DESIGN PRINCIPLES	3
OAK TRAILS HOMES	35
DESIGN GUIDELINES	73
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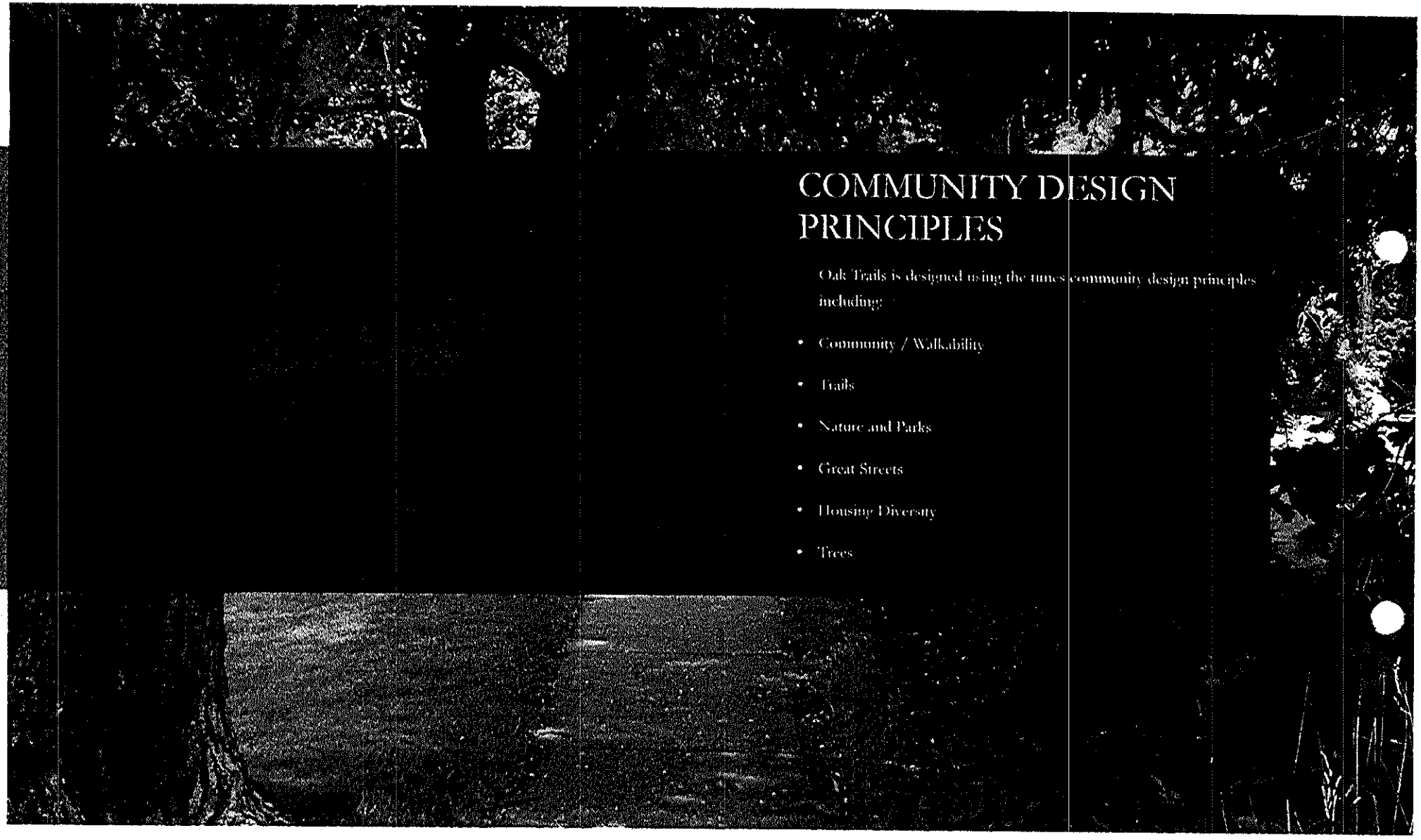
1

PROJECT VISION

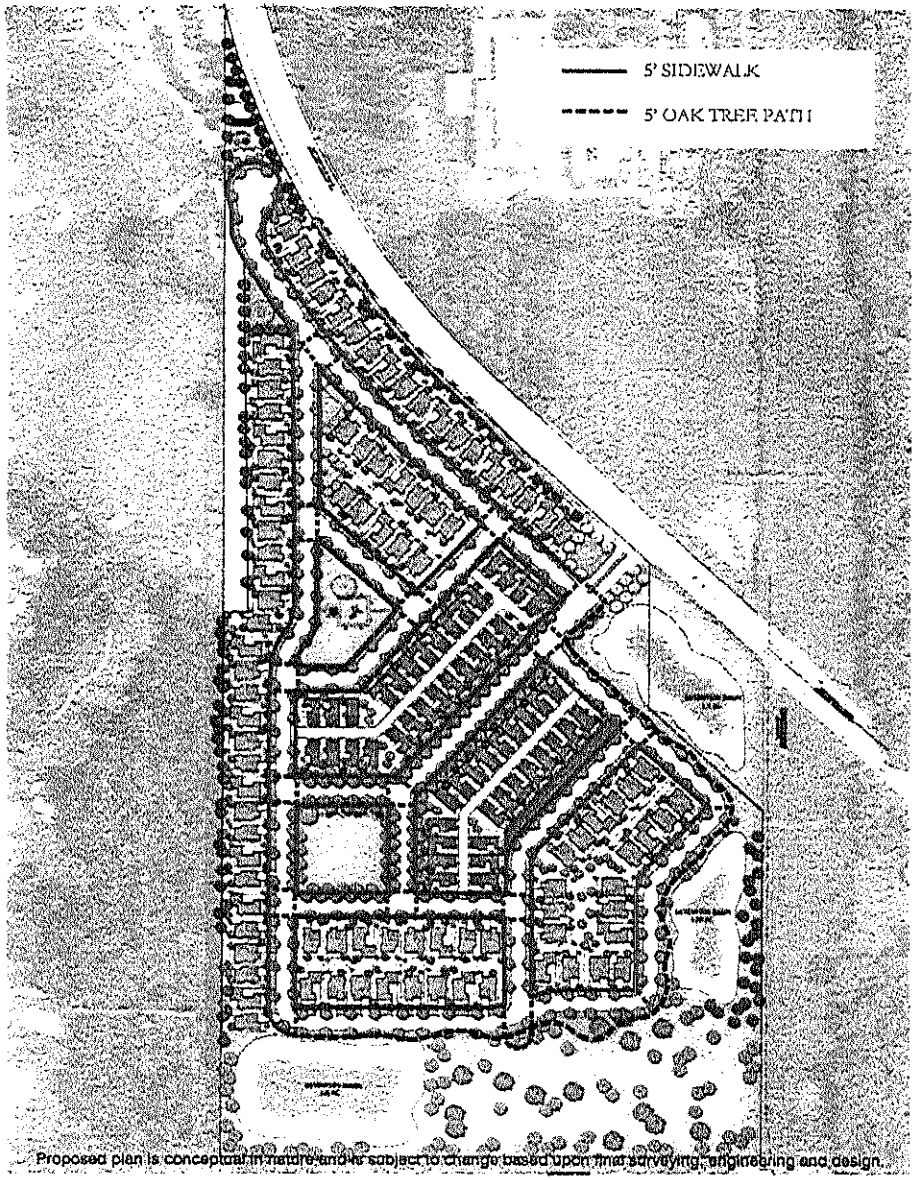
The unique setting of the property creates a special opportunity to blend the natural characteristics of the site with tried and true community design principles emphasizing social connections, open space, recreational diversity, walkability, and a variety of home types and styles. Oak Trails will be a place where new families can form, households can upgrade their home, and empty nesters can downsize.



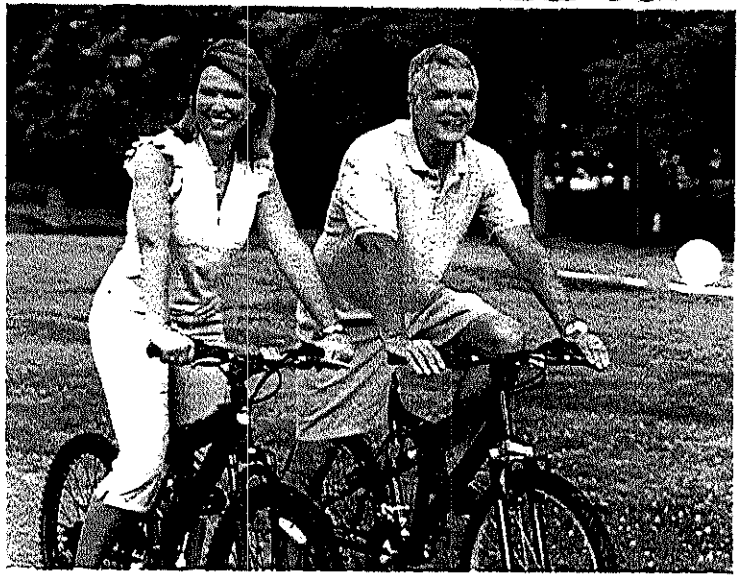
COMMUNITY DESIGN PRINCIPLES

Oak Trails is designed using the tunes community design principles including:

- Community / Walkability
- Trails
- Nature and Parks
- Great Streets
- Housing Diversity
- Trees

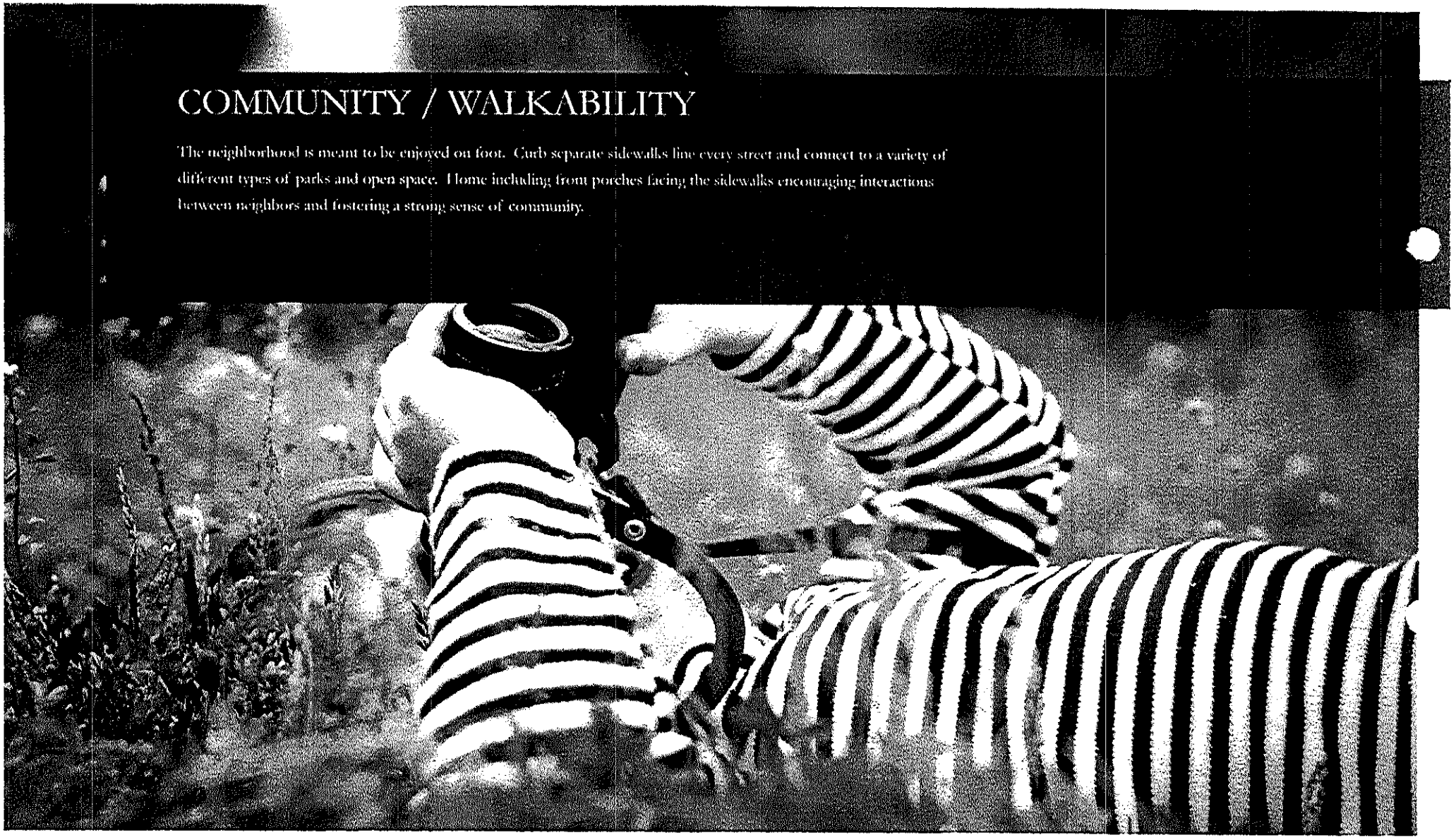


Proposed plan is conceptual in nature and is subject to change based upon final surveying, engineering and design.



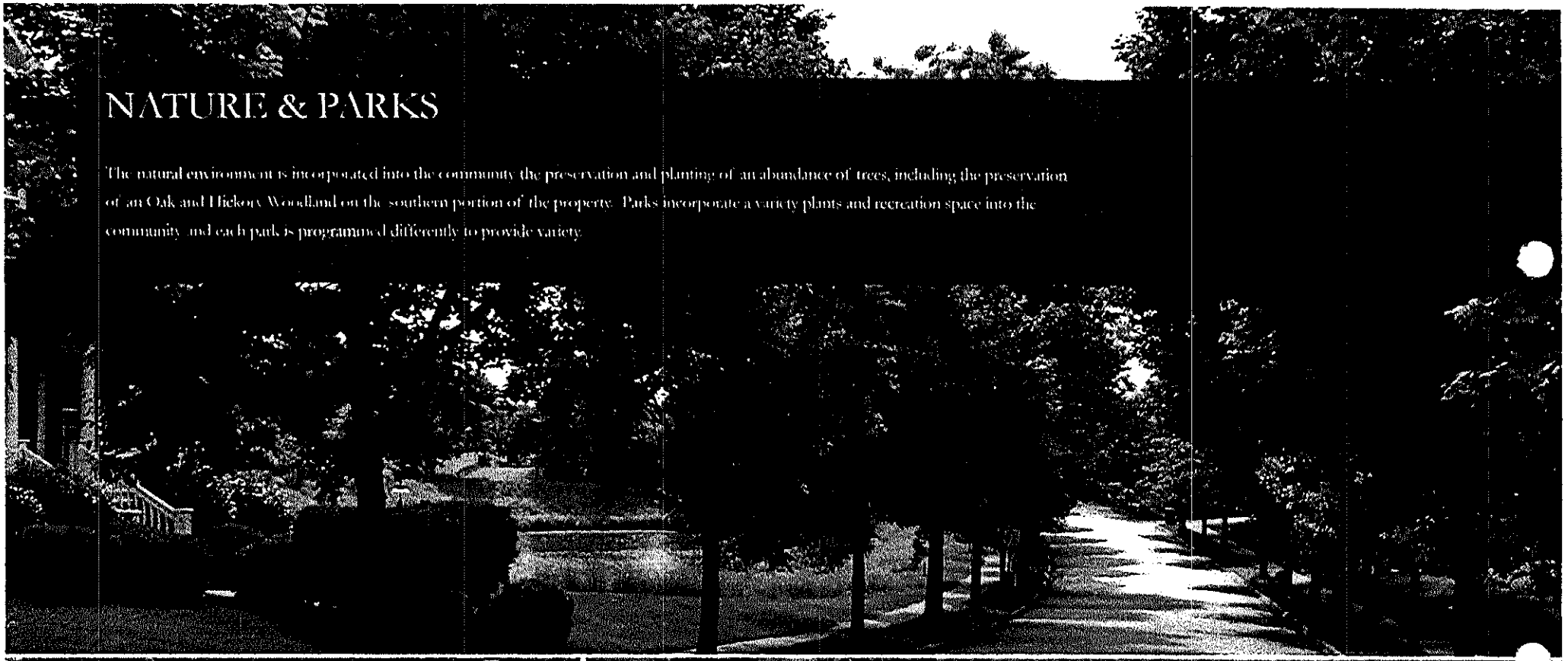
COMMUNITY / WALKABILITY

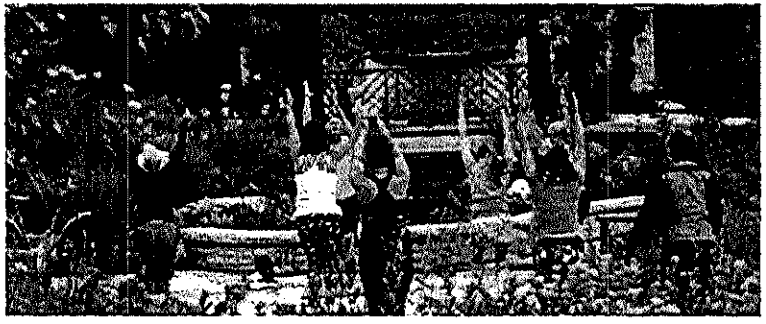
The neighborhood is meant to be enjoyed on foot. Curb separate sidewalks line every street and connect to a variety of different types of parks and open space. Home including front porches facing the sidewalks encouraging interactions between neighbors and fostering a strong sense of community.

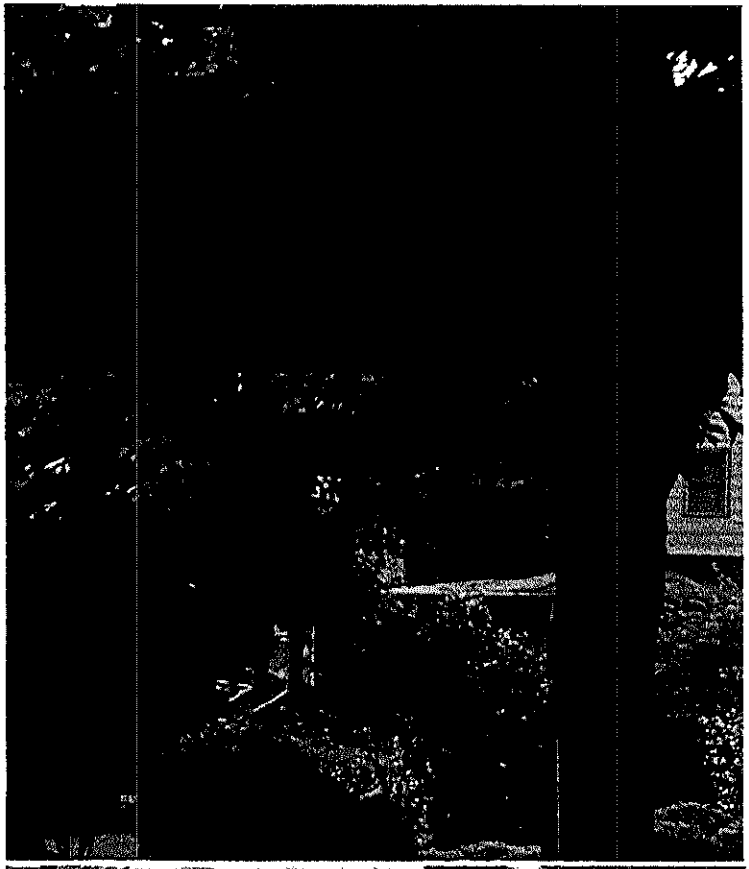


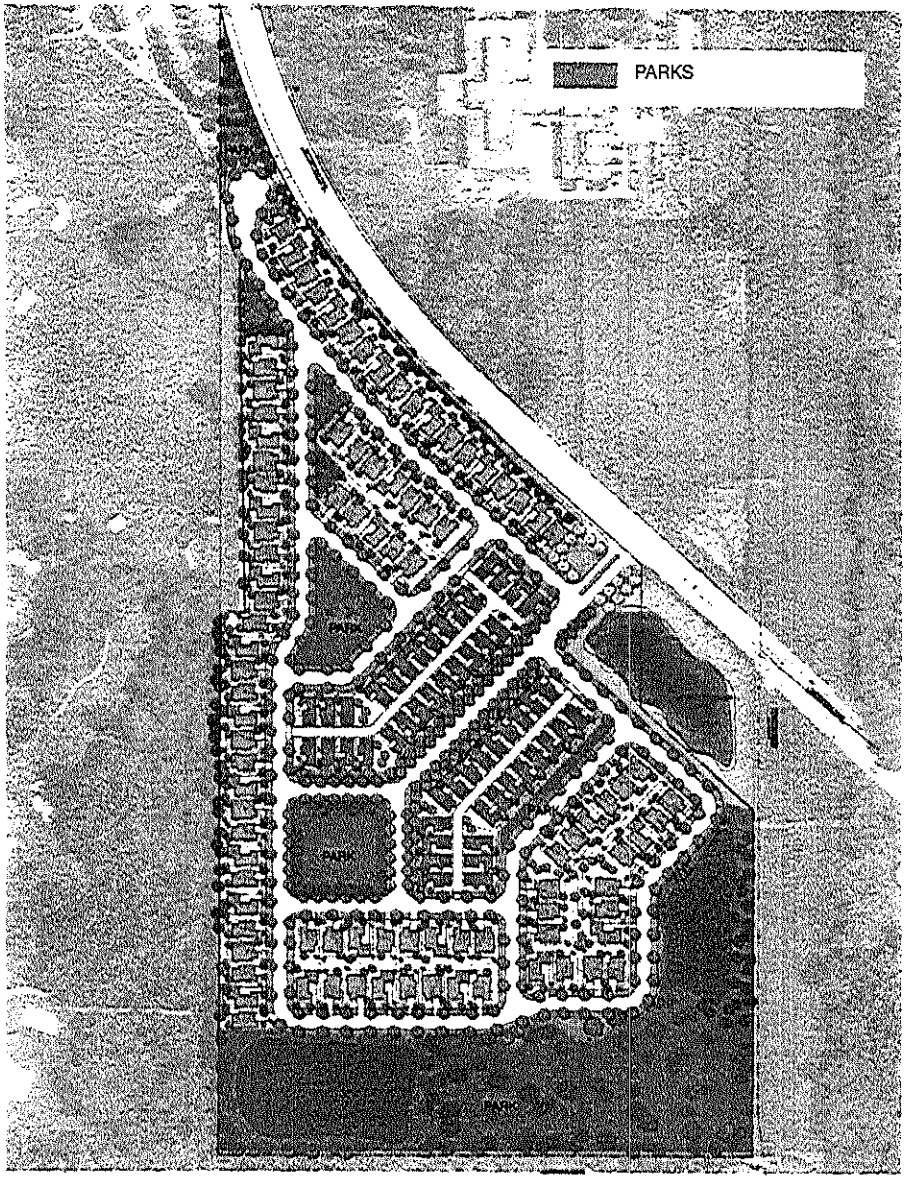
NATURE & PARKS

The natural environment is incorporated into the community the preservation and planting of an abundance of trees, including the preservation of an Oak and Hickory Woodland on the southern portion of the property. Parks incorporate a variety plants and recreation space into the community and each park is programmed differently to provide variety.








PARKS
PARK
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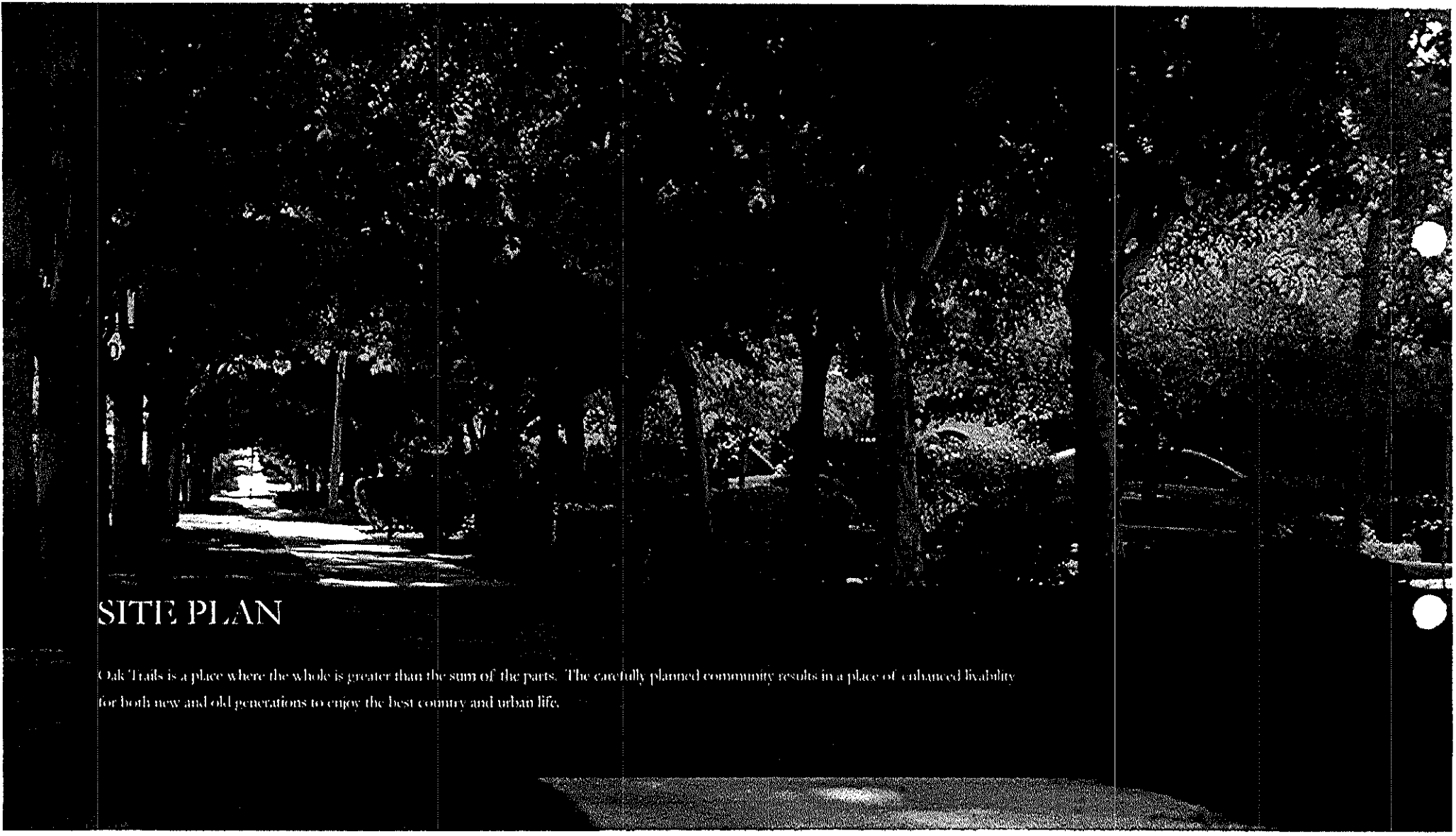
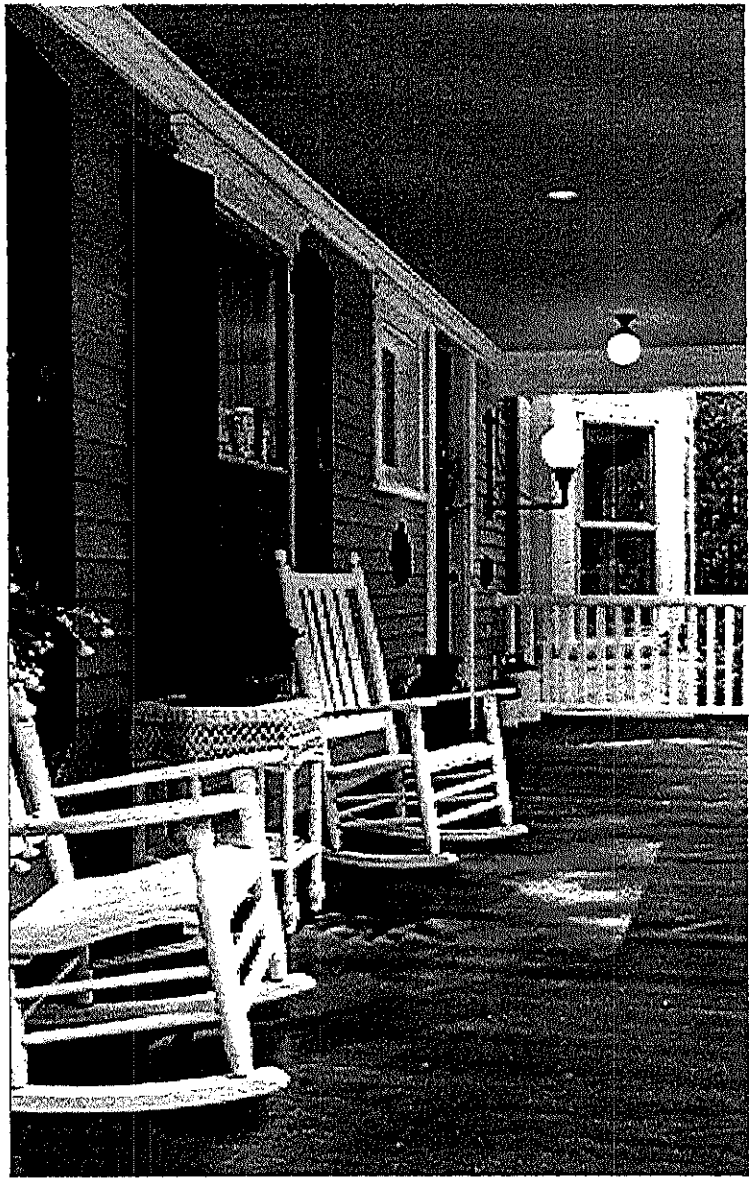
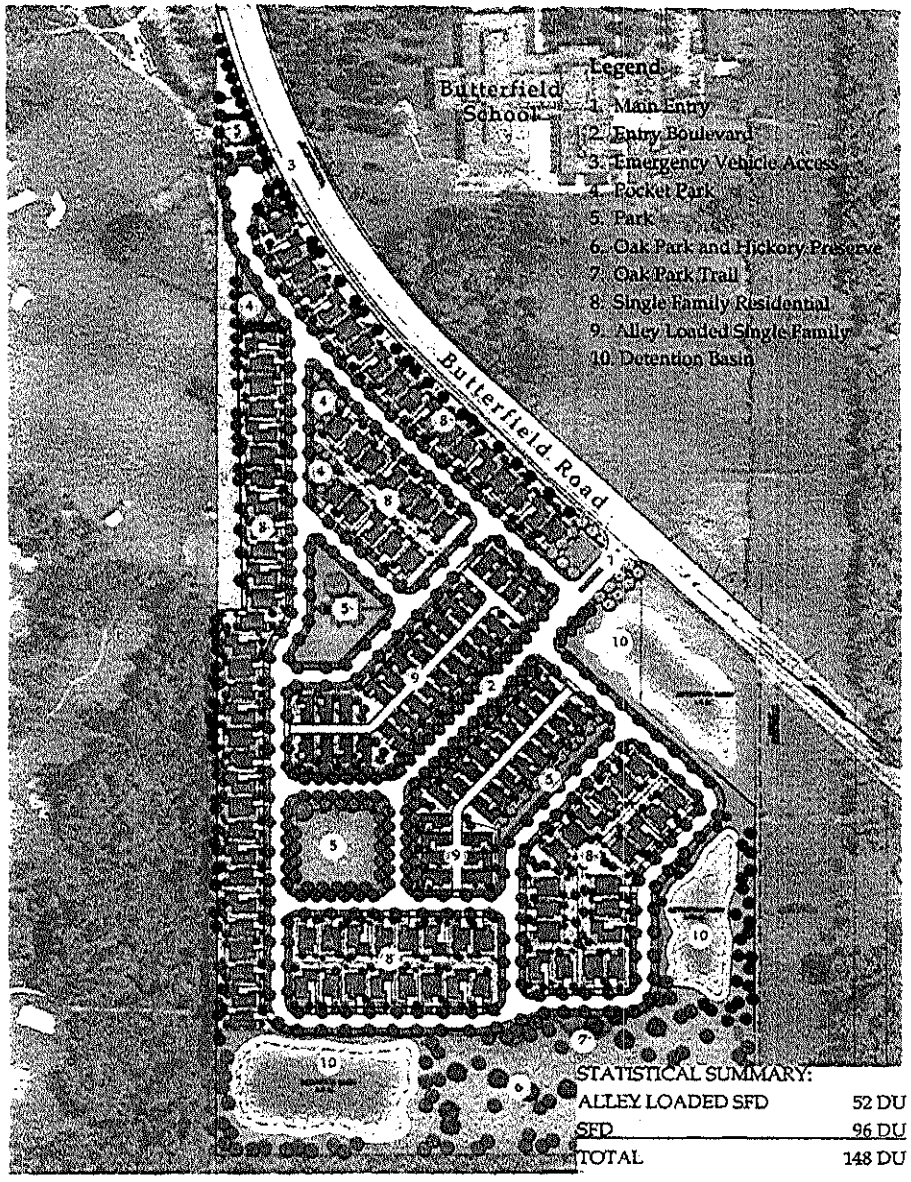


SITE PLAN

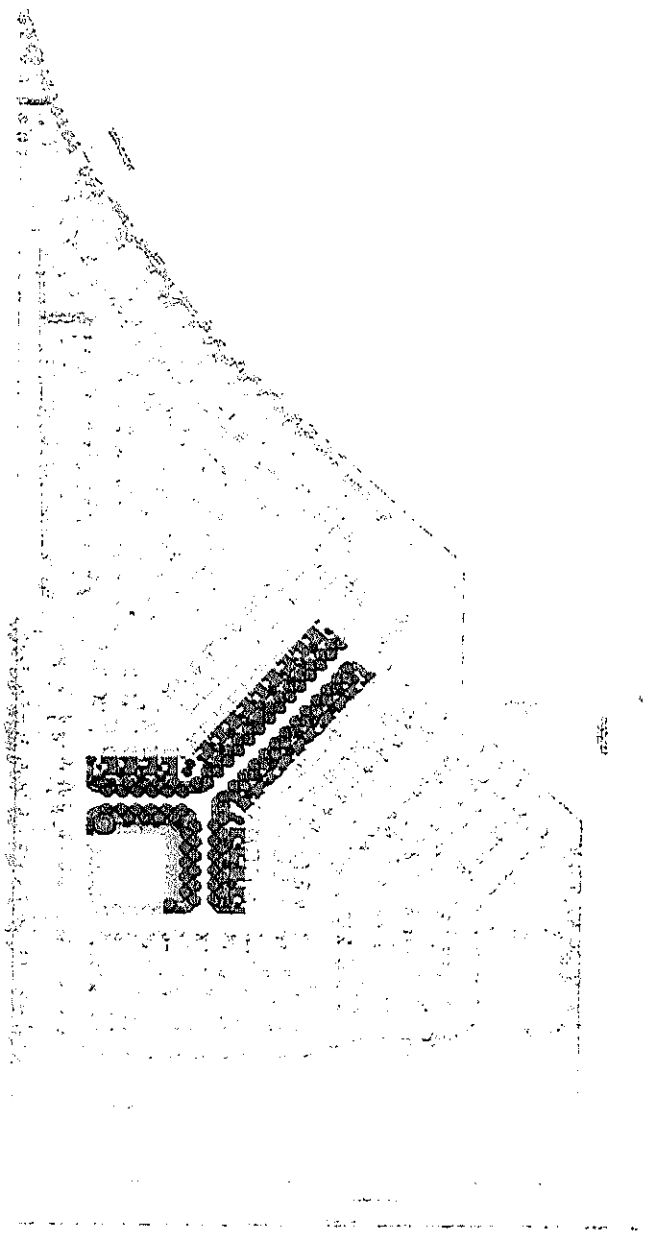
Oak Trails is a place where the whole is greater than the sum of the parts. The carefully planned community results in a place of enhanced livability for both new and old generations to enjoy the best country and urban life.

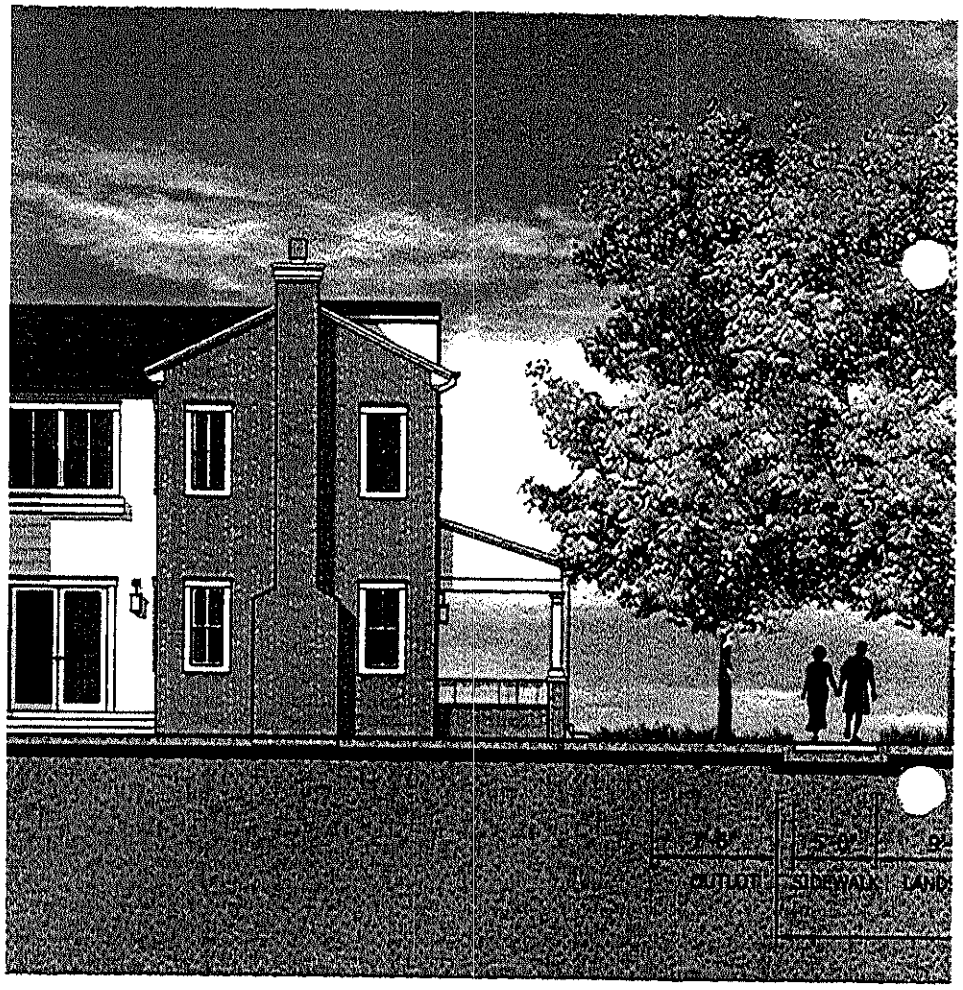




STATISTICAL SUMMARY:

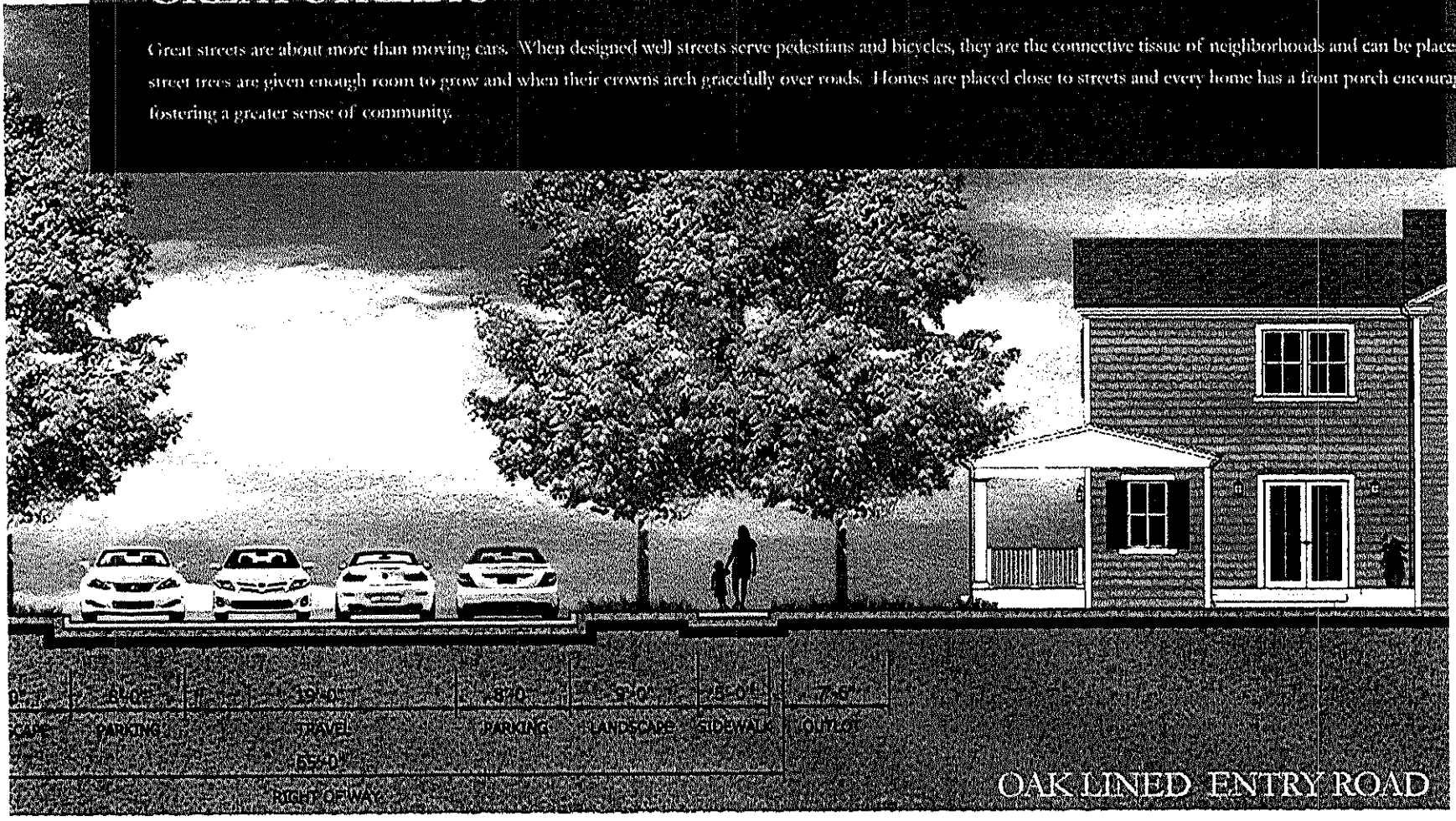
ALLEY LOADED SFD	52 DU
SFD	96 DU
TOTAL	148 DU



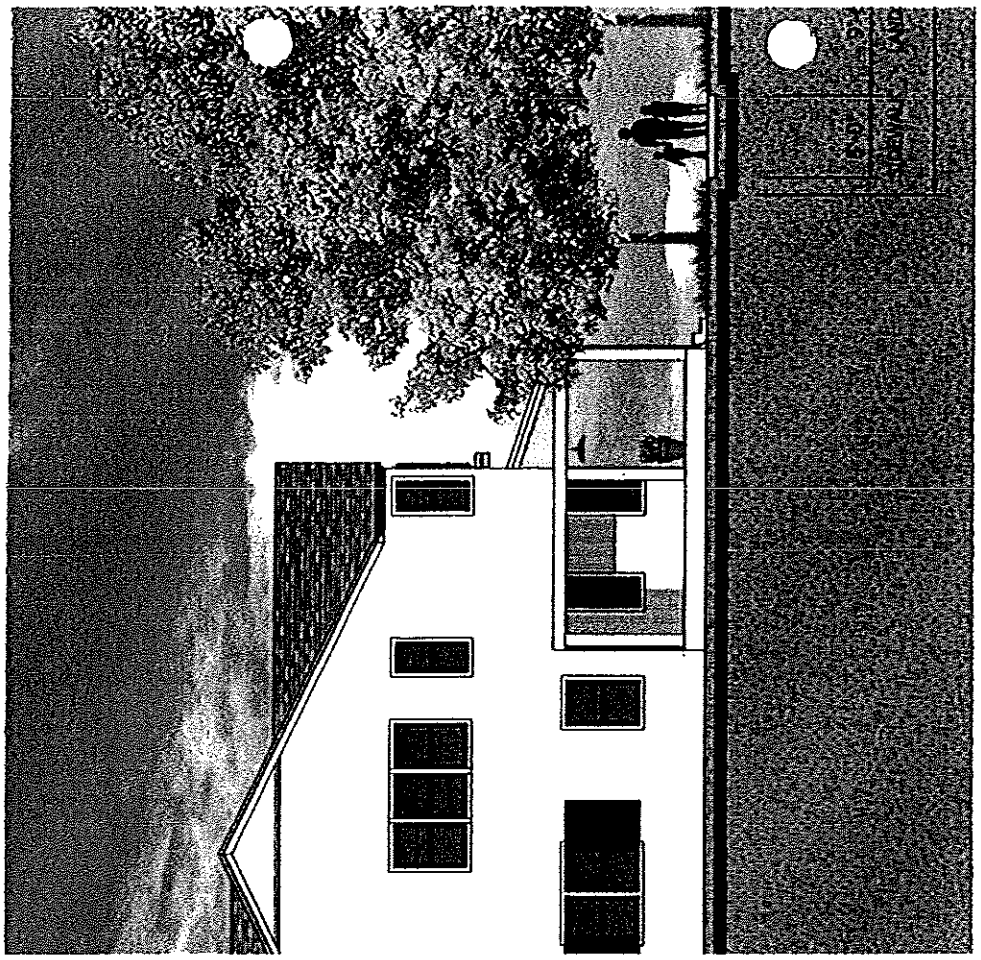

CUTLOT
SIDEWALK
LAND

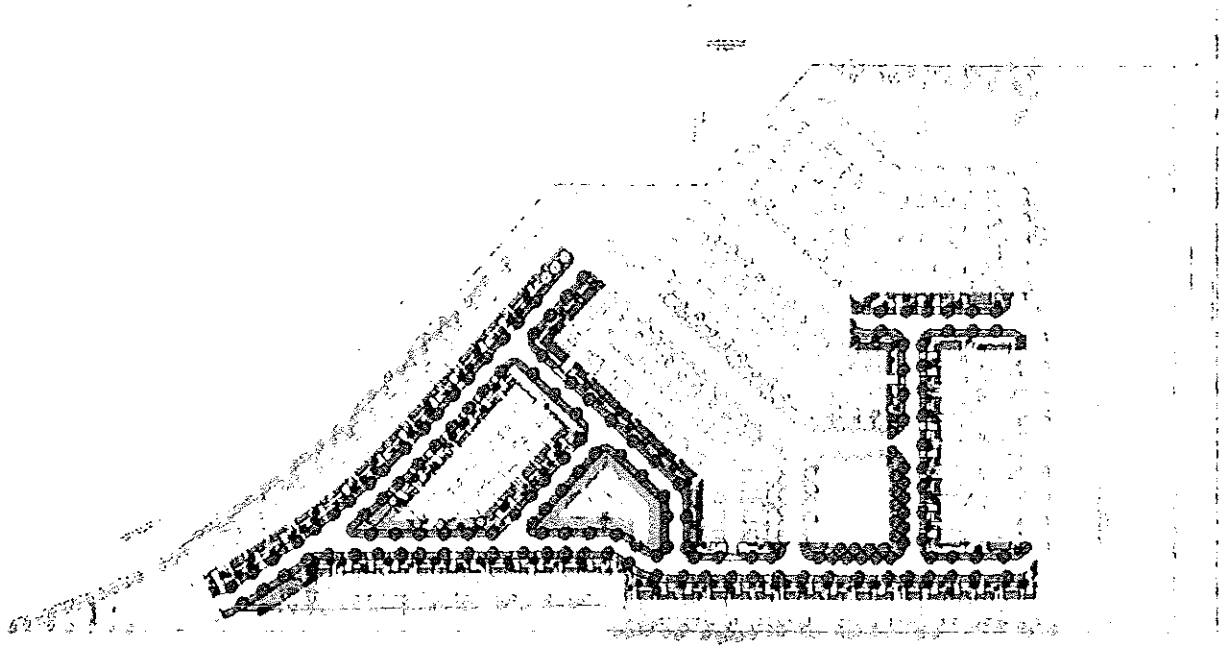
GREAT STREETS

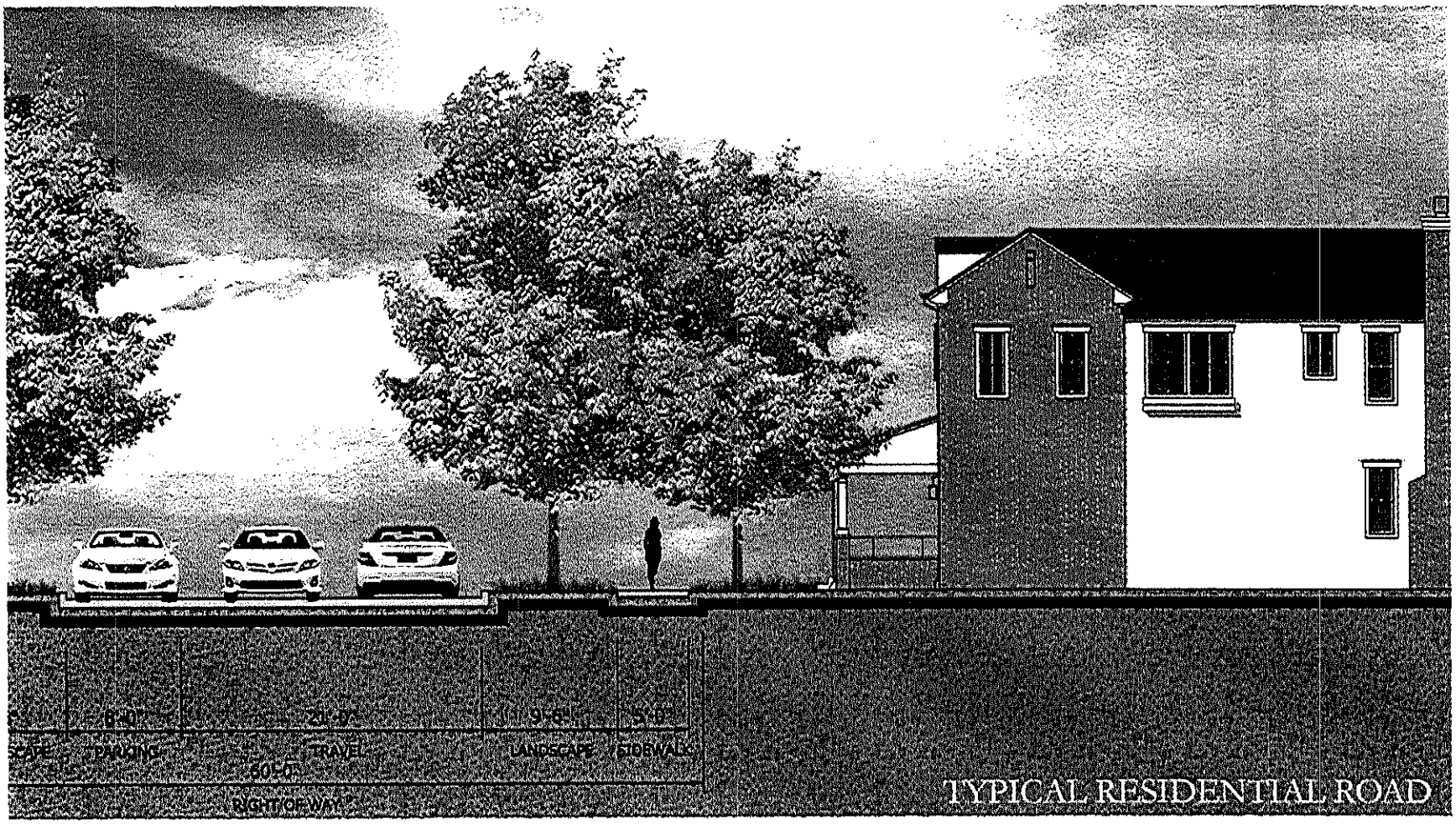
Great streets are about more than moving cars. When designed well streets serve pedestrians and bicycles, they are the connective tissue of neighborhoods and can be places of tremendous beauty when street trees are given enough room to grow and when their crowns arch gracefully over roads. Homes are placed close to streets and every home has a front porch encouraging "eyes on the street" and fostering a greater sense of community.



OAK LINED ENTRY ROAD

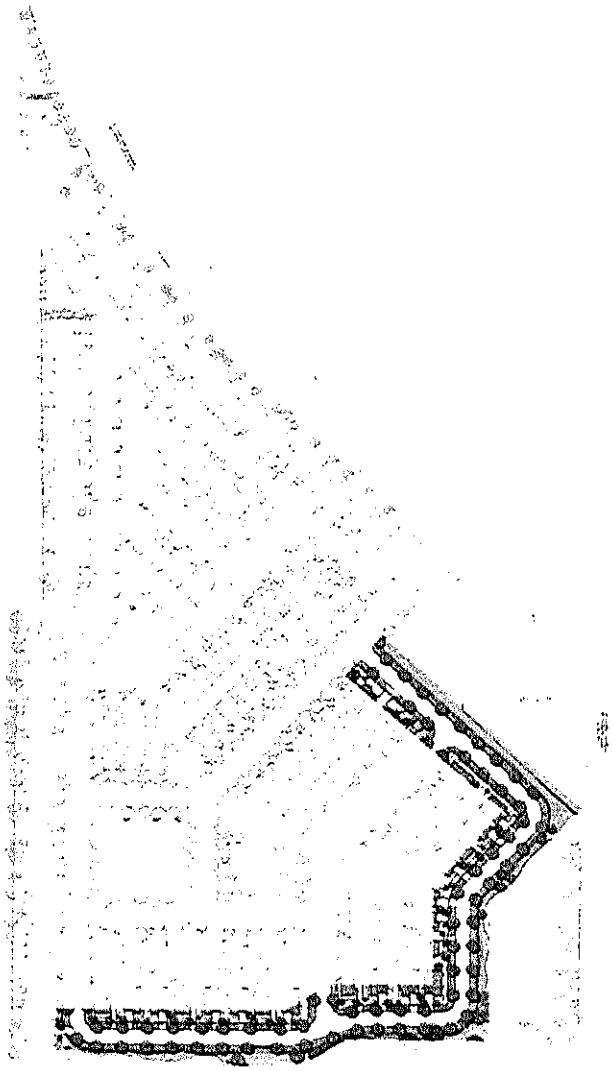


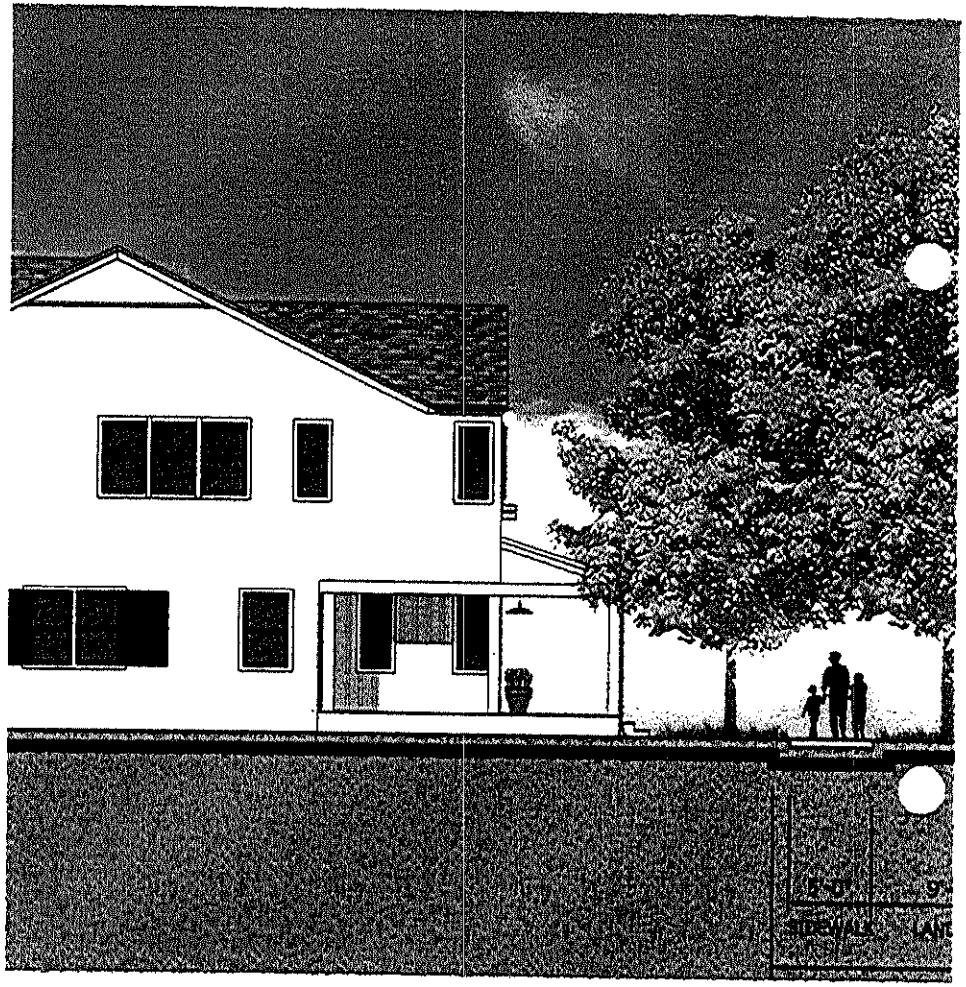




TYPICAL RESIDENTIAL ROAD

5'-0"
SIDEWALK
9'-6"
LANDSCAPE
8'-0"
PARKING
21'-0"
TRAVEL
60'-0"
RIGHT OF WAY
9'-0"
LANDSCAPE
5'-0"
SIDEWALK
GREENWAY PARK ROAD

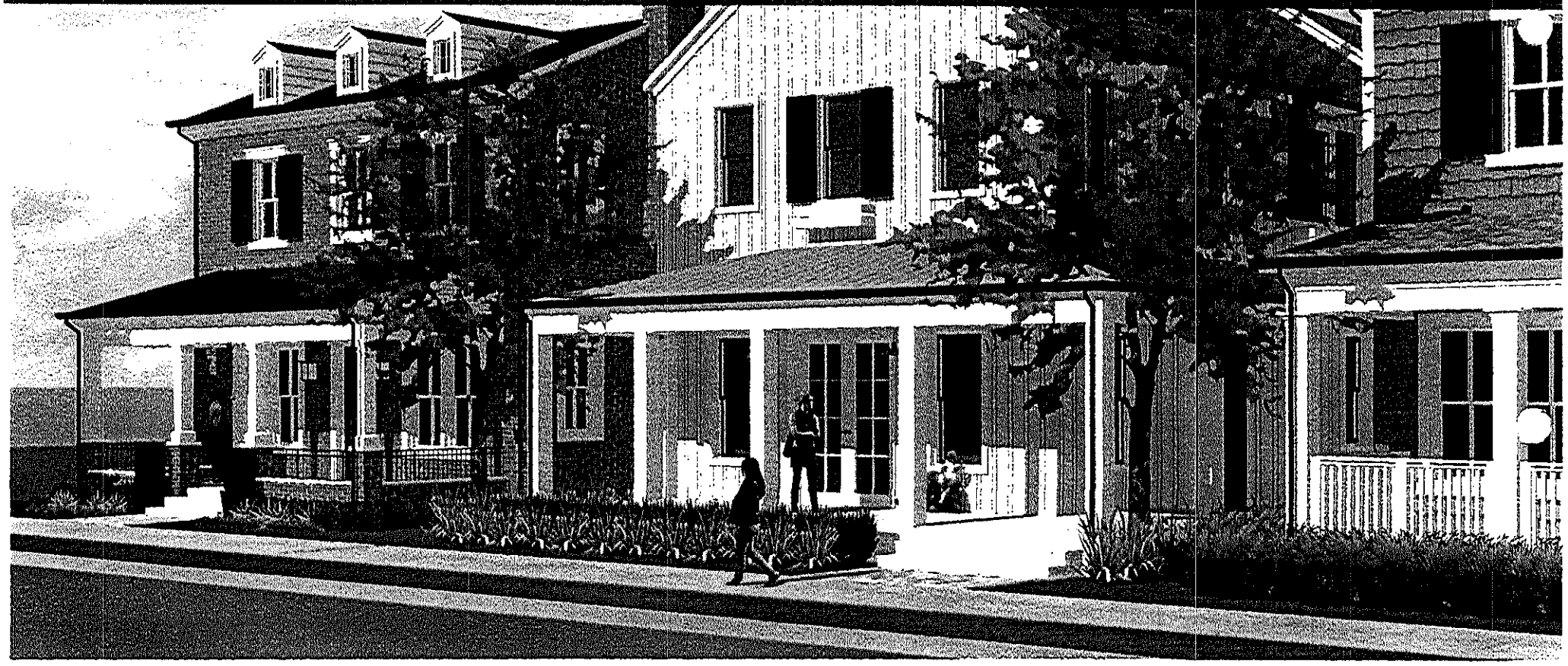




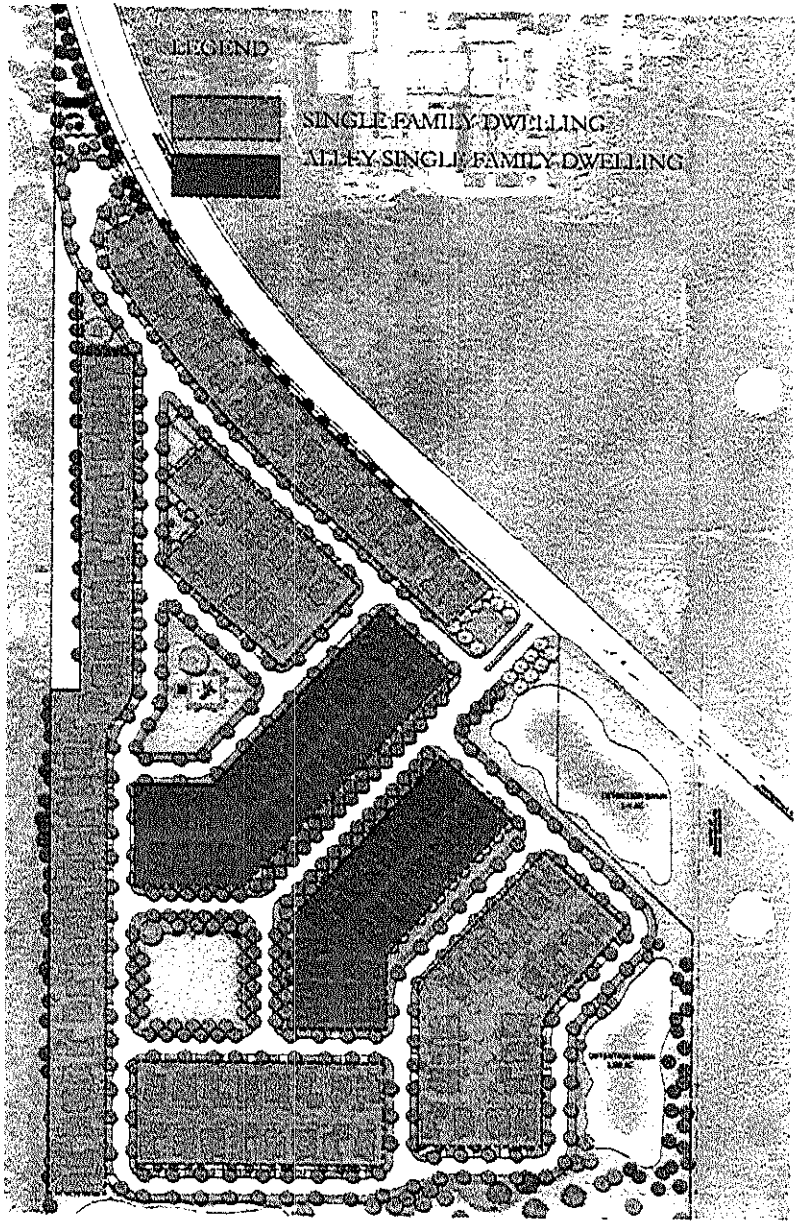
RESIDENTIAL ROAD ALONG PRESERVE

HOUSING DIVERSITY

To help create sustainable and diverse communities, Oak Trails introduces diverse housing options. This diversity helps to respond to the housing needs of the community as it changes over time. Diverse architectural styles and p
couples, families, and older people. Oak Trail's housing diversity sustains a community where friends and support networks are created over time.

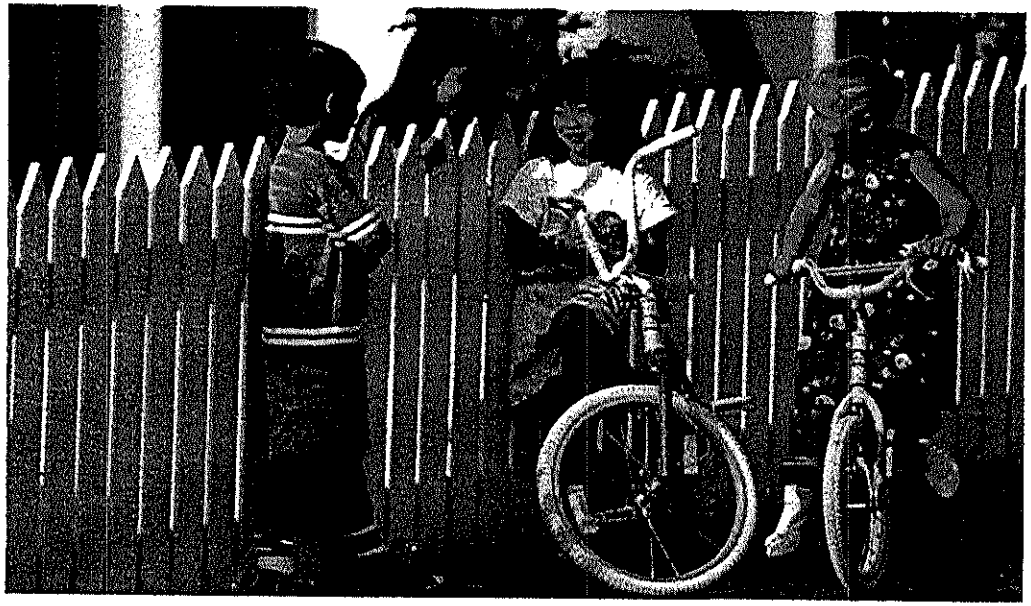


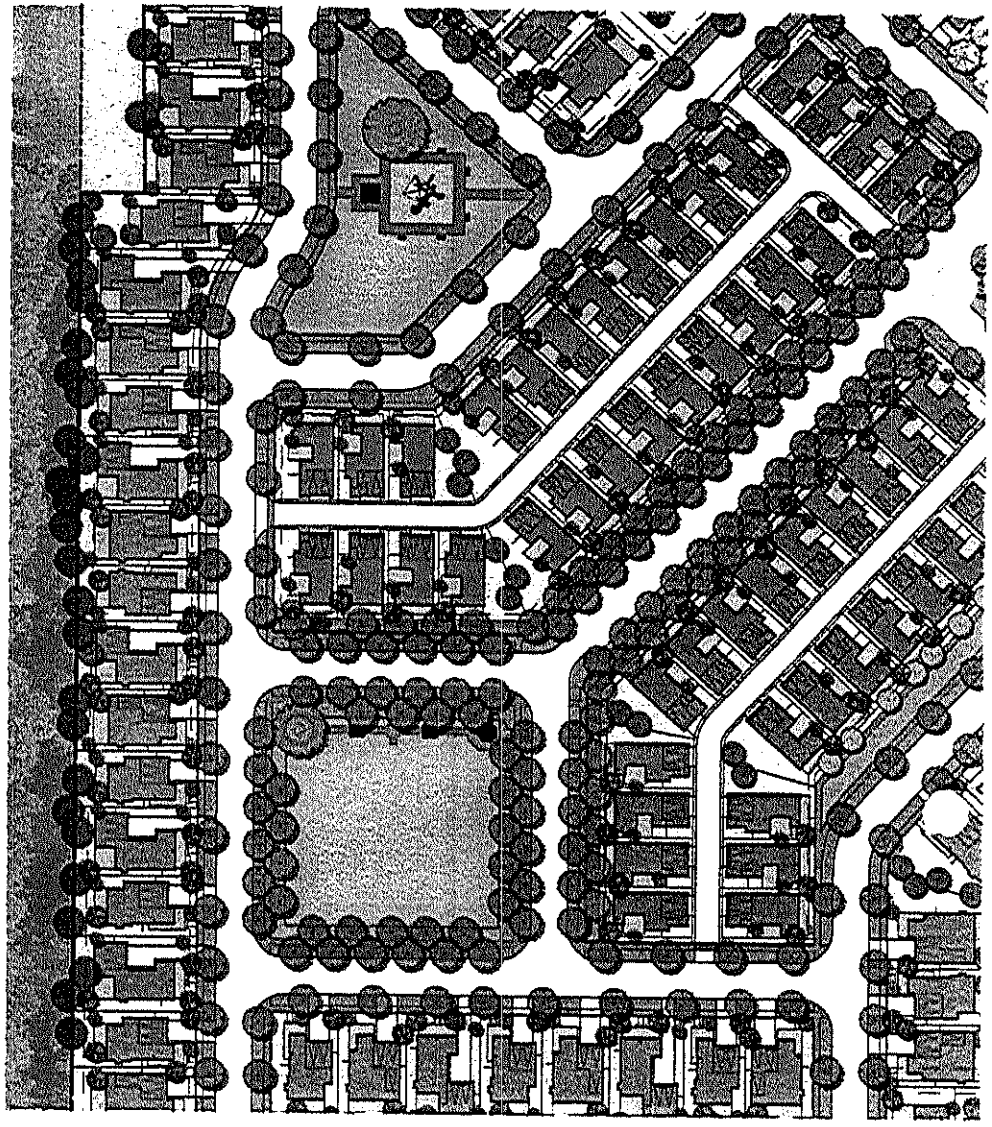
roduct types support a person's stage in life whether it is a household compromising single people,

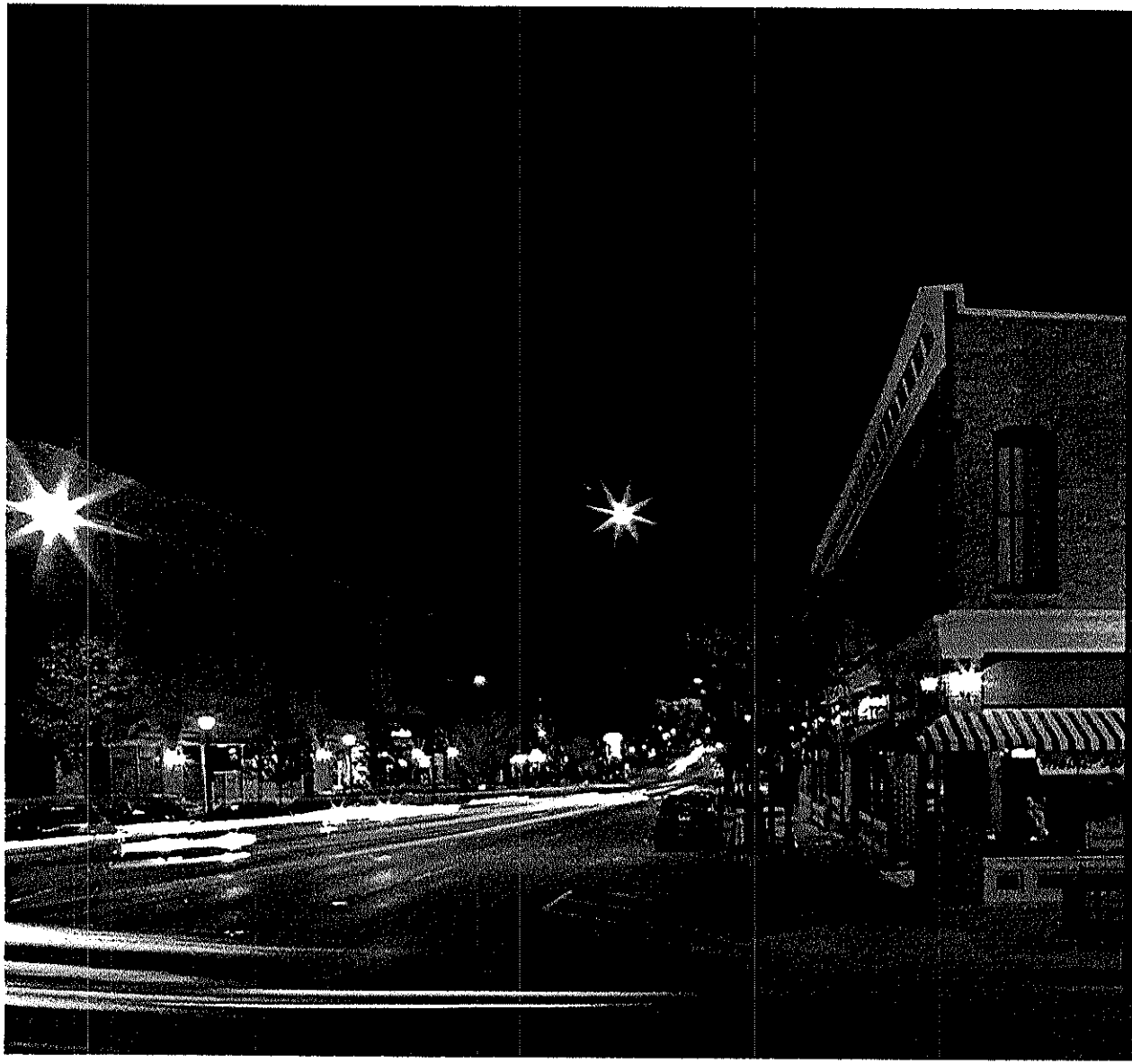


COMMUNITY

The neighborhood is intended to meet the needs of various age groups, lifestages, family types, and demographics. The homes have a positive orientation to the street and include front porches and recessed or rear loaded garages. The circulation concept is centered on creating a strong sense of arrival and identity for the community, richly landscaped streets and a system of landscaped parkways and curb separated sidewalks. The primary entry street is orientated on the community park resulting in a strong visual and physical connection to open space. The orientation of streets adjacent to open space features emphasizes "community" and safety ("eyes on parks, eyes on street").







LIBERTYVILLE

Libertyville, a population of approximately 22,000 people, is a village located in Lake County, Illinois. The location allows its 8 miles of bike path to connect into the larger Lake County System. With over 500 acres of park, there are plenty of ways to enjoy the outdoors. Libertyville's parks feature lakes, athletic fields, ice skating, flower gardens, picnic areas, sled hills, and more. For example, Independence Grove in Libertyville offers an array of outdoor activities, including fishing, boating, biking trails, and a swimming beach. Libertyvill Sports Complex offers mountain climbing, heated driving range, fitness center, indoor soccer, and basketball.

While outdoor activities are some of the primal reasons for Libertyville's excitement, others may find its historic downtown to be just as delightful. Historic Downtown, with restored buildings dating back to the late 1800's, is a neat place to explore including restaurants, a museum, movie theater, brewery, winery and many great shops.

From its leisure activities to its award winning school districts, Libertyville is an authentic village within Lake County.

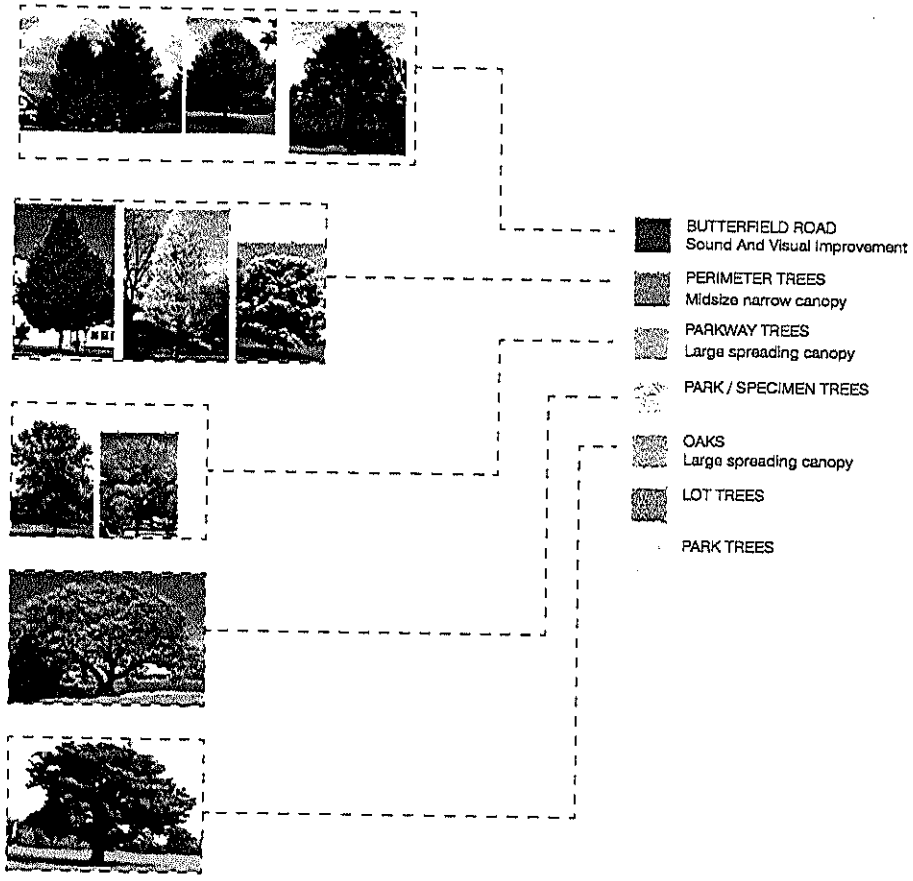
Within Easy Reach

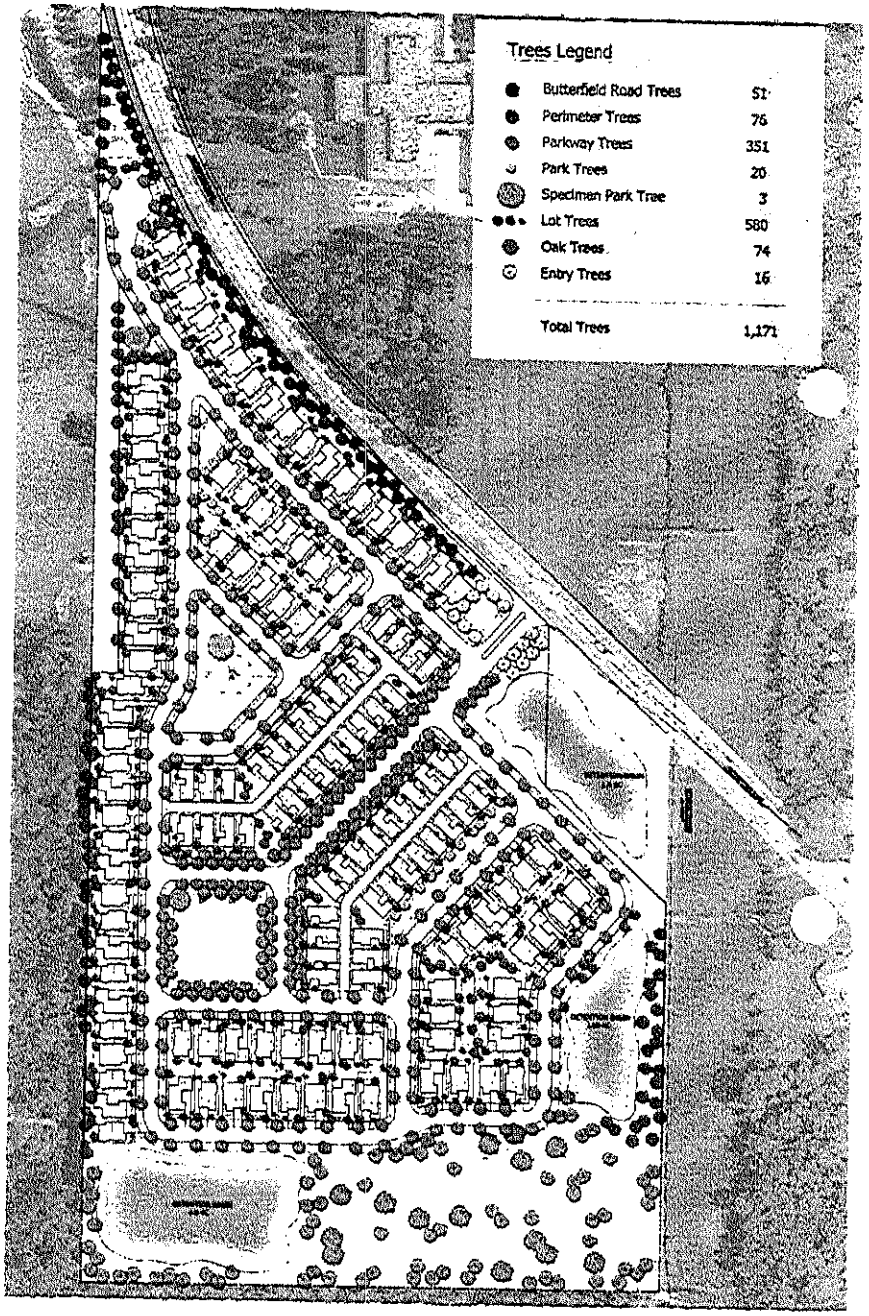
The site, located in the Village of Libertyville, is in close proximity to major *landmarks.*

- 1.5 miles to Downtown Libertyville
- 3.0 miles to Libertyville Sports Complex
- 3.1 miles from Butterfield Rd and Route 176 to I-294
- 39 miles to Downtown Chicago

STREET TREES

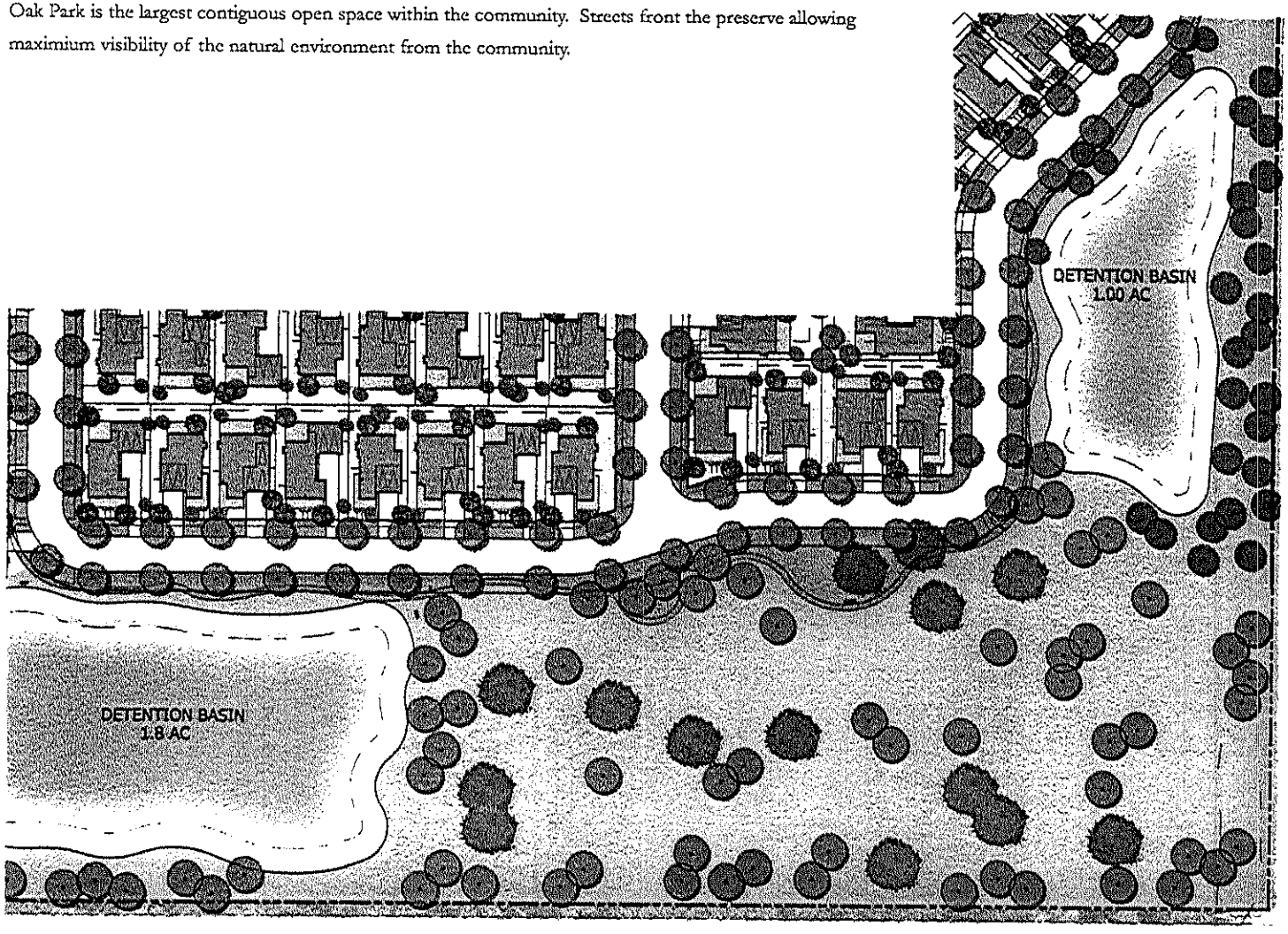
Trees will be a significant component in establishing the character of the community. Over 1,000 trees of various species and sizes will be planted in Oak Trails. Shade trees and evergreen trees are being introduced to create a buffer between Butterfield Road and the community. Within the community, parkway trees are spaced at minimum one tree per lot. Lot trees are a variety of shade trees and ornamental trees.



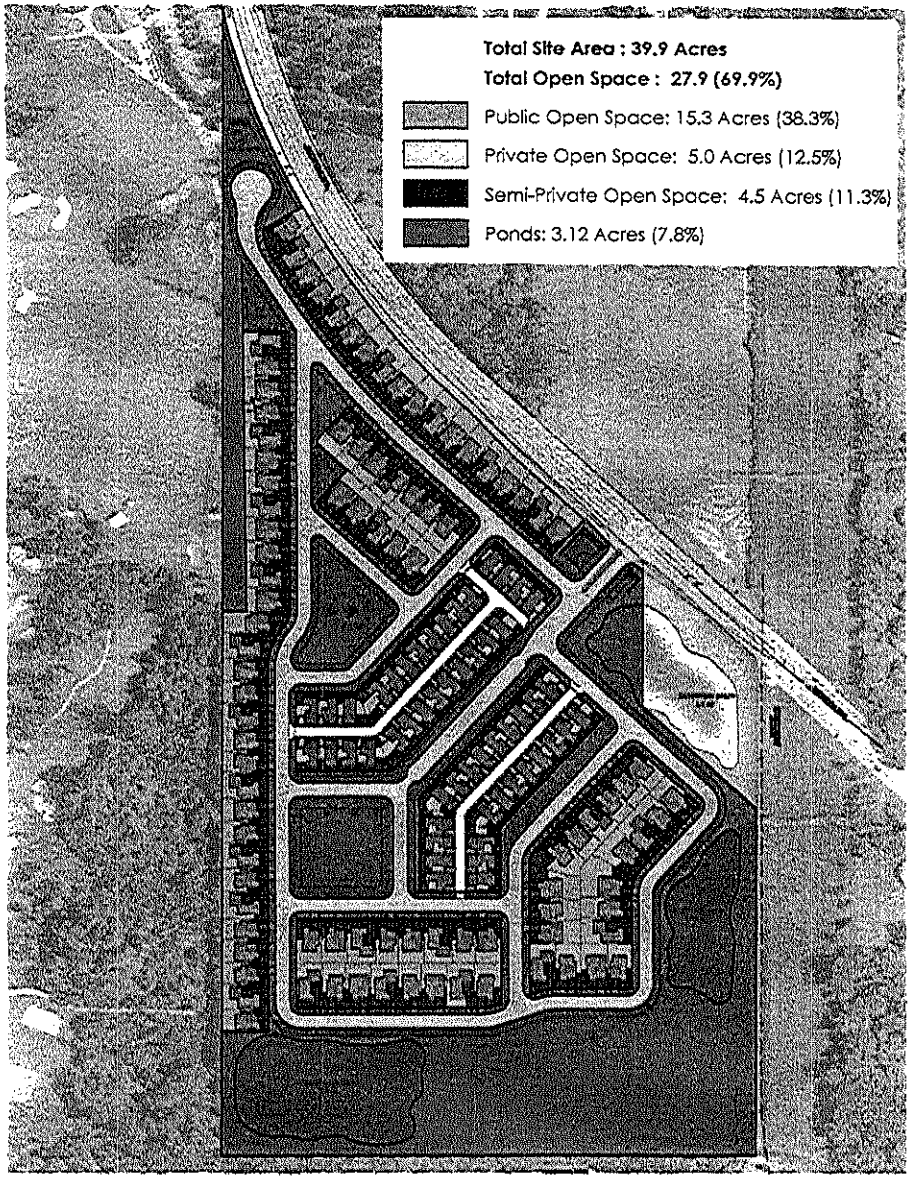


OAK PARK & HICKORY PRESERVE

Oak Park is the largest contiguous open space within the community. Streets front the preserve allowing maximium visibility of the natural environment from the community.



OPEN SPACE

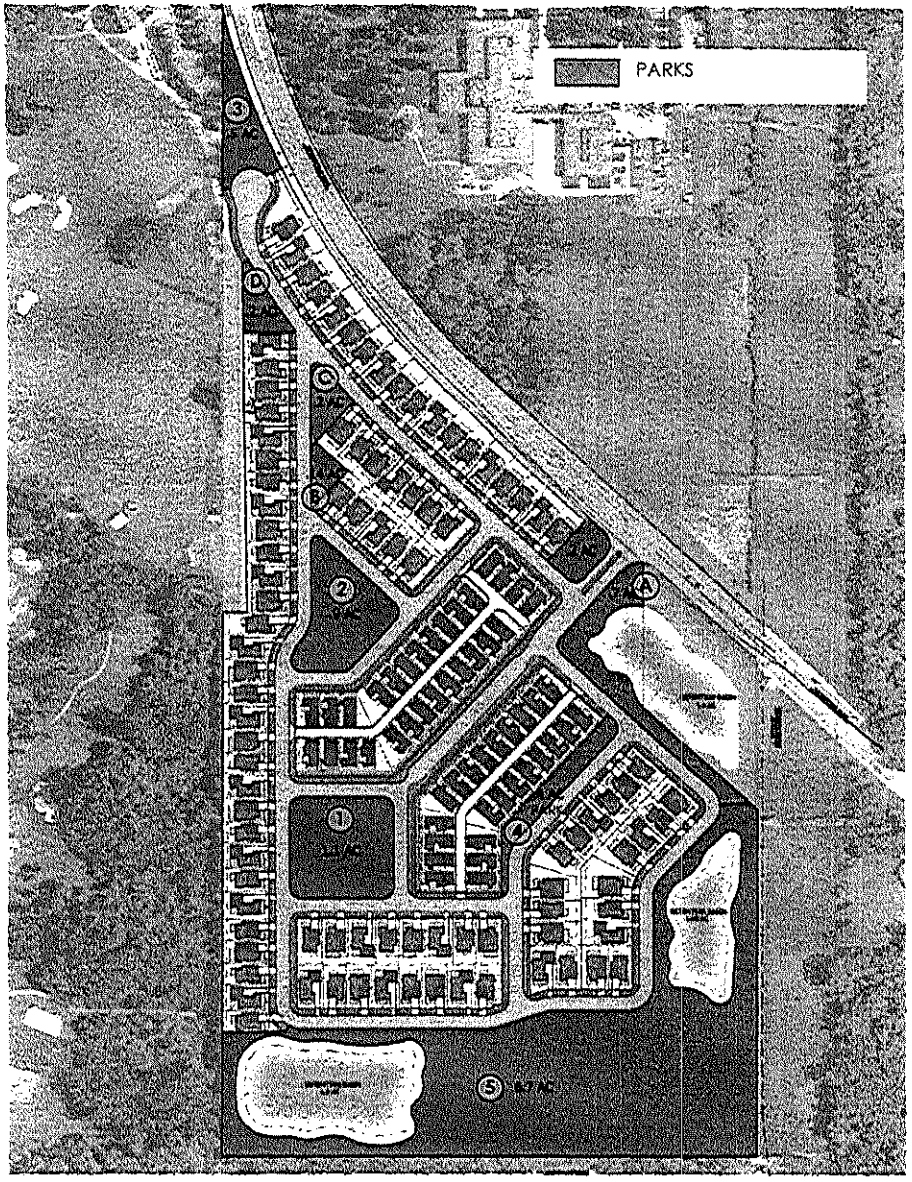

Total Site Area : 39.9 Acres
Total Open Space : 27.9 (69.9%)
Public Open Space: 15.3 Acres (38.3%)
Private Open Space: 5.0 Acres (12.5%)
Semi-Private Open Space: 4.5 Acres (11.3%)
Ponds: 3.12 Acres (7.8%)

PARKS

Parks within Oak Trails offer outdoor spaces for residents are easily accessibility from residential streets. From the pocket parks, central parks, greenway park, to oak park, each park provides different functional space.

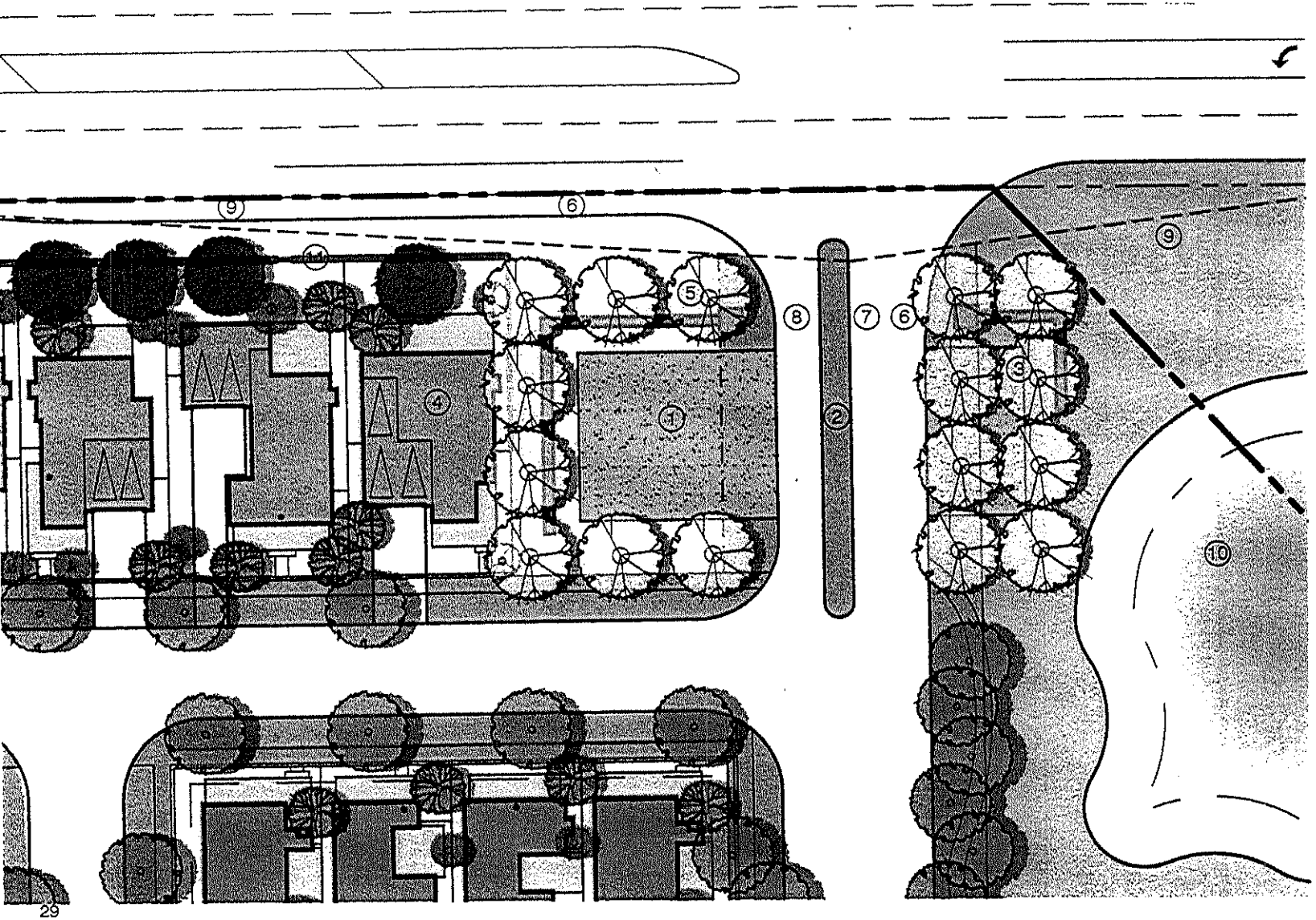
LEGEND

A: Entry
B: Open Turf / Seating Area
C: Open Turf / Seating Area
D: Northern Pocket Park
1: Central Park
2: West Park
3: North Park
4: Greenway Park
5: Oak & Hickory Preserve



ENTRY

This entry space is focused on creating a strong sense of arrival. This is done with a grove of flowering trees, fronted by 3' tall fieldstone walls and entry signage. Shrub planting in front of wall creates layers and hierarchy with other entry elements.

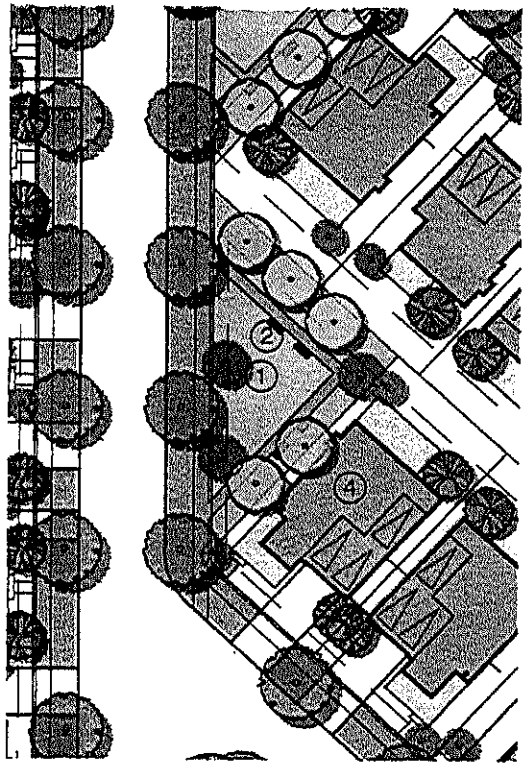


LEGEND

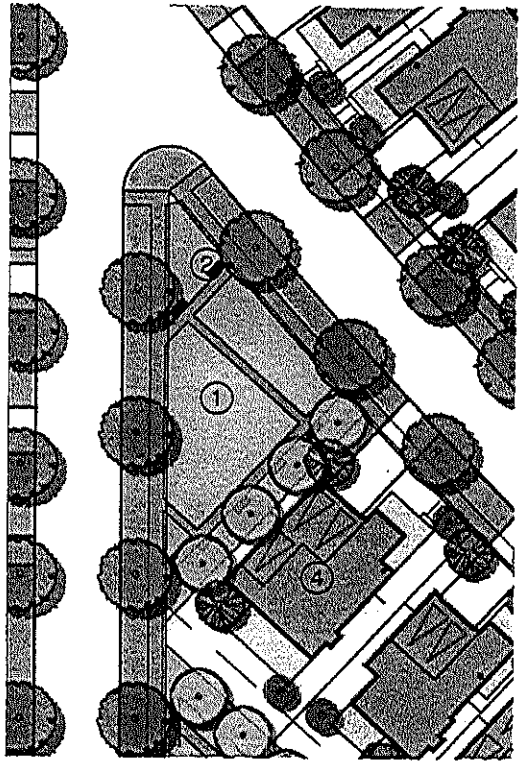
1. Turf Panel
2. Landscaped Median
3. Flowering Tree
4. Residence
5. 3' Tall Fieldstone Wall
6. Right Turn Pocket
7. Left Turn Pocket
8. Entry Lane
9. Line of Sight Line
10. Pond
11. 8' Tall Sound Wall

POCKET PARKS

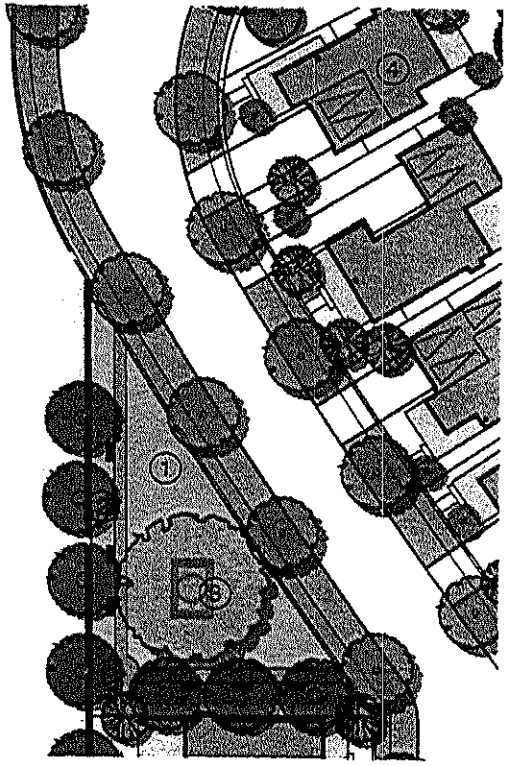
To add walkable destinations throughout the site, pocket parks have been introduced. These parks offer intimate spaces for residents and are easily accessible from residential streets with benches for relaxation, turf panels for flexiable recreation, canopy and flowering trees, and a variety of shrubs and ground covers.



OPEN TURF/ SEATING AREA



OPEN TURF/SEATING AREA



NORTHERN POCKET PARK

LEGEND

1. Open Turf Space
2. Seating
3. Specimen Tree
4. Residence

Division of Transportation

Paula J. Trigg, PE
Director of Transportation/County Engineer

600 West Winchester Road
Libertyville, Illinois 60048-1381
Phone: 847.377.7400
Fax: 847.984.5888

LakeCounty

Traffic Study Review
Roanoke Development
Butterfield Road

February 1, 2017

Mr. Mike Walline
LV 2016, LLC
22 E. Scranton
Lake Bluff, IL 60044

Dear Mr. Walline:

Thank you for the information for the proposed development on the west side of Butterfield Road, south of Lake Street in the Village of Libertyville. Enclosed is a copy of a Major Access Checklist for the Major Access permit process that will be followed for an access to Butterfield Road. We have had several meetings and telephone conversations regarding proposed access to Butterfield Road. The following summarizes our comments on the traffic studies (dated August 30, 2016, October 13, 2016 and December 16, 2016) provided by KLOA and the site plans that we have reviewed and discussed at several meetings at our offices:

1. The original plan indicated access for the subdivision would be the 4th leg of the intersection of Lake Street and Butterfield Road. The latest site plan that has been submitted indicates the desired access is opposite the school ball fields and that there is no access to the north from Butterfield Road at Lake Street.
2. A full access can be granted to the development along the frontage of Butterfield Road. There will be times of the day where movement in and out of the development, due to the existing traffic on Butterfield Road, will be difficult.
3. The Division would not be supportive of any time of day turn restrictions as suggested by the Developer, at the access drive as these would not be able to be enforced. We would not object to posting a "No U-turn" sign at Ridgefield in the future, if this turning movement became an issue at that location.
4. The Division would not be supportive of a "two-stage left-turn movement" striping of the type presented by the developer on Butterfield Road. A standard left-turn lane must be constructed appropriate for speed limit and traffic generation of the proposed development.
5. The KLOA memo states "intersection of the site access drive and Butterfield Road may warrant signalization at some point in the future based on achievement of the School Crossing warrant". This School Crossing warrant would not be able to be determined until such time as the development is established and the number of children needing to cross Butterfield Road to walk to and from school is established.

EXHIBIT
7

The warrants for installing a traffic signal are currently met for the intersection of Lake Street at Butterfield Road. If this traffic signal is installed, an additional one at the access drive will not be permitted due to the close proximity of the access drive and Lake Street. It would also be appropriate to install pedestrian accommodations along the west side of Butterfield Road from the proposed development to Lake Street and provide for a pedestrian crosswalk at the future signalized intersection of Lake Street and Butterfield Road.

Your next step would be to provide the geometric plan for the proposed work on Butterfield Road for our review. Should you have any questions, do not hesitate to contact me.

Sincerely,

Betsy A. Duckert

Betsy A. Duckert, P.E.
Manager of Permitting

Enclosures

Cc: Eric Russell, KLOA
Trudy Buehler, Mackie Consultants, LLC
Paul Kendzior, Village of Libertyville
Amanda Orenchuk, Village of Mundelein

13 (13) Working days at LCDOT (Cumulative)
N/A Working days since last review (Cumulative)
11 Working days since first submittal

Division of Transportation

Paula J. Trigg, PE
Director of Transportation/County Engineer

600 West Winchester Road
Libertyville, Illinois 60048-1381
Phone: 847.377.7400
Fax: 847.984.5888

LakeCounty

Major Access Permit Checklist

The following checked items must be provided to the LCDOT permit department for review and approval. Additional information may be requested during your permit process. The format for the preparation of these items may be found in Chapter 90 of the Lake County Code of Ordinances. http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:lakecounty_il

Roanoke Development

Not Required	Submitted	Completed	Date Completed	
☐	☐	☒	12-12-14	Pre-Application Meeting
☐	☒	☐	1-18-17	Access Application
☐	☐	☐		Variance Application & Fee
☐	☐	☐		Facility Application & Fee
☐	☐	☐		Municipal Acceptance Form
☐	☐	☐		Photographs of the Right-of-Way
☐	☐	☐		Sight Distance Study
☐	☒	☐		Traffic Impact Study or Waiver Request
☐	☒	☐		Traffic Signal Warrant Analysis
☐	☐	☐		Traffic Signal Agreement with Public Entity
☐	☒	☐		Geometric Plan
☐	☐	☐		Major Access Fee
☐	☐	☐		Pavement Design
☐	☐	☐		Drainage Study/Water Quality Plan
☐	☐	☐		Plat of Dedication
☐	☐	☐		Plat of Subdivision
☐	☐	☐		Engineering Plans
☐	☐	☐		Cost Estimate
☐	☐	☐		Performance Guarantee (Letter of Credit)
☐	☐	☐		Certificate of Insurance & Endorsement
☐	☐	☐		Permit & Inspection Fees
☐	☐	☐		Developer/Resident Engineer Agreement Letter
☐	☐	☐		Resident Engineer Letter
☐	☐	☐		On-site Engineering Plan (approved by Village)
☐	☐	☐		Electric Utility Application (N/A)
☐	☐	☐		Telephone Utility Application (N/A)
☐	☐	☐		Cable Utility Application (N/A)
☐	☐	☐		Gas Utility Application (N/A)
☐	☐	☐		As-built Plans
☐	☐	☐		Performance Guarantee Inspection Request Letter
☐	☐	☐		Maintenance Guarantee (Letter of Credit)
☐	☐	☐		Maintenance Guarantee Inspection Request Letter