

**MINUTES OF THE SPECIAL MEETING OF THE ZONING PLANNING & APPEALS COMMISSION OF THE VILLAGE OF METTAWA, LAKE COUNTY, ILLINOIS, HELD AT THE HOUR OF 7:00 P.M. ON TUESDAY JANUARY 8, 2019 IN THE COTTONWOOD ROOM OF THE HILTON GARDEN INN, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS**

**I. CALL TO ORDER**

Village Attorney Rhodes called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Upon a Call of the Roll, the following persons were:

Present: Commissioners Clark, Meluso, Murphy and Pickell

Absent: Commissioners Leonard, Hirsch and Chairman Krusinski

Village Attorney Rhodes declared a quorum present.

Also present: Village Attorney, James Rhodes of Klein, Thorpe & Jenkins, Ltd;  
Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo

**III. SELECTION OF CHAIRMAN PRO TEM**

Village Attorney Rhodes stated the Chairman was unable to attend today's meeting. As a result, a Chairman Pro Tem must be selected for tonight's meeting and public hearing.

A motion was made to select Commissioner Pickell as the Chairman Pro Tem for today's ZPA meeting. The motion was moved by Commissioner Meluso and seconded by Commissioner Clark.

No other nominations were made for Chairman Pro Tem.

Upon a Call of the Roll, the following persons were:

Aye: Commissioners Clark, Meluso, Murphy and Pickell

Nay: None

Absent: Commissioners Leonard, Hirsch and Chairman Krusinski

Village Attorney Rhodes stated Commissioner Pickell will be the Chairman Pro Tem for today's ZPA meeting.

**IV. APPROVAL OF MINUTES:**

The ZPA meeting minutes for December 4, 2018 were reviewed. It was moved by Commissioner Murphy and seconded by Commissioner Clark that the meeting minutes of the December 4, 2018 be approved and be placed on file.

Upon a call of the roll the following voted:

Aye: Commissioners Clark, Meluso, Murphy and Chairman Pro Tem Pickell

Nay: None

Absent: Commissioners Leonard, Hirsch and Chairman Krusinski

Chairman Pro Tem Pickell declared the motion carried and that the meeting minutes will be placed on file.

V. **CALL OF CASES:**

Chairman Pro Tem Pickell stated the role of the Zoning, Planning and Appeals Commission consists of reviewing matters brought before it that affect zoning and planning in the Village. The Commission is a fact-finding body and has no final authority. As a result, it makes no final decisions regarding any matter, but only make recommendations to the President and Board of Trustees of the Village of Mettawa.

Chairman Pro Tem Pickell added tonight's agenda includes an application for certain zoning approvals for W.W. Grainger, Inc., with respect to the property located at 100 Grainger Parkway.

Chairman Pro Tem Pickell opened the public hearing for Case Number 18-SU-PUD-1 from an application filed by W.W. Grainger, Inc.

Upon a Call of the Roll, the following persons were:

Present: Commissioners Clark, Meluso, Murphy and Chairman Pro Tem Pickell

Absent: Commissioners Leonard, Hirsch and Chairman Krusinski

Chairman Pro Tem Pickell declared a quorum present.

The applicant, W.W. Grainger, Inc., pursuant to the Annexation Agreement between the Village and the applicant, approved on August 21, 2018 (the "Annexation Agreement"), seeks the following approvals:

1. A Zoning Map Amendment changing the zoning of the Property commonly known 100 Grainger Parkway, Lake Forest, Illinois 60045 (the "Subject Property") from the R-1 Zoning District in Mettawa to the O-H Zoning District in Mettawa;
2. Approval of a Special Use-Planned Unit Development Final Development Plan approval pursuant to Chapter 15, Article XVI of the Mettawa Zoning Code to allow the currently existing Grainger Corporate Headquarters to operate as a Special Use-Planned Unit Development on the Subject Property under the Mettawa Zoning Code, including the right to further develop the Subject Property in accordance with Development Approvals approved by Lake County, Illinois, including the development of up to a total of one million five hundred thousand (1,500,000) gross square feet of office space ;

3. A variation from the forty-five foot (45') maximum building height requirement required in Section 15.1506(A) of the Village of Mettawa Zoning Ordinance to allow for the eighty foot (80') existing buildings and up to ninety feet (90') for additional buildings, exclusive of building appurtenances not exceeding five feet (5') in height;
4. A variation from the requirement that off-street parking spaces be at least nine (9) feet in width under Section 15.1703(D) of the Mettawa Zoning Ordinance to allow for parking spaces to be 8.6 feet in width; and a variation from the requirement that off-street parking spaces be located within two hundred (200) feet of the use served under Section 15.1704 of the Mettawa Zoning Code;
5. A variation from the requirement that five (5) parking spaces be provided for each one thousand (1,000) square feet of floor area under Section 15.1705 (B) to allow for 2.5 parking spaces per one thousand (1,000) square feet of floor area; and,
6. A variation from the requirement of one (1) loading berth for each forty thousand (40,000) square feet of floor area under Section 15.1705 (B) of the Mettawa Zoning Code to remove the restriction entirely as it relates to the Subject Property.

Chairman Pro Tem Pickell said the notice of hearing on case number 18-SU-PUD-1 was published in the Daily Herald on December 21, 2018, in the manner required by law. The Village Clerk has the newspaper certificate of the publication which will be admitted as **Exhibit Number 1**.

The following objectors were present: James Carr attorney at Carr Law Firm, LLC representing Thomas and Franziska Lys (25300 N Nektosha Way), Thomas and Franziska Lys (25300 N. Nektosha Way), Rick Philips, President of Deerpath Farm Homeowner Association (14704 W. IL Route 60) said he had a letter addressed to the Board that he would like to read and submit, Lori Young (26051 N. Farwell Road) has pictures she would like to submit, Patricia Cork (26453 N. Farwell Road), Marguerite Clark Zamolo (26115 N. Farwell Road).

Chairman Pro Tem Pickell asked the applicant to present evidence that letters have been sent as required notices of this hearing to all owners of real property lying within 1,000 feet of the property. The proof of the mailings submitted by Grainger will be admitted as **Exhibit Number 2**.

John Julian, Attorney for W.W. Grainger, Inc., and Don Hanson, Senior Director of Real Estate Development were representatives for W.W. Grainger, Inc.

Village Administrator Irvin said there is a statement correction, the notices were sent to property owners located within 2,000 feet of the subject property. The record will be corrected to indicate that notices were sent to property owners within 2,000 feet of the subject property.

Mr. Julian said W.W. Grainger Inc., has no intentions of any new development nor any new construction upon the subject property at this time. Grainger purchased this property along with other property 30 years ago. When this land was purchased, the property was located within the corporate limits of Mettawa. Grainger's plans were to make this site their national headquarters. Grainger experienced great difficulties gaining approval for their plans from Mettawa and subsequently, Grainger decided to seek disconnection from the Village of Mettawa. Mettawa filed litigation to stop and block the disconnection. A settlement agreement between the Village of Mettawa and Grainger was entered into in 1996. The settlement agreement included certain development rights that were offered to Grainger and were accepted 30 years ago. Grainger completed its disconnection and the property became under the jurisdiction of Lake County. Grainger sought and received certain zoning approvals from the County. Grainger completed their national headquarters construction in 2000. Grainger also has other corporate locations in the surrounding municipalities. One nearby corporate operating location was in the Village of Lincolnshire. About 3 years ago, Grainger ceased their operations at the Lincolnshire location. Mr. Julian said the importance of this location was that Grainger had designated Lincolnshire to receive their Illinois Sales Tax Revenue generated by that corporation. Once Grainger ceased operations in the Village of Lincolnshire, they were required to move their sales operations to a new municipality.

Mr. Julian said at this time Mettawa and Grainger began negotiations regarding the Sales Tax Revenue and an agreement was reached. A number of agreements were reached with Mettawa. A division of sales tax revenue was one document. However, in order for Mettawa to receive their sales tax revenue, Grainger needed to be annexed back into Mettawa. Grainger was annexed last year at the August Board meeting. Mr. Julian mentioned Grainger had pre-existing development rights resulting from the settlement agreement from 1996 including the parking lot variation which was discussed and settled with the Village. The Village understood Grainger's pre-existing development rights and they agreed to them accordingly. Today we are here for Grainger to be rezoned into Mettawa as part of the office hotel district and not as a single-family residential district. Grainger has a number of variances which have been requested; the variances match with the pre-existing rights under the settlement and the annexation agreement. Grainger is not asking for any expansion, new development nor new construction approval at this time. Mr. Julian said today's rezoning goal is to allow Grainger to carry their property rights which had been entered into agreement with Lake County to be the same with the Village of Mettawa.

Village Attorney Rhodes asked Mr. Julian to provide details of each zoning request

in order to allow the public to hear and ask questions accordingly.

Mr. Julian outlined the Grainger requests as provided in the Rezoning Narrative document starting on page 3 through 11. This document was posted on the Village website prior to the meeting.

Village Attorney Rhodes said that Grainger's application included many documents. The following documents will be entered as **Exhibit Number 3**. The Grainger Application, Title Policy, Land Trust Agreement, Site Area Exhibit, Site Ground Cover Exhibit, Copy of Settlement Stipulation from 1996, Administrative Variation from Director of Department of Planning Building and Development, Lake County Ordinances Requirements for Parking Lots and Loading Docks, Site Photographs of the Property and Site Elevation Plans.

Commissioner Murphy asked Mr. Hanson if Grainger has had the option for the last 22 years to develop another building on their site and they have not exercised this opportunity. Mr. Hanson replied Grainger has no plans to do anything onto the site. Since the inception of the two office buildings, a data center of 40,000 square feet has been added.

Chairman Pro Tem Pickell asked Mr. Hanson if Grainger was requesting anything from the Village of Mettawa outside of what was documented in the agreements. Mr. Hanson said nothing is being requested outside of the narrative read by Mr. Julian and the stipulation settlement agreement from 1996.

Chairman Pro Tem Pickell asked with your current 2,100 parking spots and your option to expand your facility, would you be able to accommodate at a later time the parking spaces requirement of 9 feet wide not 8.5 feet. Mr. Hanson said Grainger has no detailed plans. If Grainger expanded, they would have to consider building a parking deck, if space was a limitation. Mr. Hanson said no plans are being considered at this time.

Commissioner Pro Tem Pickell commented that Grainger is currently in compliance with Lake County's ordinances and Grainger can act on any of those property rights. Commissioner Pro Tem Pickell added in order for Grainger to be rezoned into Mettawa, Grainger's existing structures and parking lots need to be addressed and transitioned into the Village's zoning code.

Commissioner Meluso asked Mr. Hanson to clarify if the 1.5 million square feet was parking and building. Mr. Hanson said the 1.5 million was gross square feet of office space only. Mr. Julian said the plans the Commissioners received for this meeting are concept plans that Grainger developed 20 years ago. Those plans were provided as full disclosure for the application and are only office building concepts. The drawings depict the architecture in which Grainger would continue if any new buildings were to be constructed.

Commissioner Clark asked how many employees transferred from the Lincolnshire to the facility on the subject property. Mr. Hanson estimated 300 employees. The facility had to complete some modifications in order to accommodate these employees. During the transition, some employees were housed at the Northbrook facility. As of mid-2018, all of the employees which were part of the Lincolnshire facility, are now located at the facility on the subject property. The various facility consolidation resulted in the employee count to increase from 1,800 to about 2,200. Commissioner Clark asked if Grainger anticipated any other large facility consolidation. Mr. Hanson said Grainger is not considering any other facility merging at this time. Grainger just recently consolidated Lincolnshire, Northbrook and Niles into Lake Forest campus.

Village Attorney Rhodes clarified that Grainger's property had a Lake Forest address but it was considered unincorporated Lake County. It was not within the corporate limits of Lake Forest. Mr. Hanson confirmed the facility was a Lake Forest mailing address. Village Attorney Rhodes added should Grainger determine they would like to develop their facility outside their rights entitled from the settlement agreement and their current variances; Grainger would be required to comply to Mettawa's ordinances on any new construction. Mr. Julian confirmed Village Attorneys Rhodes statement.

Attorney, Jim Carr representing the Lys stated Grainger property was annexed last August to the Village of Mettawa. Mr. Carr said the annexation agreement provides Grainger development approval from the Village in order to accommodate buildings rights. Mr. Carr said the annexation agreement conditions also included Grainger desire to preserve the rights to any additional development. Mr. Julian replied the condition is to preserve the preexisting development rights. Mr. Julian said if Grainger had new development it would be subject to preexisting development rights. Mr. Carr stated the new construction of an office space, parking lot and lighting standards can be completed on the 1.5 million square feet space or the difference of what is currently constructed, which is unclear between the agenda and the public hearing notification. Mr. Carr said some substantial development could be constructed under the current approval. Mr. Julian said if new development would be constructed, it would be developed under the preexisting standards and accordance with the Village's zoning standards. Mr. Carr said Grainger is seeking application approval from the Commissioners for a Planning Unit Development. Mr. Carr said the ZPA agenda on the bottom on page 1, it states 'an additional one million five hundred thousand (1,500,000) gross square feet of office space'. Village Administrator Irvin said the public notice said for a total of 1.5 million gross square feet of office space. Mr. Carr said within the annexation agreement Ordinance 830 (**Thomas Lys Exhibit 1**) states existing space of 850,000 and the data center is 40,000 square feet. Mr. Carr said if the application was approved today Grainger would receive an additional 650,000 office space to be constructed. Mr. Julian said if Grainger would seek additional development rights, Grainger will be subject to the Village's zoning code. Mr. Carr referenced the survey property exhibits found on the Village website (**Thomas Lys Exhibit 2**). Mr. Julian said that site plan is a 30-

year plan that included all the property that was initially purchased. Mr. Carr said Grainger donated some land to the forest preserve that area is not available for development. The tree preservation area of 25 acres is also not available for development. Mr. Carr asked Mr. Julian how many acres have been developed, 40 acres. Mr. Carr said as he read the agenda, the public hearing notice and the annexation agreement Grainger is seeking approval of their PUD. Mr. Julian said I can't say if we need PUD for additional development or not. Mr. Julian said Grainger was directed to seek a PUD. Mr. Carr stated his concern pertains to the application, should the application be approved an additional, 650,000 square feet of office space can be developed. Mr. Julian said Grainger has no plans for new development. Mr. Julian said if new plans were to be developed, they would need to be reviewed.

Chairman Pro Tem Pickell said any new plans would require the review of the ZPA. Chairman Pro Tem Pickell stated under oath Grainger stated no new development requests are being made that are not already included in the documentation. Mr. Carr said Grainger it is self-evident, that Grainger is asking for land approvals given they have development plans. Village Attorney Rhodes said Grainger is complying with the Village's request since they are non-confirming with completing an application for their PUD. Mr. Carr stated a special use provisions requires a public hearing to be held on any new development, has any public hearing been held. Chairman Pro Tem Pickell said no. Village Attorney Rhodes said this Commission will approve any final development plans with Grainger's rights to develop. Mr. Carr asked to adjourn to review the documents. Village Attorney Rhodes replied the meeting will continue to receive comments for the other members in attendance. Mr. Julian said the two additional buildings on the plans, Grainger is not seeking approval at tonight's meeting. Mr. Julian said we could withdraw the site plan drawings from the submission footprint, he has no objection. Mr. Julian said we currently have 2 separate buildings the office center and the data center. Mr. Carr said the data center was built under the Lake County approval process and in 2015. Mr. Carr asked Mr. Julian to confirm no new plans for development of any new building square footage nor new surrounding parking information was available to him. Mr. Julian confirmed no new development was being requested. Mr. Carr said the current buildings are 75 feet tall and could go as high as 90 feet. Mr. Carr asked if tonight's approval is to seek up to 90 feet height plus 5 feet. Mr. Julian said yes, based on preexisting condition. Mr. Carr asked Mr. Julian if he was able to state how close the new construction would be built to the lot lines with a 90-foot structure. Mr. Julian confirmed he was unable to state this information. Mr. Carr stated the current parking spaces are 2,119, if 650,000 square feet of office space were approved for new construction. This new building would require 2.5 space for 1,000 square feet ratio would result in 1,625 new parking spaces. Mr. Carr asked Mr. Julian if he could indicate where the new parking would be built. Mr. Julian indicated he could not state the location of a new parking or building, nor the square footage, nor the landscaping or screen to be completed. No new plans are in place.

Chairman Pro Tem Pickell said the permit reviewing process is handled by the

Village Engineers, as the Planning Unit and Development comes before the Commissioners. Grainger has a PUD. Mr. Carr said the Commissioners are making a PUD approval on development plans Grainger has not submitted. Chairman Pro Tem Pickell said the Commissioners have been directed by the Village to review this application as a PUD. Commissioner Clark said the agreement includes the square footage Grainger has been allotted to build. Mr. Carr submitted a copy of the public notice as an exhibit (**Thomas Lys Exhibit 3**). Village Attorney Rhodes stated the document entitled the Master Land Use Plan is indeed the Exhibit D found in Ordinance 830, listing the entitlements Grainger has been granted.

Resident, Mr. Lys asked if the 1,500,000 square feet is an addition or all-inclusive square feet. Grainger currently has utilized 850,000 square feet. Mr. Hanson said the square feet is all inclusive. Village Attorney Rhodes stated the agenda was incorrect to include the term additional square feet.

Resident, Mr. Philips wanted to clarify the agreement that was approved 22 years with the County and the Village is to allow Grainger to develop on their 1,500,000 square feet. Mr. Philips asked Mr. Hanson if Grainger had any intentions to expand in the next 5 or 10 years. Mr. Hanson said at this time Grainger has no plans to expand nor have discussions been held. Mr. Philips asked Mr. Hanson if Grainger and the Village would consider limiting the height of any additional structures to the maximum height of the current structures. Mr. Hanson replied Grainger is not looking to give up any rights. Mr. Julian said Grainger has a unique campus and would like the same rights they were granted. However, with that said Grainger will work with the surrounding neighbors.

Mrs. Young stated Grainger has the right to build their structure as high as 90 feet, why would they need the additional 5 feet. Mr. Hanson said Grainger would like to keep their preexisting rights. Mr. Julian clarified the maximum building height for Grainger buildings and antenna would be 90 feet. The additional 5 feet came from the Village ordinance, but is not needed by Grainger and may be eliminated.

Mrs. Cork requested from Grainger for the record to read the list of those residents that were captured in the 2000 square feet to receive a certified letter. Mr. Julian said he did not have the complete list for this meeting. Mr. Julian added the final list consisted of two listings. The first list came from the Village and the second list was obtained from the Chicago Title Company indicating the owner to each property of where the property tax bills were being sent. The property owners had the option of signing the green card as received or rejecting the letter. The list may include bad addresses too. The post office will notify the residents they have a certified letter waiting at the post office. However, many residents do not always pick them up. Mr. Julian presented a stack of envelopes that were returned to Grainger. Mrs. Cork said she owns Lot 4 and Lot 5 in Deerpath Farm Community. Her empty lot #5 received a certified letter. Lot 4, the location of Mrs. Cork's house did not receive a certified letter. Village Attorney Rhodes asked Mrs. Cork if the vacant lot had an address. The reply was yes.



Mrs. Clark Zamolo wanted to confirm that the 90 feet building height variance was captured in the annexation agreement. Mr. Julian said the building height exists in the settlement stipulation and it was incorporated into the annexation agreement. Mrs. Clark Zamolo asked what is Grainger's current occupancy in the existing facility. Mr. Hanson replied it has 2,800 employees.

Chairman Pro Tem Pickell confirmed no other objector was in attendance.

Mr. Philips read his letter address to the Village President and Board of Trustees. Mr. Philips stated in his letter Deerpath Farm HOA's major concern being the increase to Grainger's impervious surface area would impact current stormwater runoff volume and velocities. Mr. Philips stated he would like assurances from Grainger and the Village that the runoff entering Deerpath Farm would not increase in volume or velocity. Mr. Philips letter also included Deerpath Farm's HOA concern of Grainger's additional 15 feet of maximum building height will compromise the resident's privacy. Mr. Philips letter was submitted as an exhibit.

**Exhibit\_Rick Philips Letter**

Mrs. Young said she has lived in Mettawa for 3 years. Mrs. Young said she feels her safety and privacy has been compromised in her ranch house. An increase of a building floor at Grainger would reduce their privacy greatly. Grainger's current 3 floor building across the street of our community can be seen often. Mrs. Young said if the permit is approved, she suggested to increase the height of the berm and plant more trees and add to the native plants for screen. Mrs. Young submitted 12 pictures of Grainger's building from the inside of her home. **Exhibit\_Lori Young Interior Home**

Commissioner Meluso asked Mrs. Young if Grainger was built before she built her ranch. Mrs. Young said she is not complaining of the current situation but of the possible future plans that will be built.

Chairman Pro Tem Pickell stated if Grainger built a new building it would done 1,400 square feet back from Route 60. Mrs. Young said the buildings are still visible because they are taller. The top of the building is still visible even in the summer.

Mr. Lys stated he is the immediate neighbor south of Grainger and has a quarter mile area he shares. Mr. Lys submitted an aerial picture of Grainger's property. **Exhibit Thomas\_Lys Exhibit 4** Mr. Lys said if Grainger planned on adding a building with a 90-foot height structure that construction would be completed in the available land closest to his lot which would result in an invasion of his property. Mr. Lys said seven people including Mr. Julian indicated Grainger was a good corporate citizen. Mr. Lys indicated he has made numerous complaints to Grainger regarding buckthorn, invasive species and light pollution. Nothing has been resolved. Mr. Lys said Lake County approved Grainger's request to reduce their parking space from 9.0 to 8.5 square feet. Several phone calls and emails have been placed to Grainger

regarding this change and no response has been received. Mr. Lys presented a photo of Grainger's data center. **Thomas\_Lys Exhibit 5** Exhibit 5 displayed the invasive species on Grainger property which have not been addressed nor sprayed and is currently impacting the Lys' prairie restoration efforts. Mr. Lys added he has mowed the Grainger's area in order to control the invasive plants from growing onto his property. Mr. Lys submitted a picture of the data center in the night to display the bright lights illuminating the parking lot. **Thomas\_Lys Exhibit 6**

Commissioner Meluso said Grainger has been a good neighbor to him. He had inquired on some water runoff and they completed research utilizing a qualified engineer. Commissioner Meluso added Grainger however constructed their data center after Mr. Lys built his house. Commissioner Meluso said he would recommend Grainger to consider adding shields to their parking lot lights.

Mr. Carr said the issue is not the data center, the issue is where will the next building be constructed.

Chairman Pro Tem said to Mr. Lys you bought your property in 2006, the settlement agreement between Lake County and the Village of Mettawa was completed in 1996. Village Attorney Rhodes said the agreement was completed between Lake County and the Village of Mettawa.

Mrs. Cork said what was presented at the August Board meeting property of the 152 acres was its incentives and its tax sharing. In the letter sent out by the Village Clerk, the purchase was described at a horizontal level nothing was discussed about anything vertical. Mrs. Cork said it was poor timing of the certified letters being sent during the holiday season too. The ZPA meeting was announced during the holiday season. The agenda was posted 6 days prior to the meeting on the website. The certified letter included future development rights Grainger held. Residents were not aware of the 1996 stipulation settlement. No outreach was done by the Village to walk residents through the details and consider the neighbors to the north and the south regarding the details of the 1996 settlement agreement. Mrs. Cork said maybe we should consider an addendum for other considerations that should be discussed.

Commissioner Clark asked if the Mayor Urlacher could address the process regarding the Grainger purchase.

Mayor Urlacher said the Village has been very transparent regarding this process. Mayor Urlacher said he spoke with Mr. Cork several times this week. It was not only the tax sharing agreement but the incentive to bring Grainger back into the Village. We have been working with Mr. Julian and Mr. Hanson for the last 3 years, it has been a pleasure. The 125 acres were purchased to protect the Village from future commercial and residential development. Grainger has the right to build a new building in Lake County or in Mettawa. The purchase of this property was not solely related to the tax sharing the Village was to receive but to protect us from unwanted development.

Mrs. Cork said she would like to submit the Village announcement dated August 22, 2018 that the Village Clerk sent out indicating no mention of a new building being an option for Grainger to construct. **Patricia Cork\_Grainger's Announcement 08.22.18** Mrs. Cork stated no mention was made about the 1996 agreement nor the Grainger's rights to their agreement in the announcement. **Patrick Cork\_Village Board Meeting Minutes 08.21.18** Mayor Urlacher said please keep in mind this matter could not be discussed prior to the public hearing.

Mrs. Clark Zamolo said she would also like to address her concerns relative to Grainger's campus growth relating to traffic, light pollution from the building's height and the additional 650,000 square footage that will house additional employees. Mrs. Clark Zamolo added her concern is regarding Grainger's growth impacting Deerpath Farm.

Chairman Pro Tem Pickell said any drainage issues from a runoff need to be addressed properly by the Village Engineer Anderson. Chairman Pro Tem Pickell said the Village currently has no rights to withhold Grainger from constructing a new building. However, under the PUD the Village gains control to have the ZPA review the application and recommend landscaping screening and consider surrounding neighbors.

Village Administrator Irvin said if any additional drainage development was to be completed it would have to comply under the same Lake County agreement being annexed or not.

Chairman Pro Tem Pickell confirmed with Mr. Carr if problems impact a resident, those issues should be addressed during the development process.

Commissioner Meluso said he encountered lighting issues with Costco and they were able to apply light shields to create downward lighting instead.

Village Attorney Rhodes asked Mr. Lys if his lighting issue was part of the general parking lot lighting. Mr. Lys said the lighting issue was from the data center parking lot.

Mr. Hanson requested Mr. Lys contact information to determine who was receiving his phone calls and emails, yet not responding.

Chairman Pro Tem Pickell declared the public hearing closed at 9:06 pm.

Commissioner Meluso made a recommendation to approve the application as stated in the annexation agreement. The provisions of the 22-year-old settlement agreement will still allow the Village some control of what is being built.

Commissioner Clark said she is in favor of the application. The annexation of the

property will allow the Village to have control.

Commissioner Murphy said she agrees Grainger is aiming to be good corporate citizen with the regulations of the Village. Grainger has stated there will be no imminent plans to expand their facility. I am in favor for approving the request as is.

The motion would include the following;

1. Approve the Map Amendment changing the R-1 to the O-H Zoning District; in compliance to the Mettawa Comprehensive Plan;
2. Approval of a Special Use-Planned Unit Development pursuant to Chapter 15, to allow the existing Grainger Corporate Headquarters to operate as a Special Use-Planned Unit Development on the property with the right to further develop the subject property with the approvals that were approved within the settlement agreement including a total development of one million five hundred thousand (1,500,000) gross square feet of office space;
3. A variation from the forty-five foot (45') maximum building height requirement from the Village to allow for the eighty foot (80') existing buildings and up to ninety feet (90') for additional buildings;
4. A variation from the requirement off-street parking spaces from nine (9) feet in width to 8.5 feet in width; a variation from the requirement that off-street parking spaces be located within two hundred (200) feet of the use;
5. A variation that five (5) parking spaces be provided for each one thousand (1000) square feet and to allow for 2.5 parking spaces per one thousand (1000) square feet of floor area; and,
6. A variation eliminating the requirement for loading berth upon the subject property that is used for office space.

The motion is to approve the six items and authorize the Chairman Pro Tem Pickell to draft, sign and forward the report to the President and Board of Trustees. The motion was moved by Commissioner Clark and seconded by Commissioner Murphy.

Upon a Call of the Roll, the following persons were:

Aye: Commissioners Clark, Meluso, Murphy and Chairman Pro Tem Pickell

Nay: None

Absent: Commissioners Leonard, Hirsch and Chairman Krusinski

Chairman Pro Tem Pickell declared the motion carried.

Village Attorney Rhodes stated if Grainger was to plan any development they will need to come before the ZPA in accordance to the zoning code and their entitlement rights listed in the settlement agreement.

Village Administrator Irvin stated the Commissioners received a short memo regarding AFS settlement agreement. Commissioner Clark asked if AFS purchased the property across the street would that be handled as a separate matter. Village Administrator Irvin confirmed it would be handled as a separate parcel.

Village Administrative Irvin said at the next Village Board meeting the ZPA recommendation to hire Camiros to complete the rewriting of the zoning code will be made. The next ZPA meeting will be announced once the Board approves the Camiros proposal. The biggest area that requires work to be completed is the Chicken and Animal Regulation section.

**VI. COMMUNICATIONS:**

**VII. REVIEW OF REPORTS OF COMMISSION COMMITTEES:**

**VIII. OLD BUSINESS:**

**IX. NEW BUSINESS:**

**X. ADJOURNMENT:**

With no further business to discuss, it was moved by Commissioner Clark seconded by Commissioner Murphy that the meeting be adjourned.

With unanimous consent, Chairman Pro Tem Pickell declared the motion carried and the meeting adjourned at 9:20 pm.

Sandy Gallo, Village Clerk