



Meeting of the Village of Buffalo Grove Planning and Zoning Commission

Regular Meeting
November 16, 2022 at 7:30 PM

Fifty Raupp Blvd
Buffalo Grove, IL 60089-2100
Phone: 847-459-2500

I. Call to Order

II. Public Hearings/Items For Consideration

1. Consideration of an Amendment to the Preliminary Plan and Special Use Granted by Ordinance No. 95-26 and a Variation from Section 17.32 of the Zoning Code to Allow Accessory Structures on the Property to Exceed the 15-Foot Height Limit, All to Allow the Construction of an Amphitheater, a Covered Event Space, Support Structures for the Spray 'N Play Facility, Expansion of the Spray 'N Play Facility and Relocation and Reconstruction of the Playground on the Property Located at 951 McHenry Road (Mike Rylko Park) (Trustee Johnson) (Staff Contact: Kelly Purvis)
2. Consideration of a Petition to the Village of Buffalo Grove for Approval of an Amendment to the Underlying Planned Unit Development Approved by Ordinance No. 2006-7 to Allow a 10-Foot Extension of the Existing Communications Tower, Colocation of an Antenna Array and the Installation of Additional Ground Equipment at the Base of the Tower Within the Existing Enclosure at 185 N. Milwaukee Avenue. (Trustee Pike) (Staff Contact: Kelly Purvis)

III. Regular Meeting

A. Other Matters for Discussion

B. Approval of Minutes

1. Planning and Zoning Commission - Regular Meeting - Nov 2, 2022 7:30 PM

C. Chairman's Report

D. Committee and Liaison Reports

E. Staff Report/Future Agenda Schedule

F. Public Comments and Questions

IV. Adjournment

The Planning and Zoning Commission will make every effort to accommodate all items on the agenda by 10:30 p.m. The Board, does, however, reserve the right to defer consideration of matters to another meeting should the discussion run past 10:30 p.m.

V. Action Items

The Village of Buffalo Grove, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the ADA Coordinator at 459-2525 to allow the Village to make reasonable accommodations for those persons.



Action Item : Consideration of an Amendment to the Preliminary Plan and Special Use Granted by Ordinance No. 95-26 and a Variation from Section 17.32 of the Zoning Code to Allow Accessory Structures on the Property to Exceed the 15-Foot Height Limit, All to Allow the Construction of an Amphitheater, a Covered Event Space, Support Structures for the Spray 'N Play Facility, Expansion of the Spray 'N Play Facility and Relocation and Reconstruction of the Playground on the Property Located at 951 McHenry Road (Mike Rylko Park)

Recommendation of Action

Staff recommends approval, subject to the conditions in the attached staff report.

Tim Howe, Director of Parks and Planning for the Buffalo Grove Park District, is requesting approval of an amendment to the Preliminary Plan and Special Use granted by Ordinance No. 95-26 and a Variation from Section 17.32 of the Zoning Code to allow new accessory structures on the property to exceed the 15-foot height limit. The area of work for this project will be approximately 4.14-acres on the west boundary of the park adjacent to McHenry Road between the fitness center and baseball fields and would include the following improvements: construction of a new amphitheater with open lawn seating, and a large, covered event space; renovation and expansion of the Spray 'N Play facility (including construction of Spray 'N Play support structures); relocation and reconstruction of the playground area.

The Planning & Zoning Commission (PZC) shall open the public hearing and take public testimony concerning the requests. The PZC shall make a recommendation to the Village Board concerning the requests.

ATTACHMENTS:

- Staff Report (PDF)
- Plan Set (PDF)
- Ordinance No. 95-26 (PDF)

Trustee Liaison
Johnson

Staff Contact
Kelly Purvis, Community Development

Wednesday, November 16,
2022



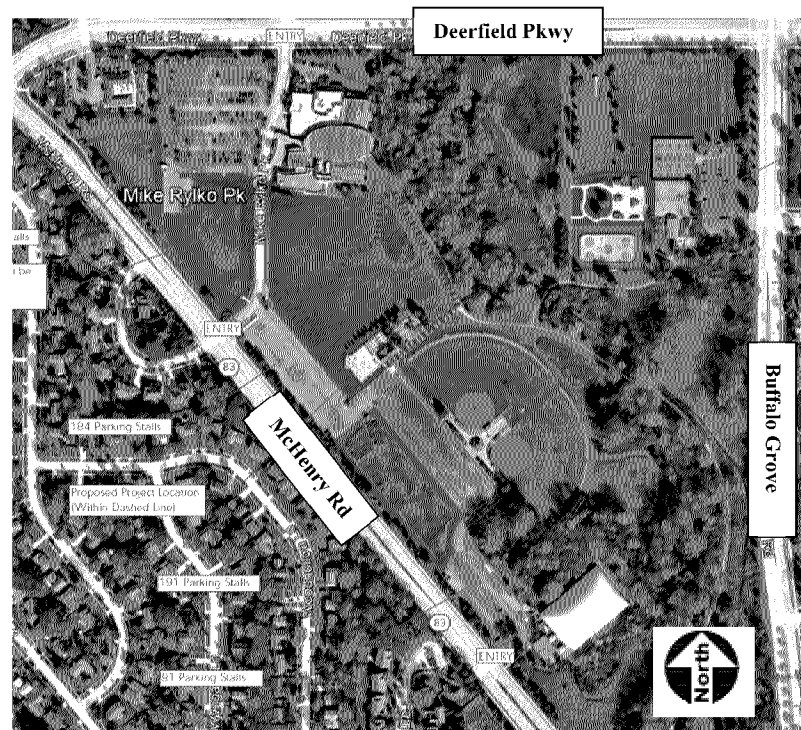
**VILLAGE OF BUFFALO GROVE
PLANNING & ZONING COMMISSION
STAFF REPORT**

MEETING DATE:	November 16, 2022
SUBJECT PROPERTY LOCATION:	951 McHenry Road McHenry Road
PETITIONER:	Tim Howe, Director of Parks and Planning
PREPARED BY:	Kelly Purvis, Deputy Community Development Director
REQUEST:	The petitioner is seeking approval of an amendment to the Preliminary Plan and Special Use granted by Ordinance No. 95-26 and a Variation from Section 17.32 of the Zoning Code to allow accessory structures on the property to exceed the 15-foot height limit, all to allow the construction of an amphitheater, a covered event space, support structures for the Spray 'N Play facility, expansion of the Spray 'N Play facility and relocation and reconstruction of the playground on the subject property.
EXISTING LAND USE AND ZONING:	The property is a 76.5-acre public park and is zoned RE, Residential Estate District.
COMPREHENSIVE PLAN:	The Village of Buffalo Grove Comprehensive Plan calls for this property to be a park/public open space.

BACKGROUND

In March of 1995, the Village annexed the subject property, zoned it RE District, approved a Special Use for a public park facility and the development plans for the park (Ordinance No. 95-26). Plans for the Golf Learning Center (Golf Dome) were approved by Ordinance 98-14 and amended several times over the years to allow the Golf Dome to remain in place year-round and for an extended period of time, up through 2030 (Ordinance Numbers: 2022-35, 2007-14, 2009-4, 2014-48).

Mike Rylko Park is 76.5 acres and is currently improved with a golf and sports dome, Spray 'N Play facility, playground, baseball diamonds, soccer field, tennis courts, basketball courts, a skate park,



hockey rink, walking paths, the Buffalo Grove Fitness Center and a number of accessory buildings (shade structures, restrooms, nature classroom, etc.).

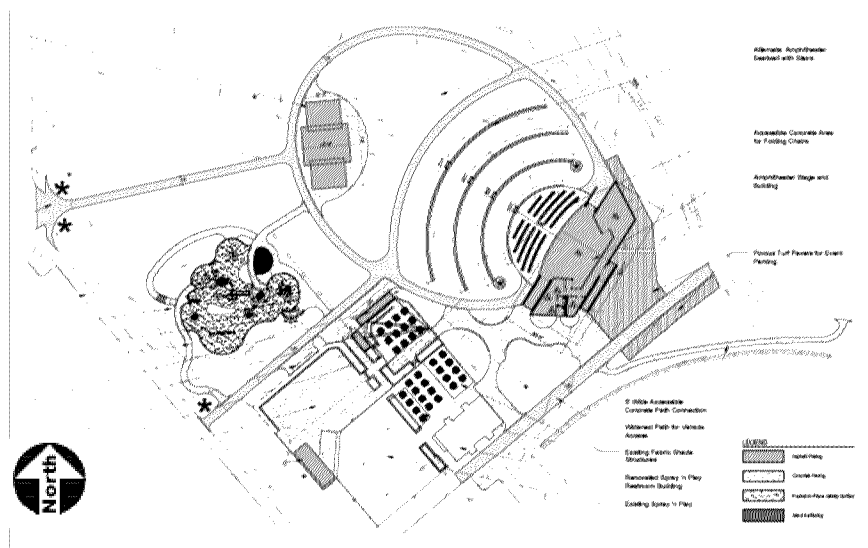
Tim Howe, Director of Parks and Planning for the Buffalo Grove Park District, is requesting approval of an amendment to the Preliminary Plan and Special Use granted by Ordinance No. 95-26 and a Variation from Section 17.32 of the Zoning Code to allow new accessory structures on the property to exceed the 15-foot height limit. The area of work for this project will be approximately 4.14-acres on the west boundary of the park adjacent to McHenry Road between the fitness center and baseball fields and would include the following improvements: construction of a new amphitheater with open lawn seating, and a large, covered event space; renovation and expansion of the Spray 'N Play facility (including construction of Spray 'N Play support structures); relocation and reconstruction of the playground area.

At the August 15, 2022 Village Board meeting, the Park District presented an overview of the concept plan. The Trustees were generally supportive of the development and referred the project to the Planning and Zoning Commission for further review.

The following report provides a summary of the project. The petitioner has also provided, a narrative statement describing the improvements and anticipated programming for the park.

PROJECT DESCRIPTION

The Park District envisions that the proposed improvements to Mike Rylko Park will create a permanent venue for community festivals (i.e., Buffalo Grove Days), community celebrations, civic meetings, rallies, concerts, and theater programming. The plaza will include a variety of seating options, as well as shade structures that will encourage community use.

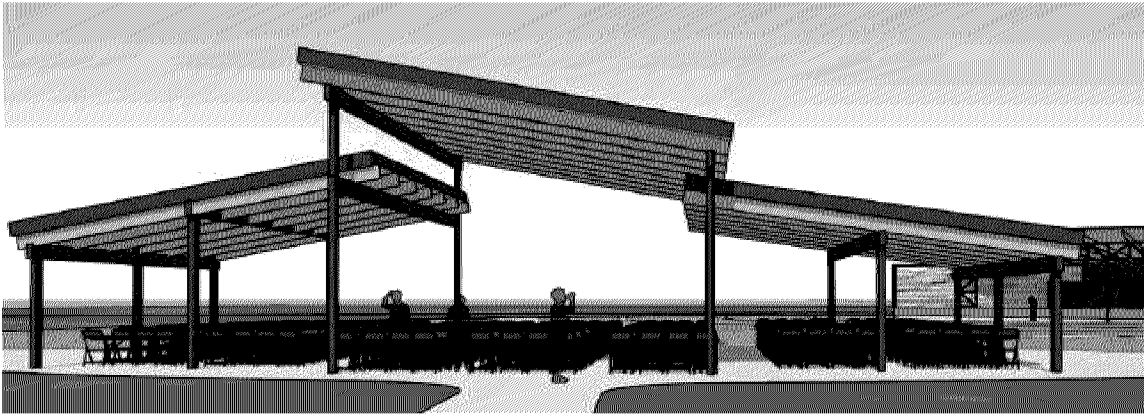


Amphitheater:

The amphitheater will be constructed northwest of the existing baseball fields and will include an amphitheater building, a covered stage, and a variety of seating areas. The amphitheater building will be 16 ¼ feet tall, while the roofline will extend to up to 24 feet at its highest point. The stage and amphitheater building will be 6-7 feet lower in grade than the open lawn area. The seating area directly in front of the stage will accommodate approximately 155 people. The lawn seating area is 38,535 square feet (.88-acres) and could potentially accommodate 3,000+ people. Parking for performers or food trucks would be available directly behind the building. A festival plaza with picnic tables is also proposed between the Spray 'N Play and the amphitheater building.

Event Space:

The proposed event space, just beyond the lawn seating area of the amphitheater is completely covered and large enough to accommodate about 255 seats (32 eight-foot rectangular tables and chairs).



Covered Event Structure

Spray 'N Play:

Interior renovation of the existing Spray 'N Play building will provide fully accessible toilet rooms and changing areas. The Spray 'N Play splash pad will be expanded to almost twice its current capacity and will provide different types of accessible water features for a wider age range. A new shelter and ticket office are also proposed.

Playground:

The existing playground will be demolished and a new playground for children of all ages and abilities will be constructed to the north of the Spray 'N Play facility.

PLANNING & ZONING ANALYSIS

Use:

Public parks are Special Uses in all residential districts. As previously noted, the site received approval for development as a public park in 1995. Significant changes to the park, including the addition of new buildings and accessory structures require an amendment to the Special Use.

The 2009 Comprehensive Plan indicates that this site should remain a public park/open space.

Setbacks and bulk requirements:

The proposed amphitheater, covered event shelter, Spray 'N Play support structures, and playground are all considered accessory structures, which are subordinate to and serve the principal use of the property as a public park. All of the proposed structures will be setback several hundred feet from the nearest property line and outside of any required setbacks for the property. The Code limits the height of accessory structures to no more than 15 feet. The majority of the amphitheater building is 16 ¼ feet tall, however the roof structure will be 24 feet at its tallest point. The covered event space will have a roof height of 22 ½ feet at its tallest point, and the height of the fabric shade structure within the Spray 'N Play facility will be 17 ½ feet. A variation from section 17.32 of the Zoning Code, for the height of the accessory structures, is required in order for the project to be constructed as proposed.

Site Access & Traffic:

The site is accessible from four full access drives: two on McHenry Rd., one on Deerfield Pkwy., and one on Buffalo Grove Rd. The Traffic Impact Study, conducted by KLOA and included in the plan set, indicates that the number, location, and design of the access drives ensure a flexible access system that distributes traffic on multiple roadways, reducing congestion and delays. There are no changes proposed to the site access as part of this project.

The Traffic Study indicates that additional traffic generated by the proposed amphitheater will not have a significant impact on traffic conditions in the area and can be accommodated by the existing roadway network. Traffic will be distributed over several multi-lane roadways with high carrying capacities. During peak events, such as Buffalo Grove Days, KLOA recommends that the Park District work closely with Buffalo Grove police and fire departments to coordinate a traffic management plan and limit other activities at the park.

The Village's engineering department has reviewed the Traffic Impact Study and concurs with the findings and conclusions.

Pedestrian Connectivity:

There are walking/biking paths throughout Mike Rylko Park that are connected to sidewalks on Deerfield Parkway, Buffalo Grove Road and McHenry Road. In addition, the pedestrian bridge over McHenry Road connects to the walking/bike path in the park. This pedestrian network allows easy access to the park for residents in the surrounding neighborhoods. New asphalt paths constructed as part of the project will further provide pedestrians access to the new amenities proposed.

Parking:

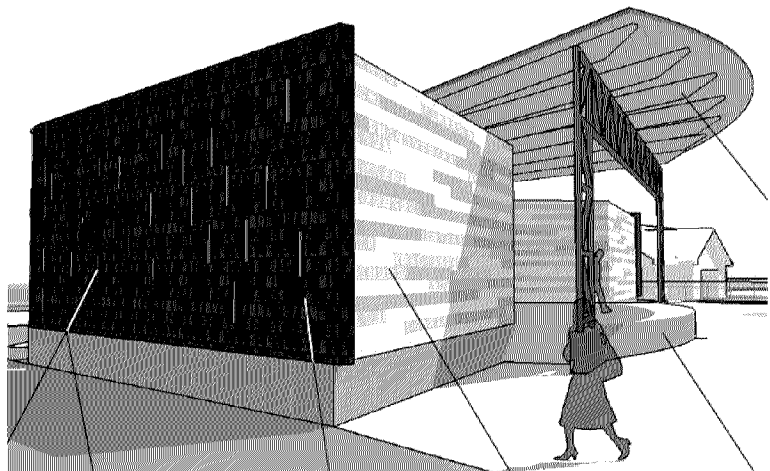
Mike Rylko Park is currently served by five parking fields providing a total of approximately 881 parking spaces which should be adequate in accommodating the existing uses on the site, concerts, and non-peak events. For peak events, such as festivals and Buffalo Grove Days, additional parking should be provided within the grass fields (as is current practice) which can accommodate an additional 225 parking spaces. The Code requires 832 parking spaces for the various uses on the site (649 for the park, 82 for the fitness building, and 101 for the amphitheater). The site complies with these requirements and no additional parking is required per the Zoning Code.

Landscaping:

The Park District has submitted a landscape plan that proposes the addition of several deciduous shade, evergreen, and ornamental trees on the site. The existing site detention will also be renovated to provide new, natural pollinator habitats and create educational opportunities through signage and community planting events. The Tree Preservation Plan and Landscape Plan have been reviewed and approved by the Village Forester.

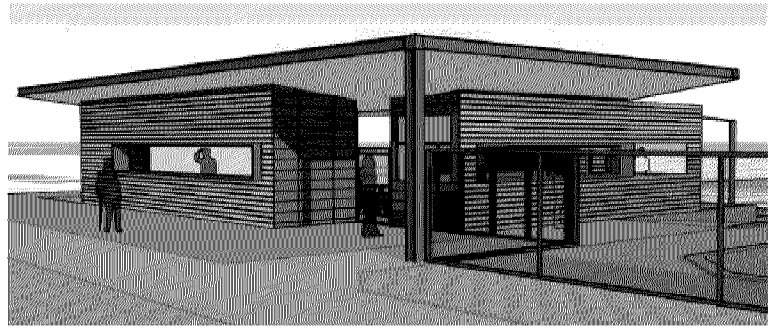
Building Elevations/Site Design:

The materials proposed for the new amphitheater include concrete masonry units, stone, glass block and resin panels to create a colorful sound wave pattern along the back side of the structure. The roof over the stage will consist of exposed laminated wood beams and wood paneling at the underside.



Amphitheater

The Spray 'N Play support structures (ticket office and concessions building) will be constructed from two repurposed steel storage containers clad in a combination of prefinished metal and simulated wood siding. The two structures will appear as one cohesive structure with a connected roof canopy. Example photos of clad containers from SI Container Builds, who will be supplying the containers, have been included in the plan set.



Ticketing and Concessions Buildings

Similar materials (laminated wood and prefinished metal) are proposed for the covered event space.

Numerous sustainable practices will be incorporated into the project including green infrastructure for stormwater management, native planting areas, recycled and regionally sourced building materials, solar site lighting, electric vehicle charging stations, etc.

Lighting:

The proposed lighting complies with the Village illumination standards of no more than .5 footcandles at the property lines. Pole mounted LED lights will be used throughout the project area, and wallpack lighting will be installed on the interior walls of the amphitheater structure surrounding the stage.

Noise Study:

The petitioner provided a noise study, which has been included in the plan set. Ambient noise levels from surrounding traffic were measured at 74 dBA along McHenry Road near the residential properties. The nearest residences are approximately 600 feet from the future amphitheater location. As a “worst case” event, noise levels were also measured during Buffalo Grove Days (which is anticipated to be the loudest event that would take place at the amphitheater). From a similar location, across McHenry Road near the closest residences, the noise levels were measured at 76 dBA. The measurements show that amplified events are very loud, but do not raise the dBA Leq level significantly above that of typical road noise near the residential properties.

The noise study also indicated that the site will be graded such that the amphitheater stage area will be recessed into the earth, with the seating area in front of the stage 7 feet lower than the rear seating area. This will help reduce sound from stage sources.

The noise study recommends a number of best practices that would help to reduce the sound levels heard at surrounding residential properties. Staff has recommended some of these measures as conditions of approval (please see the suggested PZC motion).

Stormwater & Engineering:

The Village’s Engineers have reviewed the preliminary plans and have indicated that the minor changes that need to be made to the plans (related to removal of a water main) can be addressed during the final engineering process.

DEPARTMENTAL REVIEWS

Village Department	Comments
Engineering	The Village Engineer has reviewed the preliminary engineering plans and has minor concerns that can be addressed during final engineering review.
Forestry	The Village Forester has reviewed the tree preservation and landscape plans and does not have any concerns.
Fire	The Fire Department has reviewed the plans and does not have any concerns.

SURROUNDING PROPERTY OWNERS

Pursuant to Village Code, the surrounding property owners within 250 feet were notified and two public hearing signs were posted on the subject property. The posting of the public hearing signs and the mailed notifications were completed within the prescribed timeframe as required. As of the date of this Staff Report, the Village has not received any comments or questions related to the project.

STANDARDS

- A. All special uses shall meet the following criteria:
1. The special use will serve the public convenience at the location of the subject property; or the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 2. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with said special use, the size of the subject property in relation to such special use, and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate, orderly development of the district in which it is located;
 3. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purposes already permitted in such zoning district, nor substantially diminish and impair other property valuations with the neighborhood;
 4. The nature, location and size of the buildings or structures involved with the establishment of the special use will not impede, substantially hinder or discourage the development and use of adjacent land and buildings in accord with the zoning district within which they lie;
 5. Adequate utilities, access roads, drainage, and/or other necessary facilities have been or will be provided;
 6. Parking areas shall be of adequate size for the particular special use, which areas shall be properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways to and from these parking areas shall be designed so as to prevent traffic hazards, eliminate nuisance and minimize traffic congestion in the public streets.
- B. The regulations of this title shall not be varied unless findings of fact are made based upon evidence presented at the hearing that:
1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the zoning district in which it is located except in the case of residential zoning districts;
 2. The plight of the owner is due to unique circumstances;
 3. The proposed variation(s) will not alter the essential character of the neighborhood.

The petitioner's responses to each of the standards are attached for the Commission's review.

STAFF RECOMMENDATION

Staff recommends **approval** of an amendment to the Preliminary Plan and Special Use granted by Ordinance No. 95-26 and a Variation from Section 17.32 of the Zoning Code to allow accessory structures on the property to exceed the 15-foot height limit, subject to the conditions in the Suggested PZC Motion below.

ACTION REQUESTED

The Planning & Zoning Commission (PZC) shall open the public hearing and take public testimony concerning the requests for approval of an amendment to the Preliminary Plan and Special Use granted by Ordinance No. 95-26 and a Variation from Section 17.32 of the Zoning Code to accommodate the construction of a new amphitheater, covered event space, expanded *Spray 'N Play* facility and new playground at 951 McHenry Road (Mike Rylko Park). The PZC shall make a recommendation to the Village Board concerning the requests.

Suggested PZC Motion:

The PZC recommends approval of an amendment to the Preliminary Plan and Special Use granted by Ordinance No. 95-26 and a Variation from Section 17.32 of the Zoning Code to allow accessory structures on the property to exceed the 15-foot height limit, all to accommodate the construction of a new amphitheater, covered event space, expanded Spray 'N Play facility and new playground at 951 McHenry Road, subject to the following conditions:

- 1. The proposed park improvements shall be constructed in substantial conformance with the plans attached as part of the petition.*
- 2. The Final Engineering plans shall be submitted in a manner acceptable to the Village.*
- 3. A portion of the ADA parking stalls shall be relocated near the accessible route to the event shelter. Plans should be revised as part of the Final Engineering review.*
- 4. Speakers mounted to the amphitheater structure will be limited as indicated in the noise study, to a height not to exceed 15 feet above the lowest seating area or +697 feet.*
- 5. Noise levels for events will be kept within the 97 dBA Leq limitation at a position of 70 feet in front of the stage and all shows will use a real-time sound level monitor as recommended by the noise study.*
- 6. Any directional or incidental signage added to the site shall be reviewed administratively by staff.*

ATTACHMENTS

- Narrative Description & Response to Special Use Standards
- Site Plan
- Setback Exhibit
- Preliminary Engineering Plans
- Parking Exhibit
- Tree Preservation Plan
- Landscape Plan
- Amphitheater Floor Plan

- Accessory Structure Elevations & Renderings
- Example Photos of Container Buildings by SI Container Builds
- Photometric Plan
- Noise Study
- Traffic Impact Study
- Response to Variation Standards
- Ordinance No. 95-26 (to be amended)



BUFFALO
GROVE
PARK
DISTRICT



To: Village of Buffalo Grove Board of Trustees
 From: Ryan Risinger, Executive Director
 Tim Howe, Director of Parks and Planning
 Michael Maloney, Superintendent of Development
 Date: October 28, 2022
 Re: Buffalo Grove Park District – Mike Rylko Community Park Revitalization Project

Action Requested:

The Buffalo Grove Park District asks that the Village of Buffalo Grove Planning and Zoning Commission accept our formal application and provide a referral to the Village Board of Trustees for final plan approval and an amendment to the Special Use of Mike Rylko Community Park.

Project Narrative:

The Buffalo Grove Park District completed a comprehensive Master Plan back in 2017 and held several internal design charrettes in 2018 aimed at creating a road map to revitalize Mike Rylko Community Park. We developed a Strategic Plan initiative that states “*we aspire to adapt to new lifestyles and populations*”. As the population in the community continues to grow more diverse, we are adapting our programs and facilities to better fit the needs of our communities through the lens of diversity, equity, and inclusion. Mike Rylko Community Park is the area’s preferred venue for public gatherings because of its size, central location within the Village of Buffalo Grove, and accessibility for the surrounding communities. The 76.5 acre park has a network of accessible walking and biking paths that extend to outside communities and a large number of residents live within walking distance of the park. There is vehicle parking available and walkable public transportation options for both bus and train. Breaking ground on this development will transform Mike Rylko Community Park into a lively, public destination that promotes and celebrates community, provides and supports local business opportunities, and showcases unique programming for the broader community to enjoy

Within our submittal, we have included a detailed site plan, detailed landscape plan, tree preservation plan, photometric plan, and dimensioned elevations and perspective images of the proposed amphitheater structure and splash pad support structures.

The Mike Rylko Community Park Revitalization Project will provide a permanent venue for community festivals, such as Buffalo Grove Days, which is now co-hosted by the Village of Buffalo Grove and the Buffalo Grove Park District. Our Uniquely US program, which focuses on celebrating the diversity in our community, will be able to use the amphitheater to host celebrations, such as Pride, Juneteenth,

Diwali, and the Lunar New Year. The new amphitheater will provide a safe, accessible, open space for civic meetings, rallies, concerts, and theater programming, including sensory-friendly, ASL interpreted and/or audio described performances. The plaza area will include a variety of seating options, as well as shade structures that will encourage community use. Interpretive signage will be rotated over time to highlight the various events/celebrations taking place at the community amphitheater. Food trucks will be encouraged to participate at events and we will have the ability to create a global food pavilion, in conjunction with the current Farmers Market that runs every Sunday during the months of June to October. Renovation of the existing splash pad facility will provide fully accessible toilet rooms and changing areas. Expansion of the existing splash pad facility will provide a variety of different types of accessible water features that appeal to a wider age group and almost double the current occupancy of 180 people. Removal of the existing deteriorated playground equipment/play surfacing, will allow us to build a new multigenerational, inclusive playground that welcomes children of all ages and abilities to play, learn, and enjoy the outdoors. We will renovate the existing site detention to provide new natural, pollinator habitats and create educational opportunities through signage and community planting events.

The amphitheater will feature an approximate 1980 SF open air platform constructed out of poured-in-place concrete, which will be much larger than the current stage that is rented for BG Days. The platform will be 2'-6" above finished grade and will include both ADA-compliant ramp access and stairs. The approximate 2280 SF amphitheater support structure will feature a green room, toilet room facilities for performers, storage, staging area for when multiple bands play on a given night, and a mechanical room. The facade of the support structure will consist of ground face concrete masonry units, stone, glass block, and resin panels to create a colorful sound wave pattern along the back side of the structure. A steel truss system will be installed to accommodate the mounting of speakers, lighting, and banners. The roof over the stage will consist of exposed laminated wood beams and wood paneling at the underside. The footcandle level for the site lighting and amphitheater stage will not exceed .5 fc at the property lines. The design team is exploring the cost/benefit to installing solar panel shingles on the topside of the roof and the alternative option would consist of a fully adhered membrane roof product. The seating area for the amphitheater will consist of a flat concrete section in front of the stage to accommodate approximately 154 folding chairs. The other tiered seating sections will consist of a combination of concrete seating wall and grass to accommodate approximately 3000 patrons and all concrete access paths will be ADA compliant. A rental structure will also be constructed at the north end of the amphitheater, which will be ADA compliant and accommodate (32) 8' long rectangular tables and chairs for an approximate seating capacity of 256 patrons.

The splash pad expansion will include the renovation of the existing building to meet all required Illinois Plumbing and IDPH Swimming Facility code requirements, due to the increased occupancy count. There are no exterior modifications planned for the existing building and all renovations will be taking place within the interior. The filtration room for the recirculating system will be expanded to accommodate the new spray features that will be added to the site. Toilet/Shower facilities will be accessible within the fenced area of the splash pad for patrons and staff. Additional toilet rooms will be provided for general public park use and these will only be accessible outside of the fenced area of the splash pad. Approximately 480 SF of new support structure will be constructed at the new splash pad entrance to provide support functions for ticketing, observation, and limited concessions sales of prepackaged items. The new ADA compliant support structure will be constructed on concrete

foundations and we are proposing the use of two repurposed steel storage containers from a local business, SI Container Builds in Buffalo Grove. The storage containers carry a 25 year warranty when left exposed, but we are proposing to clad them with a combination of prefinished metal and simulated wood siding to increase the life span of the structures. The interior will consist of painted gypsum board walls/ceiling, FRP panels, plastic laminate casework, and a non-slip resilient flooring product. By using the storage containers, we will not only support local business, but will reduce our carbon footprint through a cost-efficient and low maintenance construction solution for these smaller support structures. The two structures will appear as one cohesive structure by linking them with a roof canopy and fabric shade structure in the rear to provide shade for a new rental area within the splash pad footprint. The aesthetics of the support structure will complement the existing splash pad building, as well as the new amphitheater and large event structure. During splash pad operating hours, there will only be two staff using this structure at any given time and they will have access to the toilet room facilities within the existing building, similar to how staff currently operate at the splash pad.

The overall project will promote sustainable practices through the design and construction and we have discussed incorporating permeable paving, photovoltaic panels to offset electricity usage, solar site lighting, electric vehicle charging stations, green infrastructure for storm water management, native planting areas, water efficiency, recycled and regionally sourced building materials, and the use of carbon cure concrete where CO₂ captured during cement production is injected into the concrete to reduce the amount of cement needed and reduce the amount of CO₂ emissions during production. Interpretive signage will be developed and installed throughout the park to educate the community about the sustainable practices on display.

The special use will serve the public convenience at the location of the subject property; or the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

- The proposed project will be built to Federal, State, and local codes. Inspections from the Fire Marshal will occur regularly.

The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with said special use, the size of the subject property in relation to such special use, and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate, orderly development of the district in which it is located;

- The proposed project will be located within Mike Rylko Community Park located off of McHenry Rd. There is access to the site from the north at Deerfield Parkway and to the west/south along McHenry Road. There is also access to the east end of the park along Buffalo Grove Road.

The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purposes already permitted in such zoning district, nor substantially diminish and impair other property valuations with the neighborhood;

- The proposed project will compliment and encourage use of the other park amenities in the area.

The nature, location and size of the buildings or structures involved with the establishment of the special use will not impede, substantially hinder or discourage the development and use of adjacent land and buildings in accord with the zoning district within which they lie;

- The proposed project has been carefully located to allow future development at Mike Rylko Community Park between the proposed project and the Fitness Center.

Adequate utilities, access roads, drainage, and/or other necessary facilities have been or will be provided;

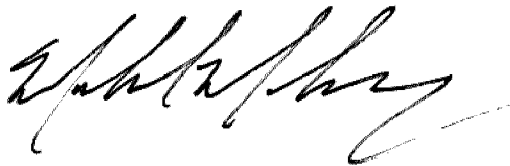
- The proposed project will be built to Federal, State, and local codes and in accordance with the Lake County Storm Water Management requirements.

Parking areas shall be of adequate size for the particular special use, which areas shall be properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways to and from these parking areas shall be designed so as to prevent traffic hazards, eliminate nuisance and minimize traffic congestion in the public streets;

- The existing entrance points to Mike Rylko Community Park have all the proper signage required for traffic. Parking stalls throughout the park are properly labeled for accessible parking. We have attached an aerial image of Mike Rylko Community Park, which includes the number of available parking stalls for each of the parking lot locations within the park. There is a total of 881 parking stalls and we do not anticipate needing any additional parking to support the proposed project. If additional parking is required for a larger event, we have the ability to add an additional 225 parking stalls in the open grass area to the south of the Fitness Center parking lot. Mike Rylko Community Park has hosted large events in the past and prior coordination with the Village, Police, and Fire Departments has created safe events with minimal traffic congestion or traffic hazards.

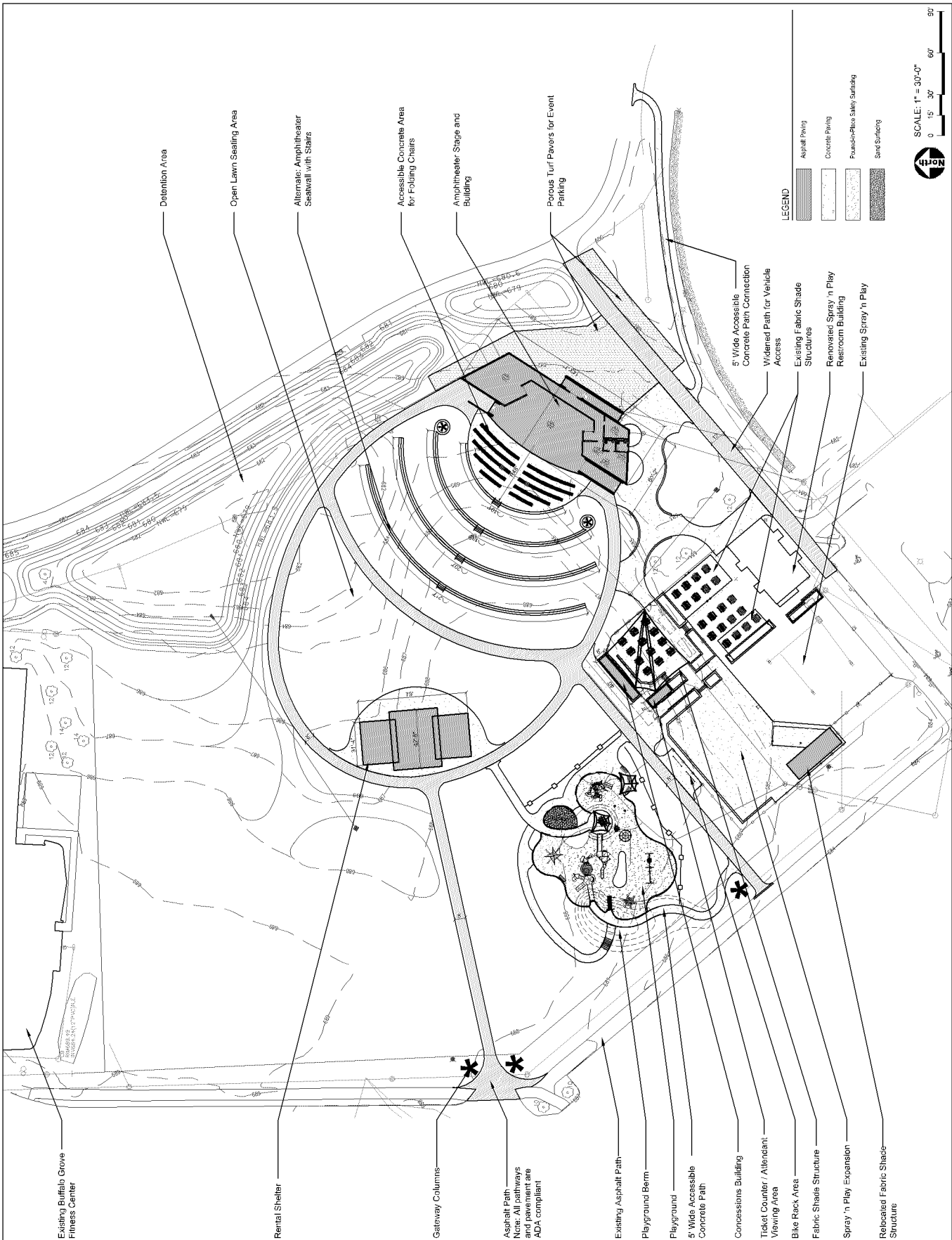
The Mike Rylko Community Park Revitalization Project would benefit the entire community, regardless of race, ethnicity, age, gender, religion, disability, economic status, or other diverse backgrounds and has been widely supported by members of the community, local businesses, and local officials. Please feel free to reach out with any questions and thank you very much for your consideration.

Sincerely,

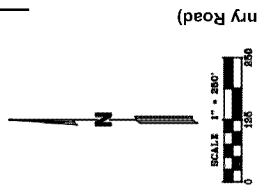


Michael R. Maloney, LEED AP BD+C, CPO
Superintendent of Development

REVISIONS		



2.1.b



Attachment: Plan Set (Consideration of a Preliminary Plan and Special Use Amendment for 951 McHenry Road)



NOTES

1. 2020 AERIAL PHOTOGRAPHY FROM LAKE COUNTY GIS
SOURCE: ESRI, MAXAR, EARTHSTAR GEOGRAPHICS, AND THE GIS USER COMMUNITY
2. SETBACKS ARE APPROXIMATE DUE TO PRECISION LIMITATIONS OF THE GIS BOUNDARY
AND ARE ROUNDED DOWN TO THE NEAREST 10' FROM MEASURED VALUE

Mackin Consultants, LLC
9975 W. Higgins Road, Suite 500
Buffalo Grove, IL 60089
(847) 860-2100
www.mackinconsultants.com

CLIENT:
BUFFALO GROVE PARK DISTRICT
550 BERNARD DRIVE
BUFFALO GROVE, ILLINOIS 60089
PHONE 847.860.2100
FAX 847.468.2141

DESIGNED	BY	DATE
DRAWN	BY	DATE
APPROVED	BY	DATE
DATE	BY	DATE
DATE	BY	DATE

PARK BORDERS AND SETBACKS EXHIBIT
MIKE RYLKO AMPHITHEATER
BUFFALO GROVE, ILLINOIS

Mackie Consultants, LLC
9575 W. Higgins Road, Suite 500
Rosemont, IL 60018
(847) 696-1400
www.mackieconsult.com



NOTES

1. 2020 AERIAL PHOTOGRAPHY FROM LAKE COUNTY GIS
SOURCE: ESRI, MAXAR, EARTHSTAR GEOGRAPHICS, AND THE GIS USER COMMUNITY



Mackie Consultants, LLC
9675 W. Higgins Road, Suite 500
Buffalo Grove, IL 60089
(847) 847-4200
www.mackieconsultants.com

CLIENT: **BUFFALO GROVE PARK DISTRICT**
630 BERNARD DRIVE
BUFFALO GROVE, ILLINOIS 60089
PHONE 847.850.2100
FAX 847.458.9741

DATE	DESCRIPTION OF REVISION	BY	SCALE	DATE	APPROVED	DESIGNED	SRK

PARKING STALL COUNT EXHIBIT
MIKE RYLKO AMPHITHEATER
BUFFALO GROVE, ILLINOIS



Buffalo Grove Park District
530 Bernard Dr.
Buffalo Grove, IL 60089

PROJECT
Mike Ryko
Community Park
Amphitheater
Development &
Spray 'N Play
Expansion

PROJECT TEAM



uplandDesign Ltd
Landscape Architecture & Tree Planting
2430 W. 181st St., Chicago, Illinois 60644
815-254-4051 www.uplanddesign.com

Attachment: Plant List (Consideration of Planting Plan and Special Use Management Plan)

REVISIONS		

ORIGINAL ISSUE DATE
P&Z Submittal 20CCT2022
PROJECT NUMBER
1055

SHEET TITLE
Landscape
Plan

SHEET NUMBER

2.1

GENERAL NOTES: LANDSCAPE

1. Notes indicated on grading plans shall remain in landscape plans. Final grade of planting beds shall be as per grading plans.
2. All trees and shrubs shall be installed in accordance with the following specifications:
 - a. All trees and shrubs shall be installed in accordance with the following specifications:
 - b. All trees and shrubs shall be installed in accordance with the following specifications:
 - c. All trees and shrubs shall be installed in accordance with the following specifications:
3. All trees and shrubs shall be installed in accordance with the following specifications:
4. All trees and shrubs shall be installed in accordance with the following specifications:
5. All trees and shrubs shall be installed in accordance with the following specifications:
6. All trees and shrubs shall be installed in accordance with the following specifications:
7. All trees and shrubs shall be installed in accordance with the following specifications:
8. All trees and shrubs shall be installed in accordance with the following specifications:
9. All trees and shrubs shall be installed in accordance with the following specifications:
10. All trees and shrubs shall be installed in accordance with the following specifications:
11. All trees and shrubs shall be installed in accordance with the following specifications:
12. All trees and shrubs shall be installed in accordance with the following specifications:
13. All trees and shrubs shall be installed in accordance with the following specifications:
14. All trees and shrubs shall be installed in accordance with the following specifications:
15. All trees and shrubs shall be installed in accordance with the following specifications:
16. All trees and shrubs shall be installed in accordance with the following specifications:

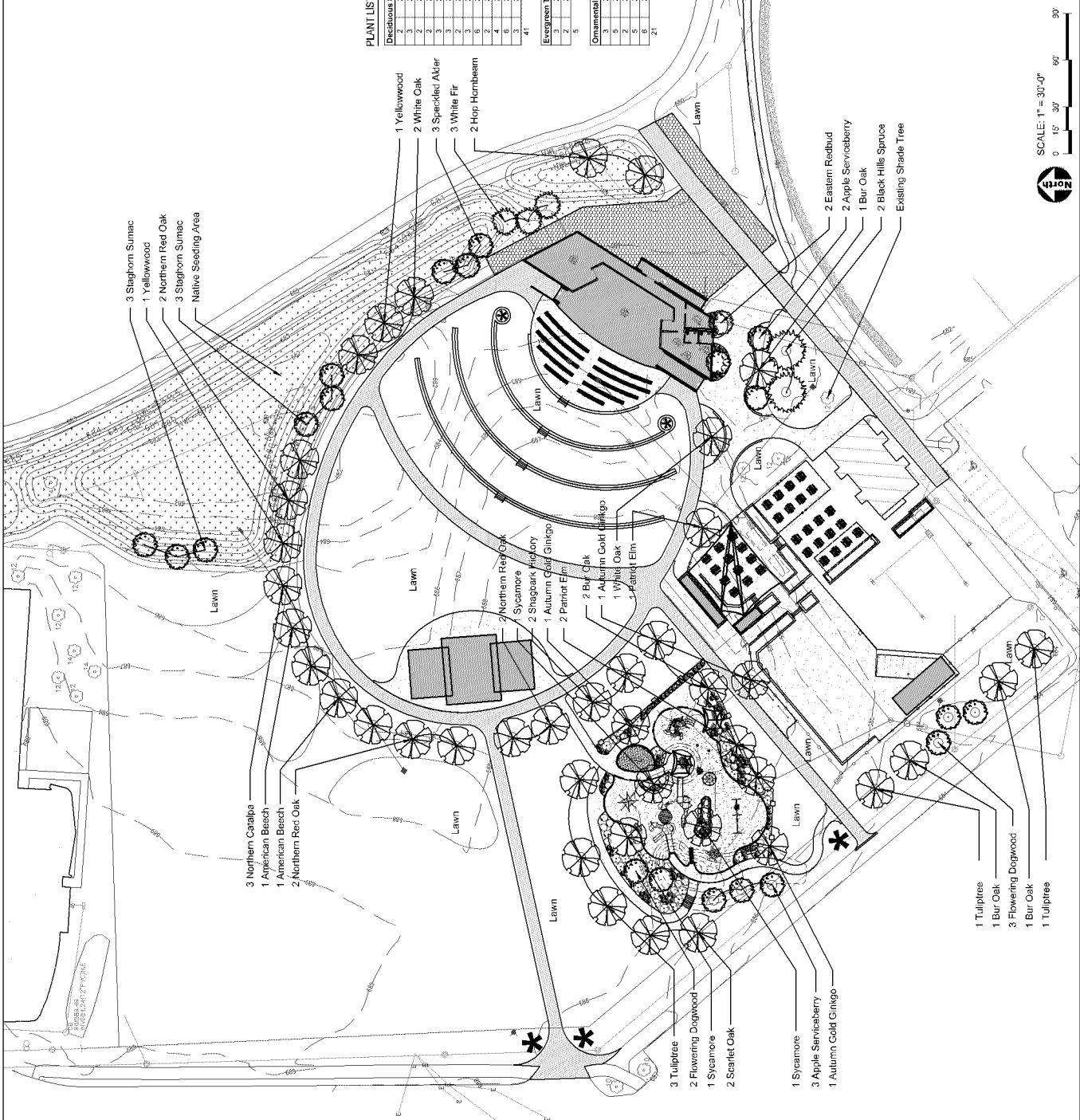
PLANT LIST

Deciduous Shade Trees - Balled and Burlap	
1	1 Yellowwood
2	2 White Oak
3	3 Spangled Alder
4	2 White Fir
5	2 Hop Hornbeam
6	2 Northern Red Oak
7	2 Sycamore
8	2 Shagbark Hickory
9	2 Autumn Gold Ginkgo
10	2 Parrot Elm
11	2 Bur Oak
12	1 Autumn Gold Ginkgo
13	1 White Oak
14	1 Parrot Elm
15	2 Black Hills Spruce
16	2 Existing Shade Tree
17	2 Tuliptree
18	1 Bur Oak
19	3 Flowering Dogwood
20	1 Bur Oak
21	1 Tuliptree

PLANT LIST

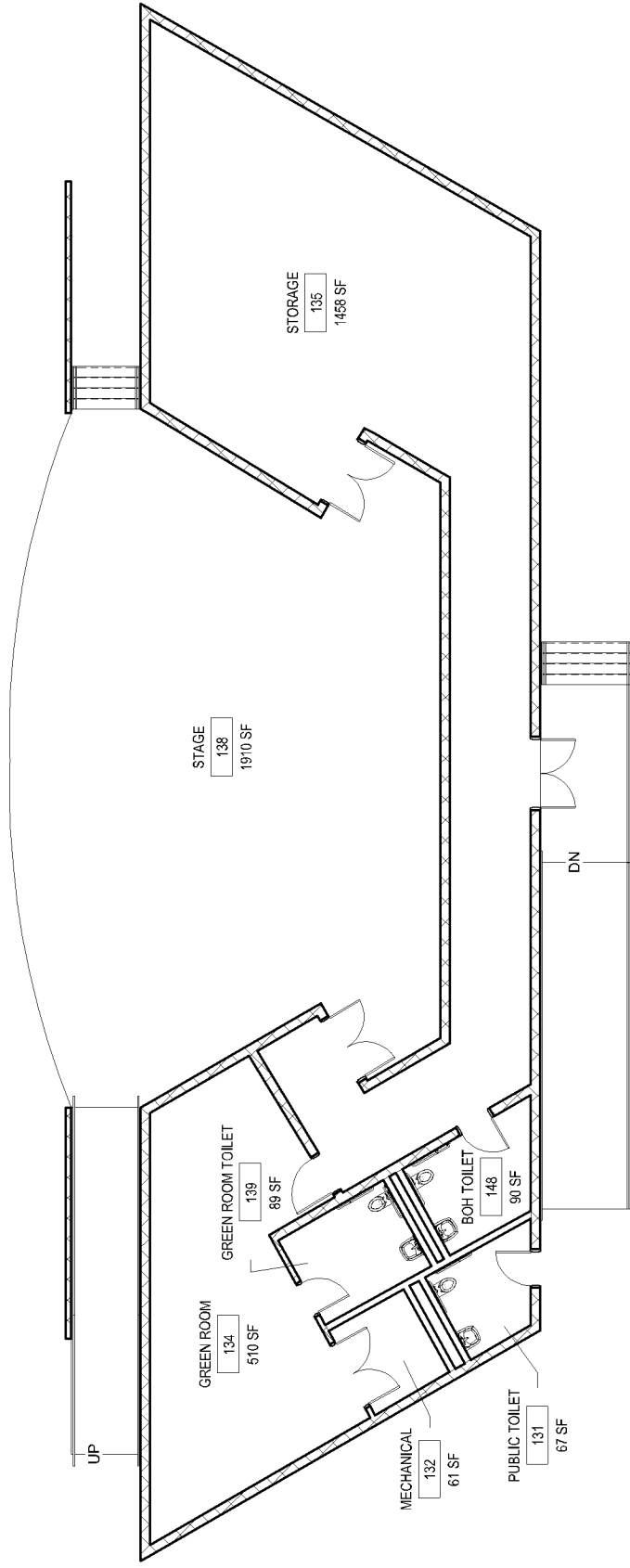
Evergreen Trees - Balled and Burlap	
1	1 White Fir
2	2 Black Hills Spruce
3	2 Black Hills Spruce
4	2 Black Hills Spruce
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6	2 Black Hills Spruce
7	2 Black Hills Spruce
8	2 Black Hills Spruce
9	2 Black Hills Spruce
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16	2 Black Hills Spruce
17	2 Black Hills Spruce
18	2 Black Hills Spruce
19	2 Black Hills Spruce
20	2 Black Hills Spruce
21	2 Black Hills Spruce

LEGEND



SCALE: 1" = 30'-0"
0 15' 30' 60' 90'





1" = 10'-0"

09.27.22

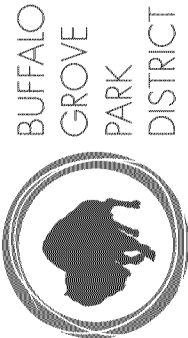
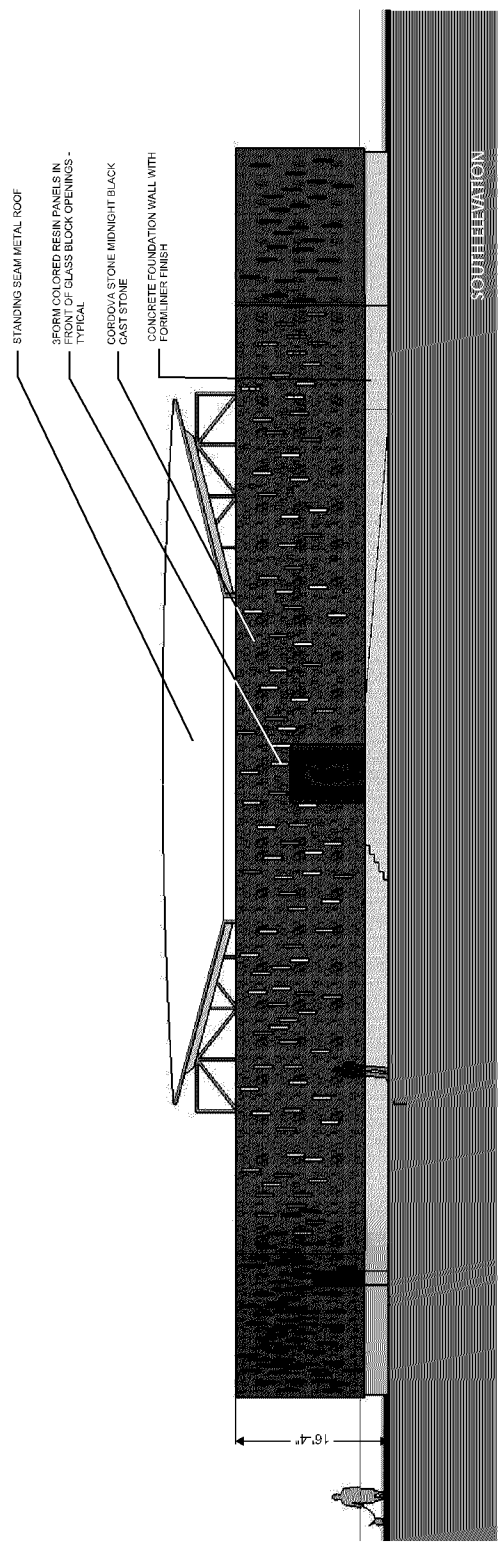
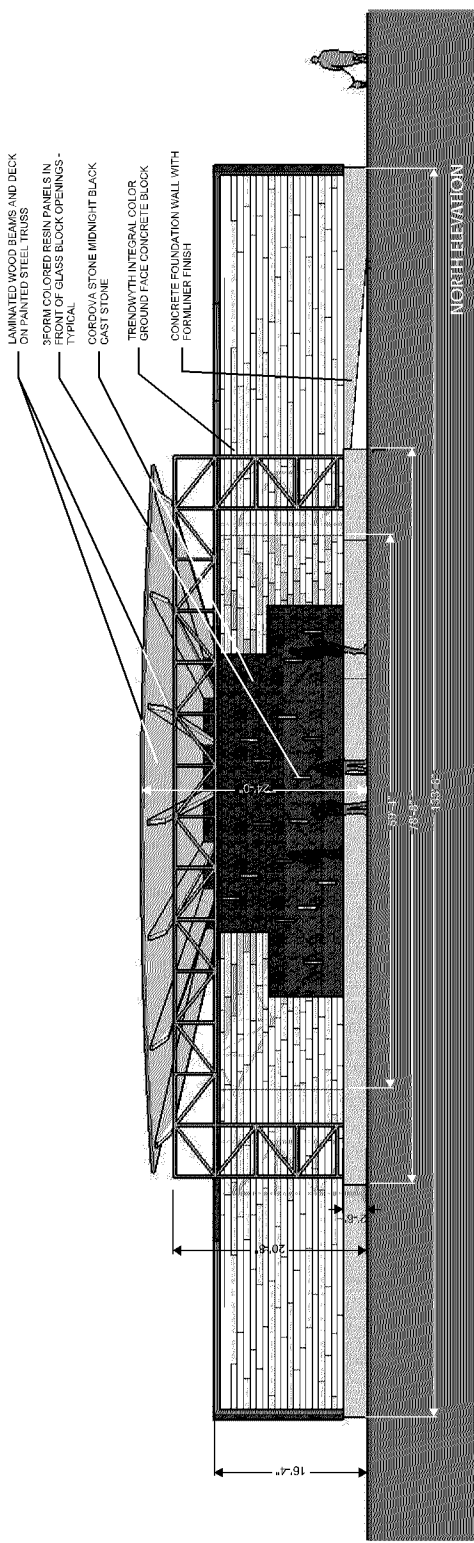
FIRST FLOOR PLAN

RYLKO PARK AMPHITHEATER

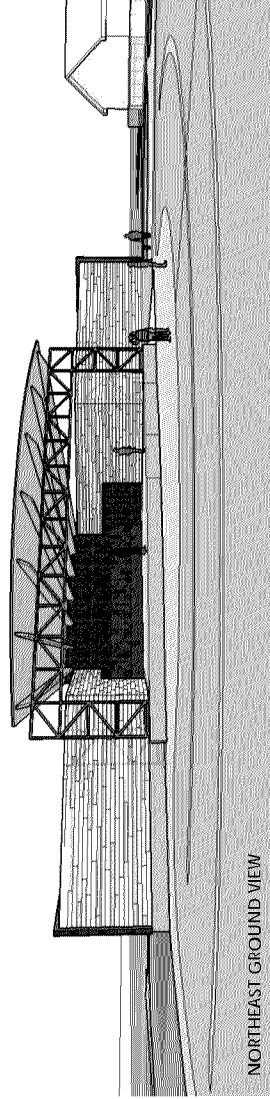
BUFFALO GROVE PARK DISTRICT

uplandDesign ltd
Landscape Architecture & Park Planning

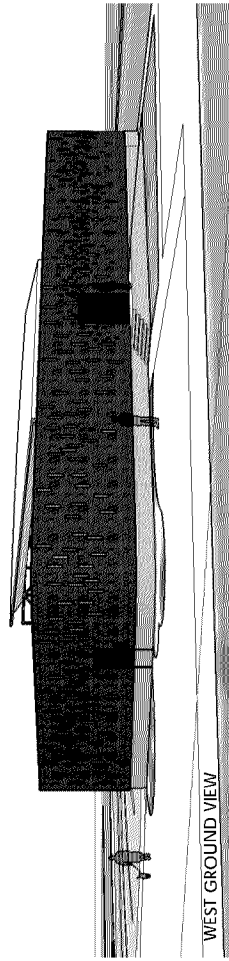
LEGAT ARCHITECTS
DESIGN | PERFORMANCE



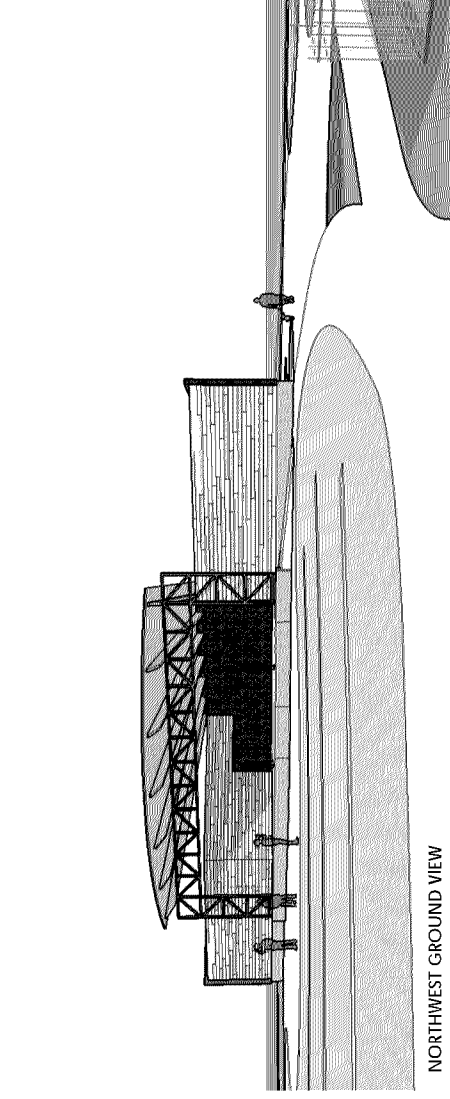
RYLKO PARK AMPHITHEATER
NOT TO SCALE



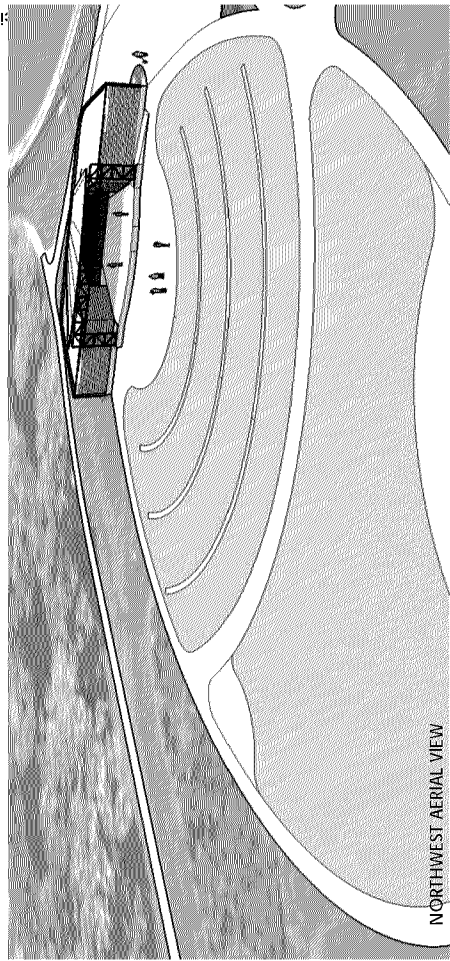
NORTHEAST GROUND VIEW



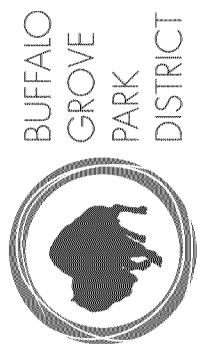
WEST GROUND VIEW



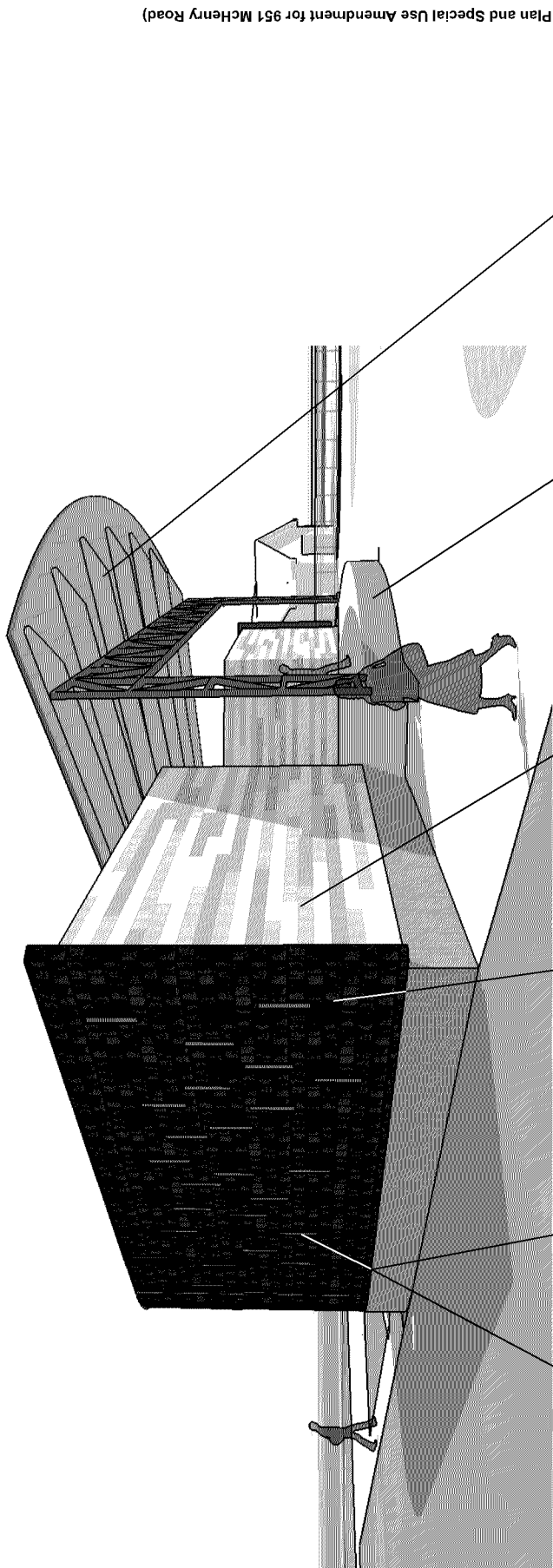
NORTHWEST GROUND VIEW



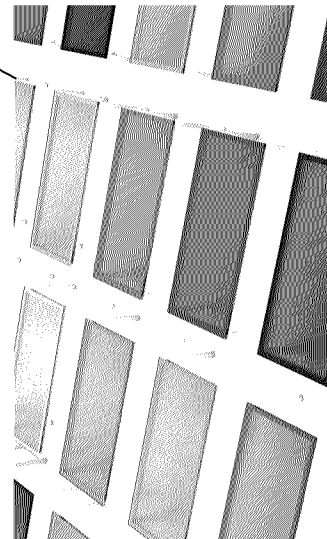
NORTHWEST AERIAL VIEW



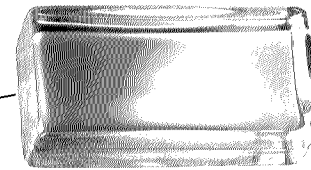
RYLKO PARK AMPHITHEATER



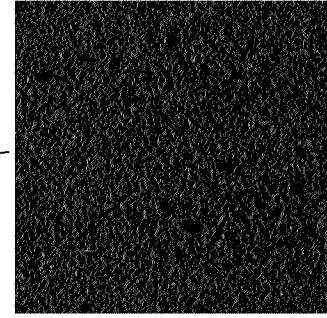
Primary Plan and Special Use Amendment for 951 McHenry Road)



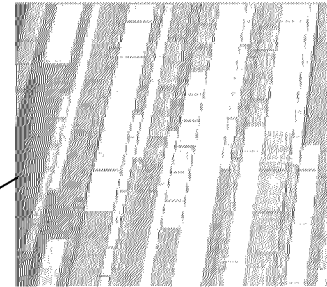
3FORM COLORED
RESIN PANELS



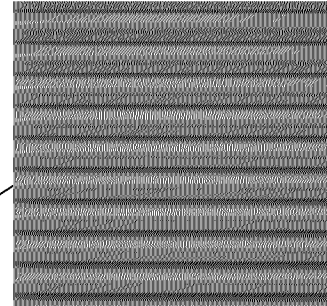
GLASS BLOCK
OPENINGS



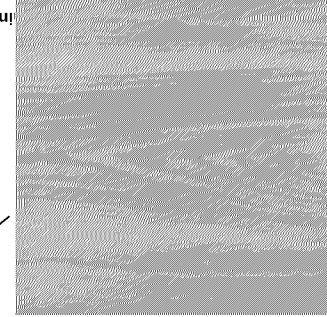
CORDOVA STONE
MIDNIGHT BLACK
CAST STONE



TRENDWYTH INTEGRAL
COLOR GROUND FACE
CONCRETE BLOCK



CONCRETE FOUNDATION
WALL WITH FORMLINER
FINISH



LAMINATED WOOD
BEAMS AND DECK



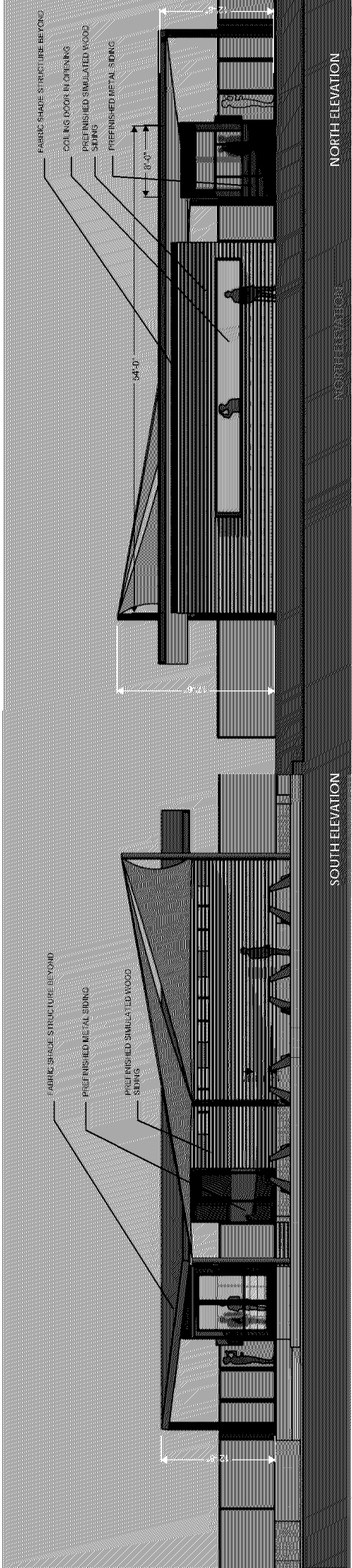
RYLKO PARK AMPHITHEATER

LEGAT ARCHITECTS

DESIGN | PERFORMANCE | SUSTAINABILITY

Packet Pg. 25

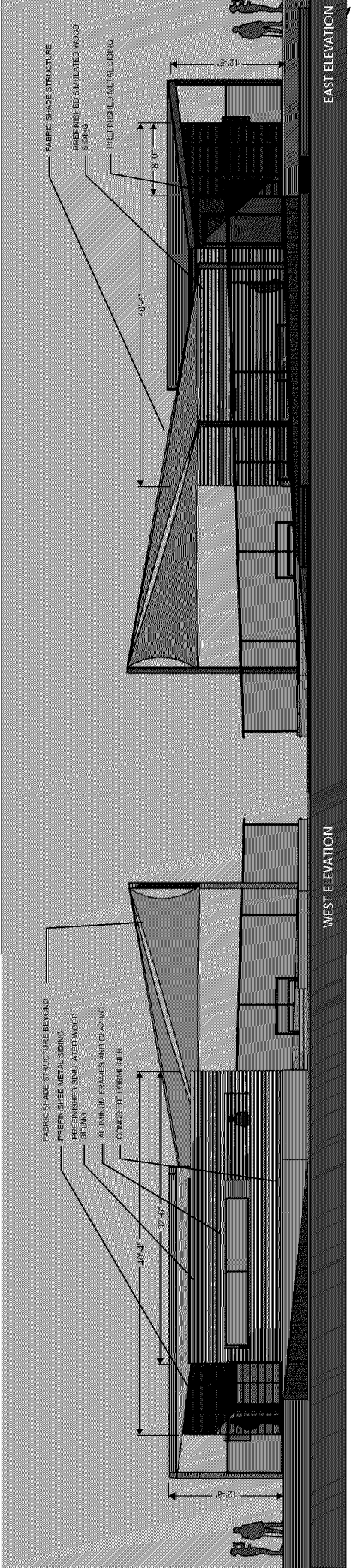
Attachment



SOUTH ELEVATION

NORTH ELEVATION

and Special



WEST ELEVATION

EAST ELEVATION



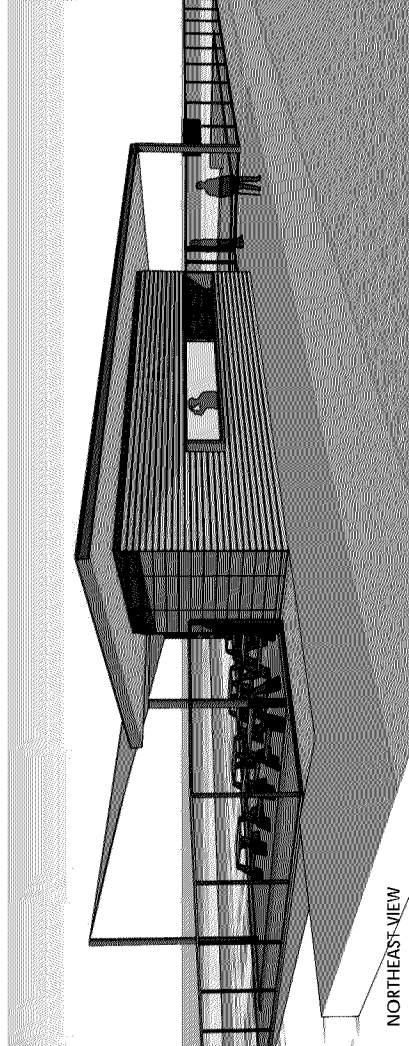
BUFFALO
GROVE
PARK
DISTRICT

RYLKO PARK SPRAY AND PLAY
NOT TO SCALE

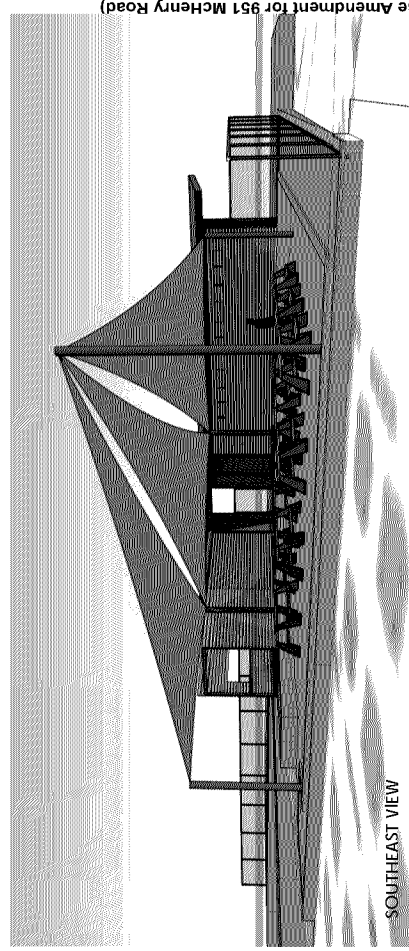
LEGATA ARCHITECTS

DESIGN | PERFORMANCE | SUSTAINABILITY

January, 2026



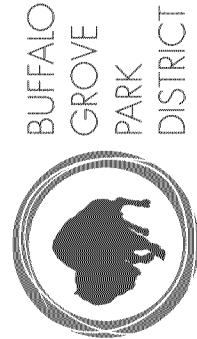
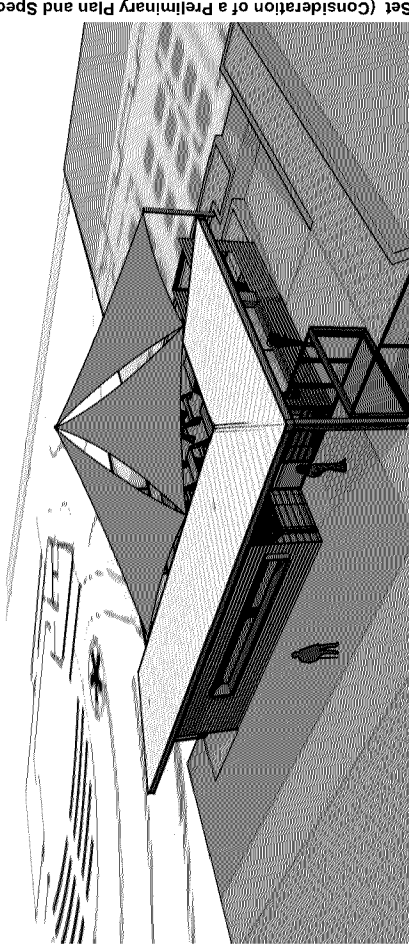
NORTHEAST VIEW



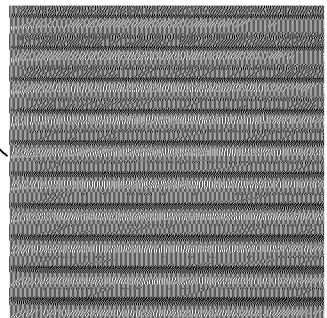
SOUTHEAST VIEW



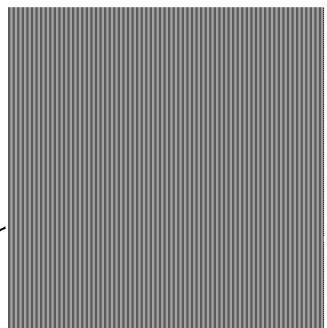
NORTHWEST VIEW



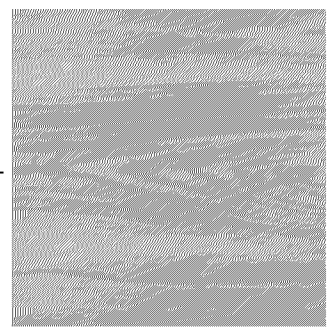
RYLKO PARK SPRAY AND PLAY



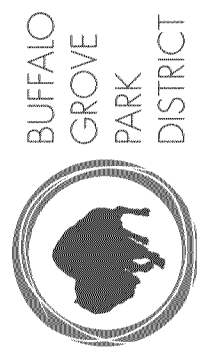
CONCRETE FOUNDATION
WALL WITH FORMLINER
FINISH

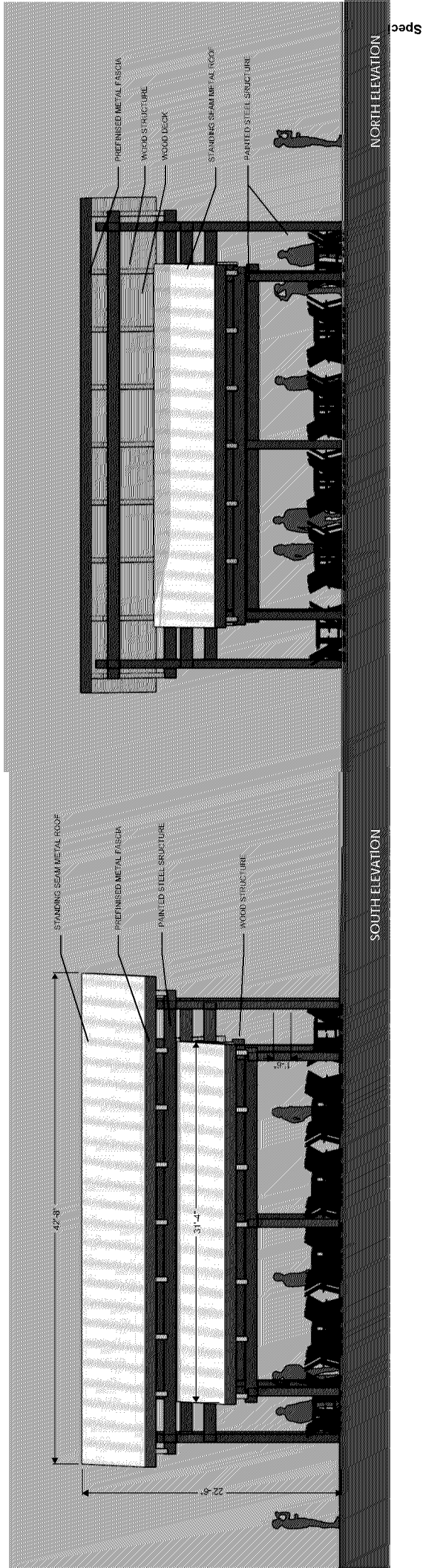


PREFINISHED METAL
SIDING

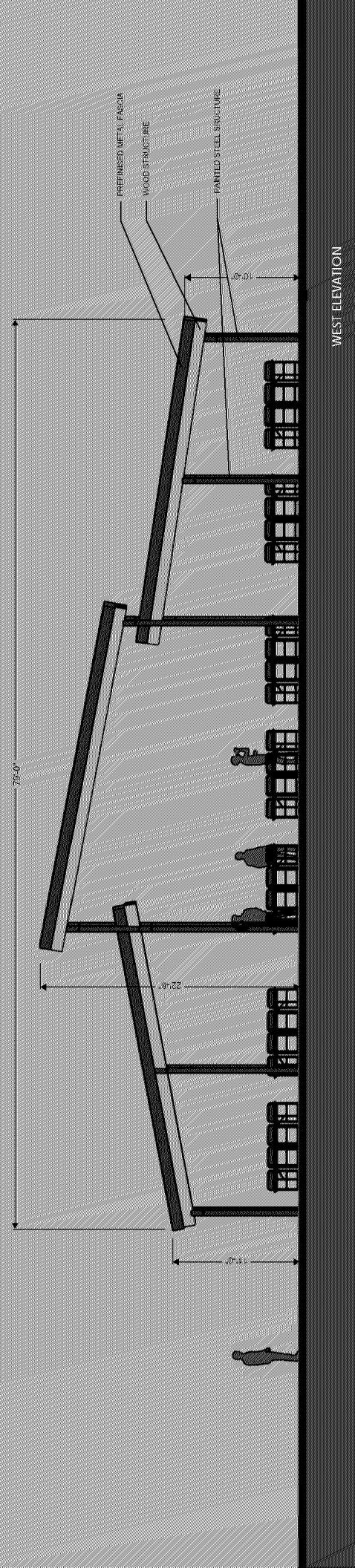


PREFINISHED SIMULATED
WOOD SIDING
WOOD DECKING





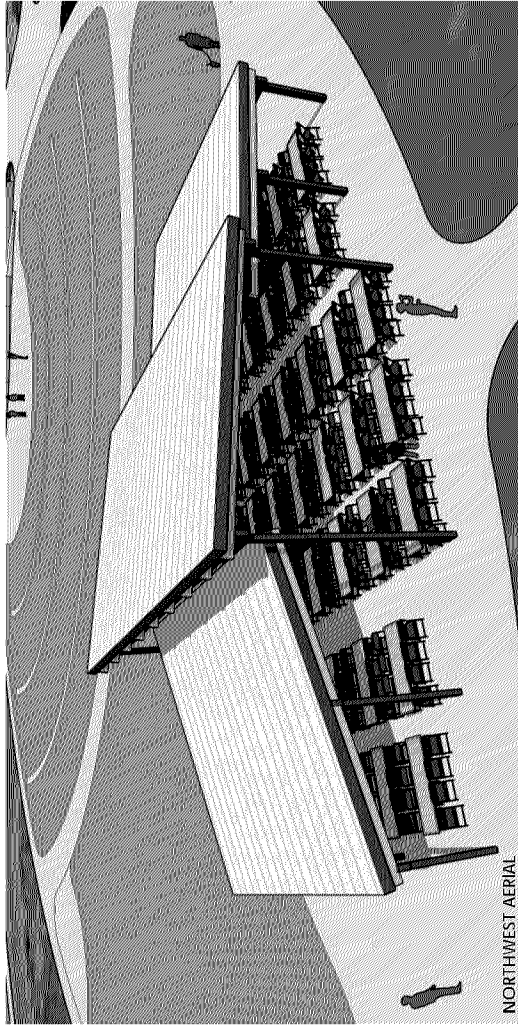
Spec



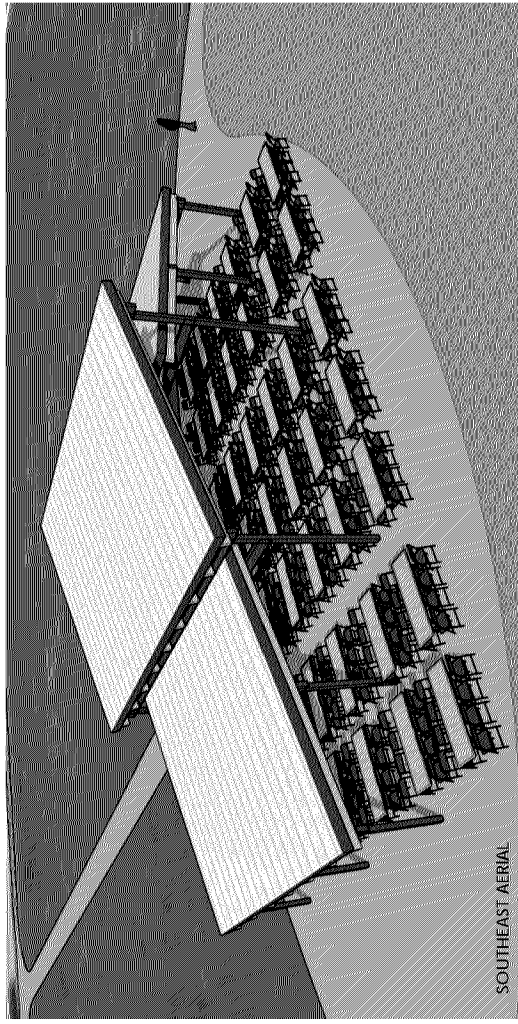
BUFFALO
GROVE
PARK
DISTRICT

RYLKO PARK PICNIC SHELTER
NOT TO SCALE

LEGATA ARCHITECTS
DESIGN | PERFORMANCE | SUSTAINABILITY
JANUARY, 2019

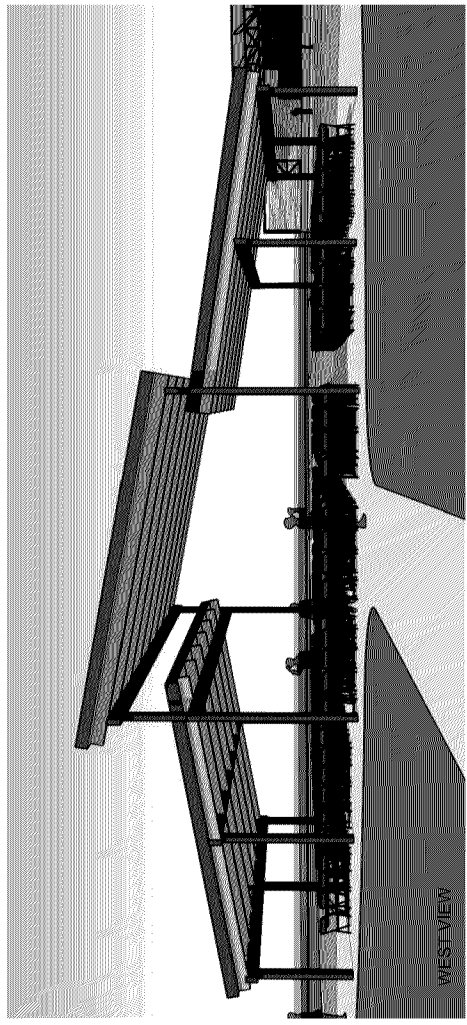


NORTHWEST AERIAL



SOUTHEAST AERIAL

nd Spe



WEST VIEW



NORTHEAST VIEW

Atta



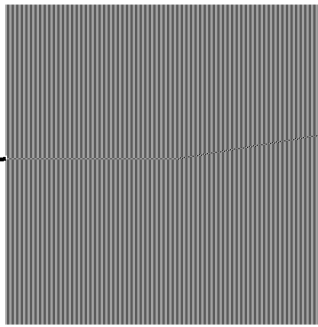
BUFFALO
GROVE
PARK
DISTRICT

RYLKO PARK PICNIC SHELTER

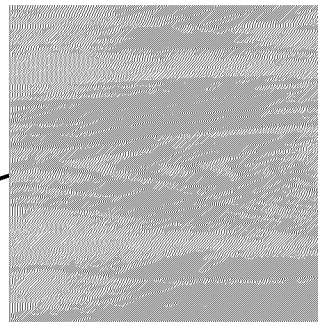
LEGATARCHITECTS
DESIGN | PERFORMANCE | SUSTAINABILITY

January 30

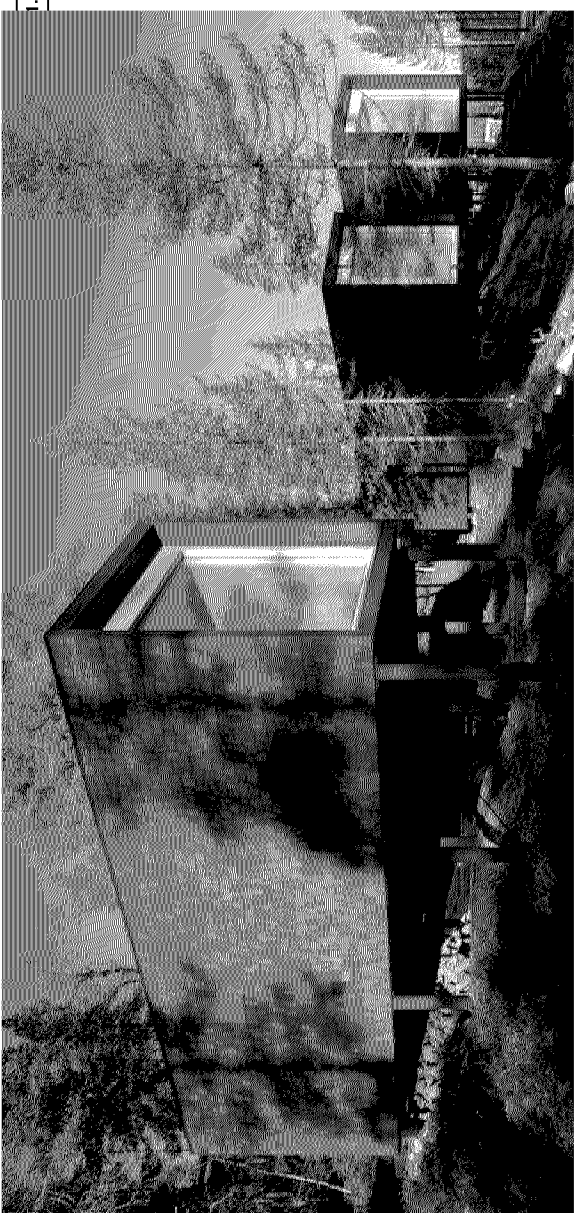
RYLKO PARK PICNIC SHELTER

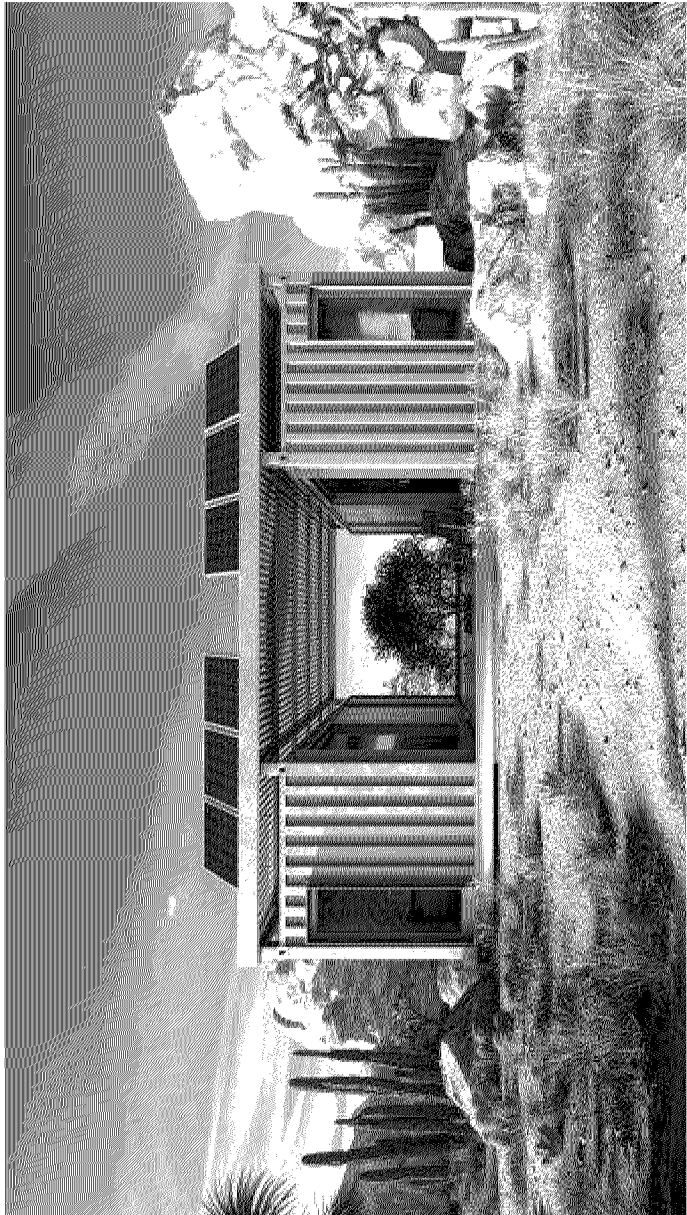
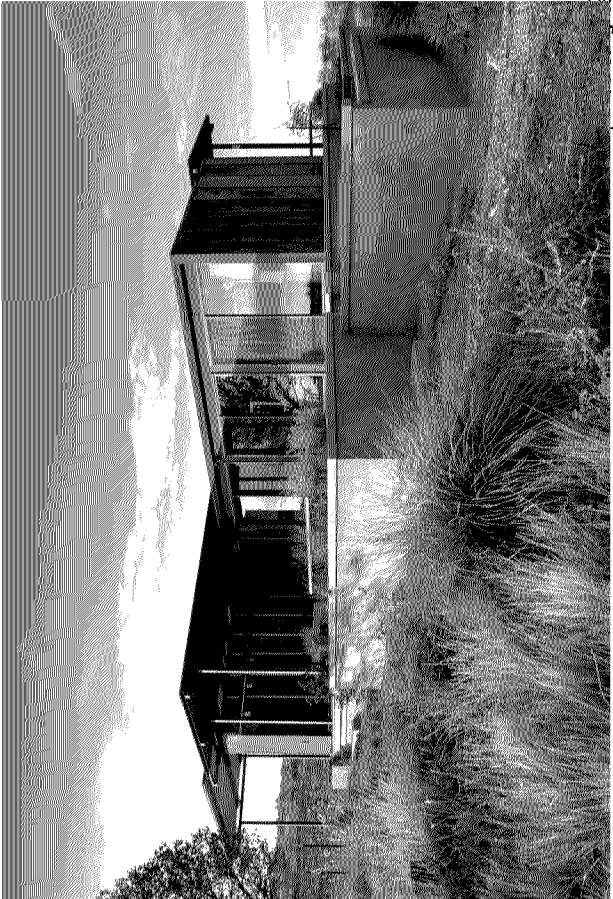


PREFINISHED METAL FASCIA
 PAINTED METAL



LAMINATED WOOD
 BEAMS AND DECK





Luminaire Schedule - Part numbers are provided by the manufacturer and are only intended to be used as a reference to output and optics used.

Symbol	Qty	Tag	Arrangement	Luminaire Lumens	Air. Lum. Lumens	Luminaire Watts	Air. Watts
9	9	V-VSQ	Single	14439	14439	160	160
6	6	V-VN	Single	13385	13385	160	160

Calculation Summary				
Label	CalcType	Units	Avg	Max
PARK LIGHTING Planar	illuminance	Fc	1.62	5.6
			N/A.	N/A.
			Avg/Min	Max/Min
			Description	
			READINGS TAKEN @ GRADE LEVEL	

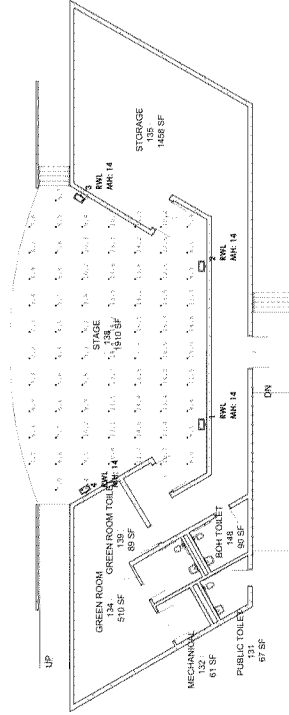
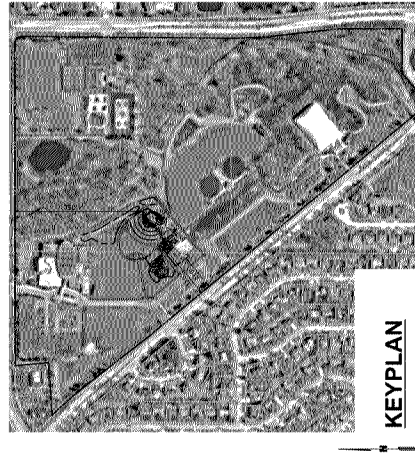
PARKING LOT DESIGN GUIDE			MAINTAINED HORIZONTAL		MAINTAINED VERTICAL		MAINTAINED	
APPLICATION AND TASK	AVERAGE [FC]	RANGE [FC]	AVERAGE [FC]	RANGE [FC]	AVERAGE [FC]	RANGE [FC]	MINIMUM	MAXIMUM
PARKING (UNCOVERED ZONE) 3 (URBAN)	1.5	0.75-3	0.8	0.4-1.6	4.1	1.5-1		
PARKING (COVERED ZONE) 2 (SUBURBAN)	1	0.5-2	0.6	0.3-1.2	4.1	1.5-1		
SAFETY (BUILDING EXTERIOR)	1	0.5-2						FOR SECURITY ISSUES, SEE CHAPTER 10.3

BASED RECOMMENDATIONS BASED ON THE LIGHTING HANDBOOK 10TH EDITION AND IES 20-14. FOR ADDITIONAL INFORMATION ON LIGHTING DESIGN, SEE THE LIGHTING HANDBOOK 10TH EDITION AND IES 20-14. FOR ADDITIONAL INFORMATION ON LIGHTING DESIGN, SEE THE LIGHTING HANDBOOK 10TH EDITION AND IES 20-14. FOR ADDITIONAL INFORMATION ON LIGHTING DESIGN, SEE THE LIGHTING HANDBOOK 10TH EDITION AND IES 20-14.

NOTES

PC ENLIGHTEN'S NEITHER LICENSED NOR INSURED TO DETERMINE CODE COMPLIANCE, OR ANY VARIANCE FROM REFLECTIVE VALUES. OBSTRUCTIONS, LIGHT LOSS, FACTORS OR DIMENSIONAL DATA WILL AFFECT THE ACTUAL LIGHT VALUES OBTAINED. THE RESULTS OF THIS ANALYSIS ARE NOT TO BE USED FOR ANY PURPOSES NOT PERMITTED BY THE THIRD PARTY SOFTWARE AND THE STANDARDS USED. FUTURE TYPES AND QUANTITIES MAY CHANGE BASED ON UNKNOWN OBSTRUCTIONS OR FIELD CONDITIONS. THESE CHANGES MAY RESULT IN AN INCREASED QUANTITY OF REFLECTORS. THE RESULTS OF THIS ANALYSIS ARE NOT TO BE USED FOR ANY PURPOSES NOT PERMITTED BY THE THIRD PARTY SOFTWARE AND THE STANDARDS USED. CONCLUSION: GRID VALUES 19.2 FT. O.C.

Luminescence Location	Summary	Tag (Qty)	Mig Hit	Orient	Tip
1	lumNo	V-W (1)	15	318	0
2		V-W (1)	15	237	0
3		V-W (1)	15	215	0
4		V-W (1)	15	101	0
5		V-W (1)	15	101	0
6		V-W (1)	15	265	0
7		V-W (1)	15	84	0
8		V-W (1)	15	311	0
9		V-W (1)	15	310	0
10		V-W (1)	15	360	0
11		V-W (1)	15	304	0
12		V-W (1)	15	304	0
13		V-W (1)	15	313	0
14		V-W (1)	15	342	0
15		V-W (1)	15	304	0



Symbol	Qty	Tag	Arrangement	Luminaires Lumens	Luminaires Watts	LLF	Manufacturer	Description
1	4	RWL	WALL	9462	67.2	0.900	WHITELIGHT	RW12-160L

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Description
STAGE FLOOR, Planar	Illuminance	Fc	10.11	16.8	2.2	READINGS TAKEN @ 2.5' AFF
				7.64	4.60	

Luminance Location Summary

Label	LumNo
RWL2-160L-65-4K7-4W	1
RWL2-160L-65-4K7-4W	2
RWL2-160L-65-4K7-4W	3
RWL2-160L-65-4K7-4W	4

Mtg Ht	Orient	Tilt
14	90	0
14	90	0
14	146.976	0
14	31.329	0

BUFFALO GROVE RYLKO PARK LIGHTING

REVISIONS
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PG CONTACT:
NAME
more@pdp-enlighten.com
650.207.8988

DRAWN BY:
NAME
joe@enlighten.com
944.956.1376





TALASKE
SOUND THINKING™

1144 LAKE STREET STE 310, OAK PARK IL 60301
TEL 708.524.2800 FAX 708.524.2818
WWW.TALASKE.COM INFO@TALASKE.COM

site survey report

PROJECT:	Buffalo Grove Parks District – Mike Rylko Amphitheater		
ATTENTION:	Ted Haug	COMPANY:	Legat Architects
DATE:	27 September 2022	TOPIC:	Site Survey Findings
SENDER:	Hans Michel	TEL NO:	708.524.2800

TALASKE performed two noise surveys at the Mike Rylko Park and neighboring areas. Our report includes:

- Results from August 6th typical (non-event) site noise survey
- Results from September 2nd BG Days survey
- Interpretation of noise code
- Amphitheater design recommendations
- Expected results

The new amphitheater site is to be in the same general area of the park as the current BG Days stage location, reoriented and at the opposite end of the field. With recommended measures in place for the new facility we anticipate that events similar to BG Days would have a similar impact on the nearest neighboring properties at mid frequencies, with less bass energy. More typical small events which generate lower sound levels would have less impact on the neighboring properties.



Buffalo Grove Parks Department – Amphitheater Project
 26 September 2022
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AUGUST 6TH 2022 AMBIENT NOISE SITE SURVEY

Our initial site visit occurred on a typical Saturday with no scheduled event, to measure typical ambient noise along the property line of the Mike Rylko Park along McHenry Road – the nearest residential adjacency to the future Amphitheater Site (see markup below). A long-term calibrated measurement was taken at trees to the north of the Mike Rylko Parkway between Noon and 11pm – hours identified as likely performance times. Spot measurements were taken for 20 minute durations to understand site noise at slightly different locations:

- Across the street (+6 dB)
- 50' back from the permanent measurement (-8 dB)
- At the middle of the parking lot closer to the future Amphitheatre site (+4 dB)

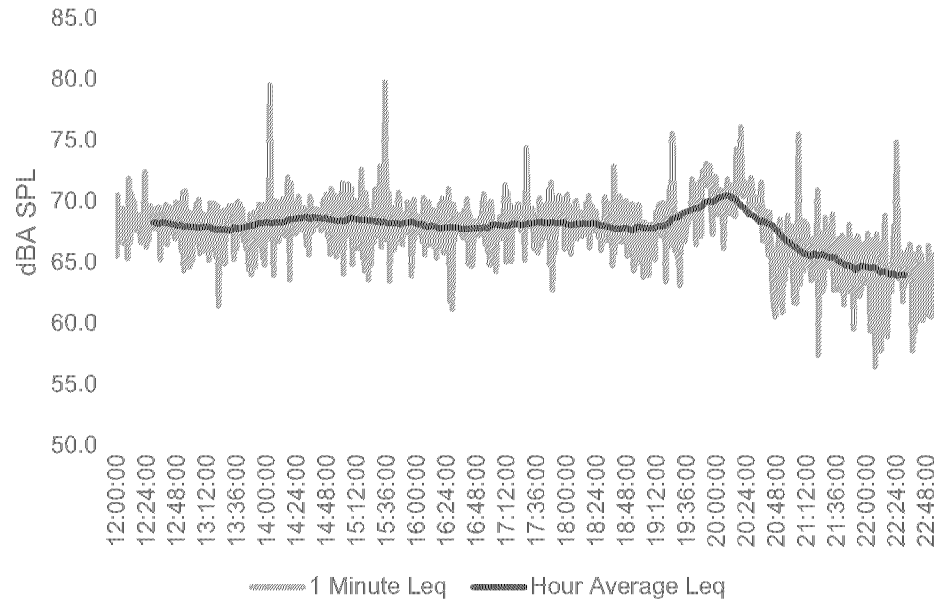
See markup of site below for locations used for reference:



Long duration measurements of site noise are provided below:



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 Page 3



The graph shows 1 minute dBA Leq measurements, as well as the one hour average dBA Leq measurements (extending 30 minutes in the past and 30 minutes in the future). dBA is a metric typically used in noise codes, and is a metric that defines full-frequency sound in a single number. This metric is more sensitive to mid and high frequency ("treble") sound and discounts the contribution of low frequency ("bass") sound. As a rule of thumb, adding 10 dBA is roughly "twice as loud". Leq is the average sound level over an extended period of time.

For this site noise was almost exclusively due to frequent traffic along McHenry Road, with low ambient noise levels in moments when traffic subsided completely. Typical Leq levels were 68 dBA, rising to a peak of 70 dBA at peak rush hour dipping down to 64 dBA at the end of the night. Note that the typical average of 68 dBA was maintained or exceeded through 8:50 PM.



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SEPTEMBER 2ND 2022 AMPLIFIED PERFORMANCE SITE SURVEY

We visited the site during BG Days – the annual festival hosted in the park, to understand noise from a heavily amplified event from a temporary stage, especially at the property line along McHenry Road. This visit allowed us to understand sound levels from this event at the property line of the park as well as across the street to understand the current experience at neighboring residences. This also allowed us to experience the loudest type of event anticipated at the future Amphitheater – a heavily amplified rock event. See below for photos and a markup of measurement locations, along with a table with measured dBA Leq sound levels in several typical locations:





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Mix Position



Across McHenry Road



Back of Audience



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26 September 2022
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Note that measurement locations are at slightly different locations across the street – the measurement location on BG Days was selected where the performance on stage was most audible, while the location for the long-term site noise measurement was selected as it was directly across the street from the fixed location. These representative measurements are close enough to be useful for comparative analysis.

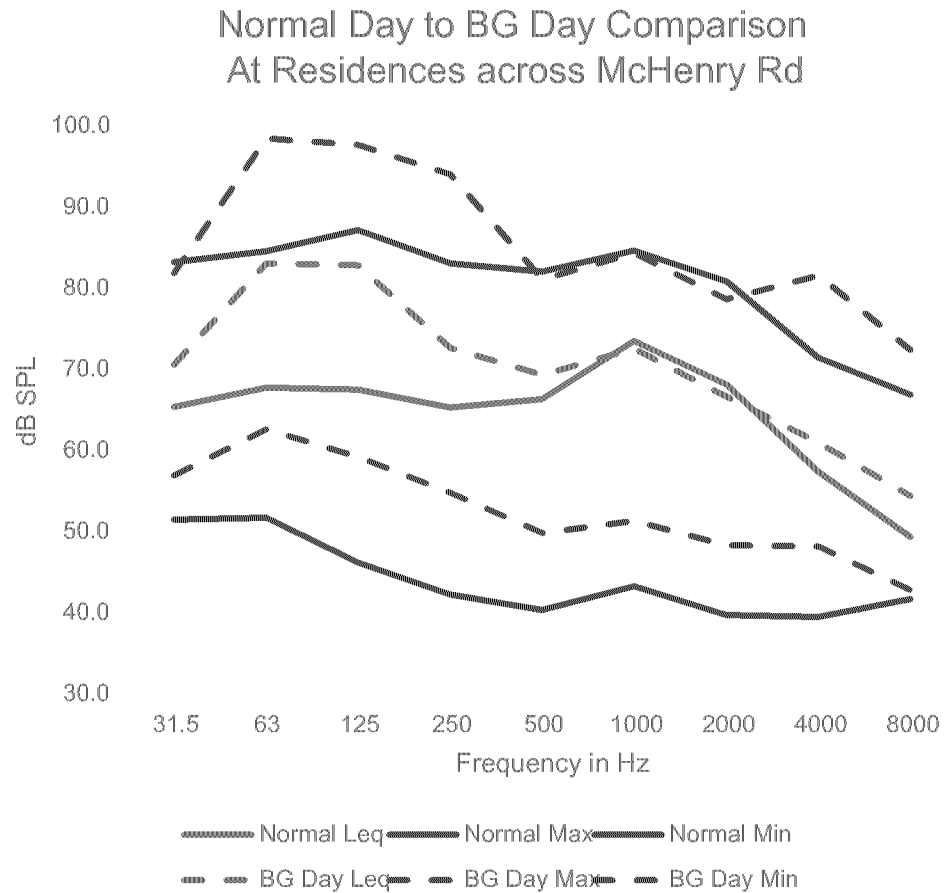
	Front Row – ~15' from stage	Mix Position – ~70' from stage	Back of Audience – ~300' from stage	McHenry Road Sidewalk – Mike Rylko Park Side	McHenry Road Sidewalk – Residence Side
BG Days Leq	101 dBA	97 dBA	85 dBA	75 dBA	76 dBA
Normal Day Leq				68 dBA	74 dBA

These measurements show that amplified events are very loud, but in the current configuration do not raise the dBA Leq level significantly above that of typical road noise on the sidewalk across the street. Subjectively the sound was mainly audible at low frequencies (Kick Drum “Thumps”), or when traffic subsided. See the graph below for the spectrum of Maximum, Minimum and average (Leq) sound pressure levels measured across the McHenry Road with and without bands playing:



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As the graphs show the low frequency levels are 10dB+ higher with bands playing (a doubling of loudness), but by pointing speakers away from the neighbors the mid and high frequency levels are not significantly impacted. The minimum levels on a typical day are quite low, though amplified events maintain a higher level of sound that is clearly audible between car passes.



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INTERPRETATION OF NOISE CODE

We have reviewed the Buffalo Grove Village ordinance (retrieved from https://library.municode.com/il/buffalo_grove/codes/code_of_ordinances on 26 September 2022) and found three sections which would appear to apply to noise level limits for events at the park:

Section 9.38.015 – It is unlawful to make or cause to be made any noise or sounds of such volume or of such a nature as to cause annoyance to a reasonable person of ordinary sensibilities.

Section 9.38.020 – It is unlawful to use or operate a sound-amplifying device from 10:30pm to 8:00am Sunday through Thursday and from 12:01am to 8:00am on Friday, Saturday and on holidays, so that the device makes or causes to be made any noise or sounds of such volume or of such a nature as to cause annoyance to a reasonable person of ordinary sensibilities.

Section 5.08.075 – No amusement activity shall use or operate a sound amplification device so that the device produces distinctly and loudly audible sounds beyond the boundary of the property, parcel street or place from which sound originates.

(From 5.08.010 – An "amusement activity" within the terms of this section includes art festivals, concerts, carnivals, circuses, fairs, trade shows, trade amusements, boxing and wrestling exhibitions, traveling shows and any other similar or related type of activity conducted for the furtherance of a business enterprise.)

The criteria defined in section 9 are subjective, except for time limits on the use of amplification systems. We expect that the criteria in Section 5 is the most applicable portion of code for amplified performances. While technical definitions are not provided we interpret this as follows:

- x We anticipate that reviewing sound levels with dBA is appropriate, as this is the conventional metric used to define noise levels in municipal noise codes.
- x The limit on "distinctly and loudly audible sounds" would not restrict activities which are audible, but those which are loudly audible. A reasonable interpretation is that any sound level from amplified activity at adjacent residences could be as loud as the ambient noise levels from other sources (especially traffic). Event sound would not be "inaudible" but would raise the total sound level by up to 3 dBA above existing ambient.



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- x The location “beyond the boundary of the property” would be the sound levels measured at the opposite side of McHenry Road.

As the ambient sound levels were 6 dB higher on the opposite side of the road as compared to within the park this would restrict sound levels from the new amphitheater reaching the residences to 74 dBA over most of the day, up to 76 dBA during rush hour then down to 70 dBA after 9:00 PM. Note that measured noise levels across the street, as measured during an event, would be up to 3 dBA above these levels. Again, this is because the total noise level is a combination of event noise and non-event/traffic noise.

We also interpret that the project would be subject to special authorization per 17.28 – special uses, and thus further discussion may be warranted. Please advise if any other portion of the code we have not interpreted to be applicable would potentially apply to this project, or if any further analysis is requested. Note that TALASKE cannot provide legal advice. Council for the Park District should confirm our interpretation of the applicable noise ordinances.

AMPHITHEATER DESIGN RECOMMENDATIONS

The future amphitheater site is further from McHenry Road – with a stage ~600' from the nearest residences. While increased distance is beneficial, the stage is oriented facing McHenry Road, and as such careful consideration will be necessary to minimize the sound which reaches the opposite side of McHenry Road.

The amphitheater is intended to be designed with a stage and infrastructure only, with audio systems on an event-by-event basis as provided by performers. We understand there will be a variety of performance types – school orchestra and bands, community theater, dance, recitals, and rock band performers similar to BG Days. We anticipate that most of these uses will be significantly quieter than BG Days, and therefore provide recommendations for a performance as or similar to BG Days – a “worst case” event.



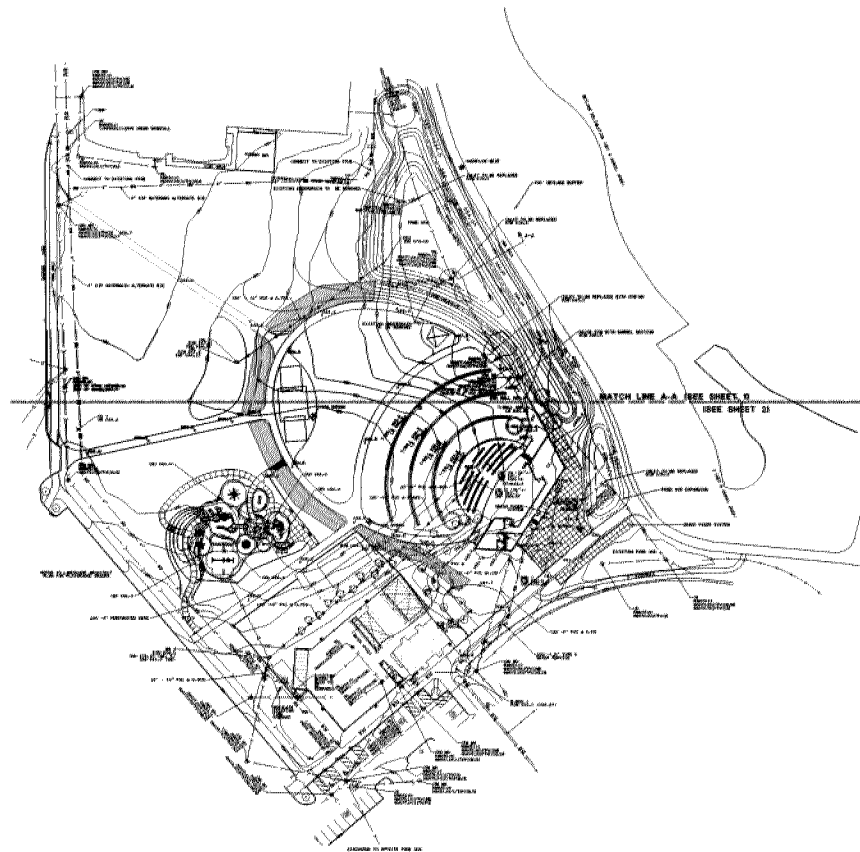
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To address site noise several measures are recommended to be incorporated which will significantly help reduce sound propagation to the property line:

- x The site will be graded such that the stage area and nearby seating will be recessed into the earth, with the seating area forward of the stage at +682' which is 7' lower than the rear of the seating area at +689'. This helps reduce sound from stage sources (such as drums and ground-stacked subwoofers).
- x We recommend a 6' tall berm beyond the seating area and lawn at the amphitheater, at +695'. This barrier is designed to reduce sound levels from the amphitheater by 5dB+ for a person standing on the opposite side of McHenry Road.

See drawing markup below for anticipated locations of berms around the amphitheater site:





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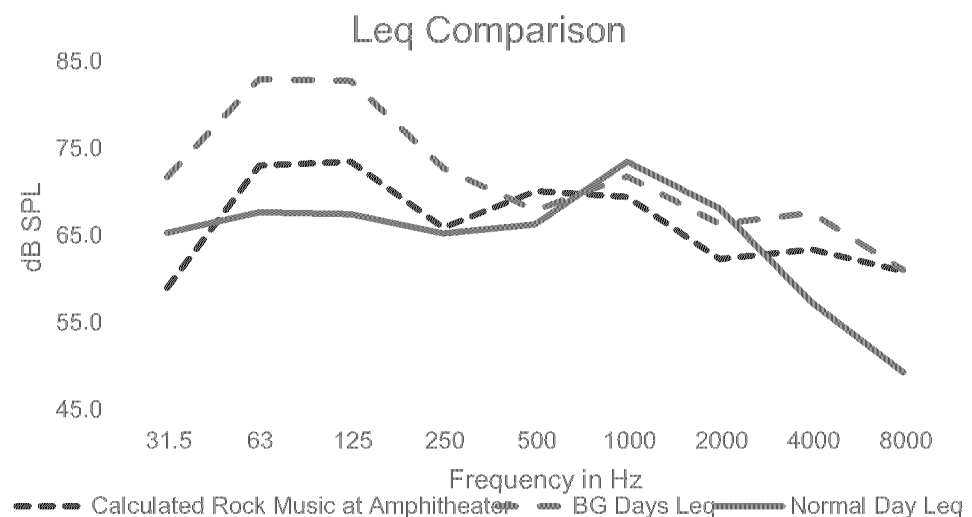
For events where audio systems are only set as loud as necessary for audience members to hear the performance would provide additional benefit – reducing road noise 10+ dBA. With a lower noise floor at the audience area audio systems would not need to be set as loud to overcome ambient noise during events.

For the berm to contain high sound levels for heavily amplified events there are some requirements for the Audio system to provide appropriate performance:

- x The audio system must not exceed 97 dBA Leq at a mix position 70' in front of the stage. To ensure compliance, we recommend a "rider" requirement that all shows must use a realtime sound level monitor, such as the 10EaZy system.
<https://www.10eazy.com>
- x The top of the audio system must not exceed 15' above the lowest seating area, or +697'.

EXPECTED RESULTS

See below for the calculated spectrum at the adjacent residences from an event identical to the BG Days event with the measures from the previous section incorporated. Actual measurement spectra of Leq levels are provided as well, for reference.





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 26 September 2022
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The calculated level is equivalent to typical ambient conditions – 74 dBA – and would raise total levels up to 77dBA. This would be only 1 dB higher than current BG Days events and within our interpretation of the noise code requirements. While the mid frequency sound levels are slightly higher, the low frequency levels will be significantly reduced, resulting in a significantly less audible “thump” and slightly more audible vocal / guitar lines as compared to BG Days. Note this assumes music content similar to BG Days – other music styles (e.g. House/EDM) could have significantly higher “bass” levels.

Please note that the additional measures or best practices could be considered for even better results:

- ✕ Audio systems could be directed as low as possible, to minimize the amount of high frequency sound which reaches the top of the berm.
- ✕ Heavily amplified events could be further restricted to not go past 9pm, except for special events (i.e. BG Days). Note that current events are anticipated to end by 11pm on Saturdays, while code requires a midnight end time to Events on Friday and Saturday.
- ✕ Rental/touring audio systems have widely varying design, and hence different community noise levels. A permanently installed distributed audio system could be provided, which would allow for more speakers closer to audience members throughout the Amphitheater seating area. By virtue of having multiple quieter sound sources carefully directed at audience members, this system would have the potential of further reducing sound levels from events another 6-8 dB at the adjacent properties without reducing sound levels for events. Hardware could be incorporate to prevent this system from being capable of creating sound levels which would exceed pre-established limits.

As noted previously the analysis noted in this report is to understand site conditions and define recommendations for the loudest events. Many events will be significantly quieter, and would approach inaudibility at the adjacent properties.

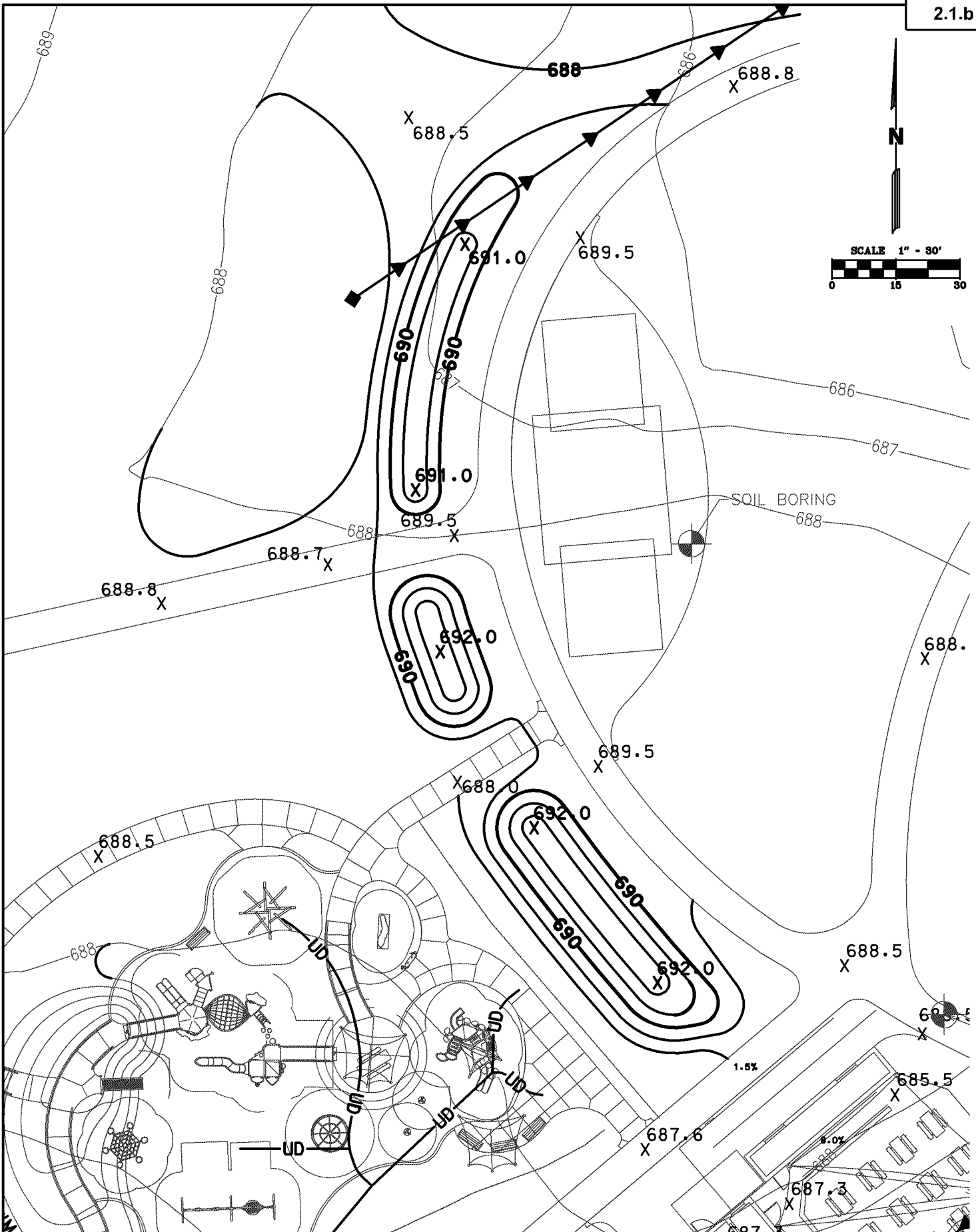


Buffalo Grove Parks Department – Amphitheater Project
26 September 2022
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Please do not hesitate to call or email with any questions or comments.

Thank you,

Hans Michel
Acoustics Consultant



Attachment: Plan Set (Consideration of a Preliminary Plan and Special Use Amendment for 951 McHenry Road)

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Mackie Consultants, LLC
9575 W. Higgins Road, Suite 500
Rosemont, IL 60018
(847) 696-1400
www.mackieconsult.com

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			DESIGNED	SRK
			DRAWN	JK
			APPROVED	SRK
			DATE	10/20/2022
			SCALE	1" = 30'

BERM GRADING EXHIBIT
MIKE RYLKO
AMPHITHEATER
BUFFALO GROVE, ILLINOIS

SHEET	1	OF	1
PROJECT	4254		

MEMORANDUM TO: Michael Maloney
Buffalo Grove Park District

FROM: Luay R. Aboona, PE, PTOE
Principal

DATE: September 27, 2022

SUBJECT: Mike Rylko Community Park Revitalization Project
Buffalo Grove, Illinois

This memorandum summarizes the results and findings of a site traffic evaluation conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the proposed Mike Rylko Community Park Revitalization Project located in Buffalo Grove, Illinois. The park is located in the southeast quadrant of the intersection of McHenry Road (IL 83) with Deerfield Parkway and currently contains a fitness center, a splash pad, baseball fields, and a sports dome with four playing fields that are accessed off McHenry Road and Deerfield Parkway. Tennis courts and a skatepark served by a parking lot are accessed off Buffalo Grove Road. As proposed, the plans call for an amphitheater with a capacity of 2,000-3,000 seats and for expanding the splash pad. Parking will be accommodated by the existing parking field with the potential for accommodating additional parking on the grass fields. A copy of the site plan and an exhibit illustrating the location of the park are included in the Appendix.

The purpose of this evaluation is to determine the impact of the traffic generated by the proposed revitalization project on the area roadway system and the adequacy of the proposed access.

Existing Traffic Conditions

The following provides a detailed description of the physical characteristics of the roadways including geometry and traffic control and available average daily traffic volumes along the adjacent area roadways.

McHenry Road (IL 83) is a north-south major arterial with a four-lane divided cross-section that in the vicinity of the site provides two lanes in each direction. At its signalized intersections with Deerfield Parkway and Buffalo Grove Road, McHenry Road provides an exclusive left-turn lane, a through lane, and a shared through/right-turn lane on the northbound and southbound approaches. McHenry Road is under the jurisdiction of the Illinois Department of Transportation (IDOT), carries an Annual Average Daily Traffic (AADT) volume of 19,700 vehicles (IDOT 2021), and has a posted speed limit of 45 miles per hour (mph).

Deerfield Parkway (Lake County A47) is an east-west, four-lane divided roadway along the site's frontage. The west leg of its signalized intersection with McHenry Road is Checker Drive, which is a two-lane roadway. At its signalized intersection with McHenry Road, the Deerfield Parkway approach is striped to provide an exclusive left-turn lane, a through lane, and an exclusive right-turn lane. Deerfield Parkway is under the jurisdiction of the Lake County Division of Transportation (LCDOT), carries an AADT volume of 13,700 vehicles (IDOT 2019), and has a posted speed limit of 35 mph.

Buffalo Grove Road (Lake County W14) is a north-south, four-lane divided roadway that is signalized at its intersections with McHenry Road and Deerfield Parkway, where exclusive left-turn lanes are provided on the northbound and southbound approaches. Buffalo Grove Road is under the jurisdiction of LCDOT, carries an AADT volume of 11,600 vehicles (IDOT 2019), and has a posted speed limit of 40 mph.

Traffic Characteristics of the Proposed Revitalization Project

As indicated earlier, the plans call for the construction of an amphitheater with a capacity of 2,000-3,000 seats and for expanding the splash pad's occupancy from 180 to 300. The amphitheater will become the permanent venue for community festivals such as Buffalo Grove Days as well as hosting celebrations such as Pride, Juneteenth, Diwali, and the Lunar New Year. The facility will also be utilized for hosting concerts which are currently occurring at Willow Stream Park.

The park is currently served by five parking fields providing a total of approximately 881 parking spaces. Four of the parking fields are access off McHenry Road and Deerfield Parkway with the eastern parking field access off Buffalo Grove Road.

The amount of traffic an event can generate will depend on the number of participants and vehicle occupancy. Assuming a maximum attendance of 3,000 people and a vehicle occupancy of 3.0 people per vehicle, the proposed amphitheater is estimated to generation approximately 1,000 trips. It should be noted that this maximum occupancy is likely to be reached during festivals when traffic will be spread out throughout the day. Attendance at concerts is expected to be lower (approximately 1,000), thus generating a lower traffic volume (approximately 300 to 400 trips).

Evaluation

When the estimated peak hour traffic volumes anticipated to be generated by the proposed amphitheater are compared to the existing traffic volumes, the additional traffic will not have a detrimental impact on the area roadways based on the following:

- The traffic will be distributed over several roadways, mainly McHenry Road and Deerfield Parkway, both of which are multi-lane roadways with high carrying capacities.
- During concert events with an average attendance of 1,000 people, the increase in traffic on the adjacent roadways will be approximately three to five percent of the daily traffic.

- During peak events such as festivals, which will normally occur on weekends when traffic on area roadways is lower, the increase in traffic on the adjacent roadways will be in the range of approximately of seven to ten percent.

Access Evaluation

As previously indicated, access will continue to be provided via the existing access drives currently serving the park, which includes the following:

- A main access drive off McHenry Road aligned with Lucinda Court. This access drive provides one inbound lane and two outbound lanes with outbound movements under stop sign control. A southbound left-turn lane is provided on McHenry Road serving this access drive.
- A secondary access drive off McHenry Road (adjacent to the Golf Dome) approximately 1,300 feet south of the main access drive. This access drive provides one inbound lane and two outbound lanes with outbound movements under stop sign control. A southbound left-turn lane is provided on McHenry Road serving this access drive.
- An access drive off Deerfield Parkway aligned with Green Knolls Drive. The access drive provides one inbound lanes and two outbound lanes with outbound movements under stop sign control.
- A secondary access road off Buffalo Grove Road aligned with Hidden Lake Drive. This access drive provides one inbound lane and two outbound lanes with outbound movements under stop sign control. A northbound left-turn lane is provided on Buffalo Grove Road serving this access drive.

The number, location, and design of the access drives ensure that a flexible access system is provided, helping distribute the traffic on multiple roadways, thus reducing congestion and delays. The provision of left-turn lanes on the roadways at the access drives will provide safe ingress for traffic entering the facility and will reduce the impact on through traffic.

Parking Evaluation

As previously indicated, the park currently provides approximately 881 parking spaces, which should be adequate in accommodating concerts and non-peak events. For peak events such as festivals and Buffalo Grove Days, additional parking should be provided within the grass fields which can accommodate an additional 225 parking spaces. This will ensure that adequate parking is readily available, thus minimizing on-site circulation and traffic conflicts.

Traffic Management Plan

To ensure that traffic flow in and out of the parking lots is adequately accommodated and to minimize the impact on area roadways and adjacent neighborhoods, the following is recommended:

- Coordination with Village of Buffalo Grove Police and Fire Departments
- Creation of wayfinding guidance (printed and online) for the public's use
- Implementation of wayfinding signage (portable and permanent)
- Use of traffic management personnel at the access drives and on site
- Accommodation for bicycle parking on site
- Creation of safe pedestrian routes from the adjacent roadways and within the parking lots
- Minimizing other activities at the park during peak events

Conclusion

Based on the proposed plan and the preceding evaluation, the following conclusions and recommendations are made:

- The traffic that will be generated by the proposed amphitheater can be accommodated by the existing roadway system.
- The existing access drives will be adequate in accommodating traffic entering and exiting the site.
- The existing parking supply with the potential use of additional temporary parking will be sufficient to meet the peak parking needs.
- Implementation of the traffic management plan will ensure that traffic generated can be accommodated, especially during peak events.

Appendix



2.1b

Packet Pg. 55

Attachment: Plan Set (Consideration of a Preliminary Plan and Special Use Amendment for 951 McHenry Road)



BUFFALO
GROVE
PARK
DISTRICT

October 28, 2022

VIA email

Ms. Kelly Purvis, AICP
Deputy Community Development Director
Village of Buffalo Grove
50 Raupp Boulevard
Buffalo Grove, IL 60089

RE Mike Rylko Park Improvement Project – 951 McHenry Road, Buffalo Grove
Petition for Preliminary Plan Review (PZC) – Zoning Variation Responses

Dear Ms. Purvis:

We received the Zoning Variation Standards, regarding our petition for preliminary plan review through Planning and Zoning for the Buffalo Grove Park District Mike Rylko Community Park Improvement Project. Please find our responses.

1. ZONING VARIATION COMMENTS:

- a. One Zoning Variation was identified upon review of the formal submittal of plans. A variation will be needed from Section 17.32.030 to allow the amphitheater and rental shelter to exceed the maximum permitted height of 15 feet for an accessory building. Please note, upon review of the information requested in this review letter, additional zoning relief may be required. Please respond to the attached Zoning Variation standards.
 - i. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the zoning district in which it is located except in the case of residential zoning districts;
 - ii. The plight of the owner is due to unique circumstances;
 - iii. The proposed variation will not alter the essential character of the neighborhood.

RESPONSE:

The height of the amphitheater stage will need to exceed the maximum permitted height of 15 feet to accommodate a deeper roof structure, temporary lighting/speakers for performances, and provide optimum acoustics. The height of the rental shelter will need to exceed the maximum permitted height of 15 feet to accommodate a varied roof line for the shelters and ample space under the shelter to provide a better user experience. We

Petition for Preliminary Plan Review (PZC) – Zoning Variation Responses

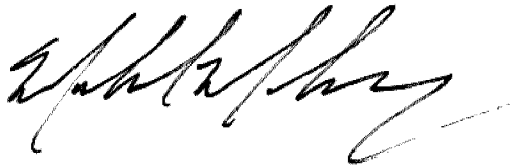
October 28, 2022

Page 2 of 2

are proposing a permanent stage, in lieu of having to rent temporary structures and offer more availability/flexibility throughout the year. The proposed variations will not alter the essential character of the neighborhood.

Please let us know if you have any questions regarding our responses or if you need any additional information to complete the approval. Thank you very much for your time.

Sincerely,



Michael R. Maloney, LEED AP BD+C, CPO
Buffalo Grove Park District
Superintendent of Development

Attachments: None

3/16/95

ORDINANCE NO. 95- 26

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT FOR
BUSCH GROVE COMMUNITY PARK,
 BUSCH ROAD/ILLINOIS ROUTE 83/BUFFALO GROVE ROAD

WHEREAS, the Village of Buffalo Grove is a Home Rule Unit by virtue of the Illinois Constitution of 1970; and,

WHEREAS, there has heretofore been submitted to the Corporate Authorities of the Village of Buffalo Grove a petition to annex the property legally described in Exhibit A hereto; and,

WHEREAS, there has been submitted to the Corporate Authorities of the Village of Buffalo Grove an Annexation Agreement; and,

WHEREAS, proper and due notice of the public hearing on said Annexation Agreement and Zoning has been given and a public hearing was held; and,

WHEREAS, it is determined to be in the best interest of the Village of Buffalo Grove to approve said Annexation Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BUFFALO GROVE, COOK AND LAKE COUNTIES, ILLINOIS:

Section 1. The Annexation Agreement, a copy of which is attached hereto and made a part hereof as Exhibit A is approved.

Section 2. The President and Clerk of the Village are hereby authorized to execute said Agreement on behalf of the Village of Buffalo Grove.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval. This Ordinance shall not be codified.

AYES: 6 - Marienthal, Reid, Rubin, Braiman, Hendricks, Moons

NAYES: 0 - None

ABSENT: 0 - None

PASSED: March 20, 1995 APPROVED: March 20, 1995

ATTEST:

APPROVED:

Aunt M. Sebastian
 Village Clerk

SIDNEY H. MATHIAS
 Village President

Attachment: Ordinance No. 95-26 (Consideration of a Preliminary Plan and Special Use Amendment for 951 McHenry Road)

3/16/95

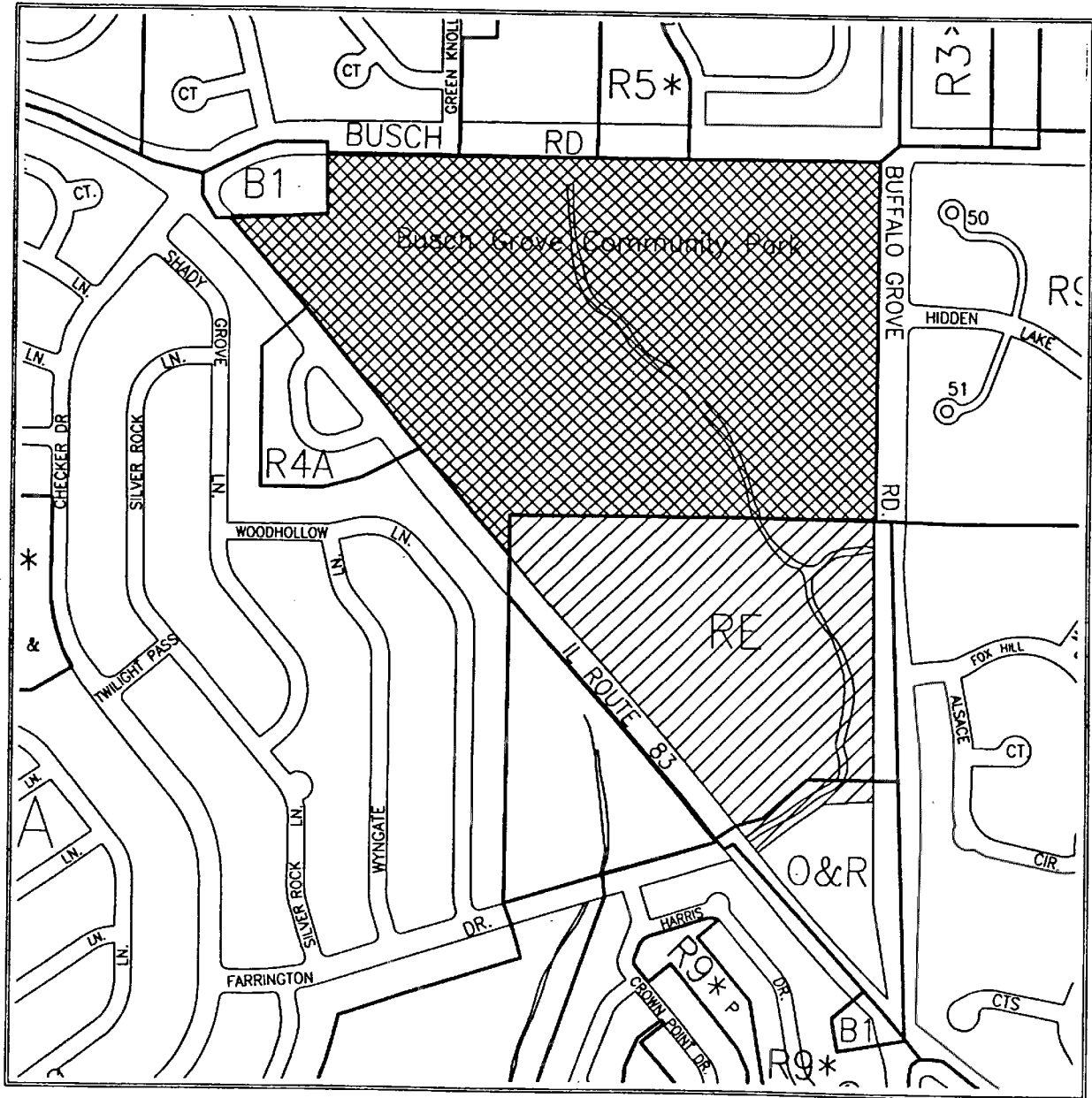
BUSCH GROVE COMMUNITY PARK
Busch Road/Buffalo Grove Road/Illinois Route 83

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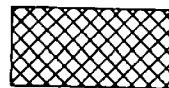
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BUSCH GROVE COMMUNITY PARK Annexation Agreement

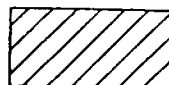
Location Map



Area to be Annexed



Area Annexed in 1991



3/16/95

**BUSCH GROVE COMMUNITY PARK
Busch Road/Buffalo Grove Road/Illinois Route 83**

ANNEXATION AGREEMENT

This agreement (hereinafter referred to as the "Agreement") made and entered into this 20th day of March, 1995, by and between the VILLAGE OF BUFFALO GROVE (hereinafter referred to as "Village") by and through the President and Board of Trustees of the Village (hereinafter collectively referred to as the "Corporate Authorities") and The Buffalo Grove Park District (hereinafter referred to as "Owner").

WITNESSETH:

WHEREAS, the Village of Buffalo Grove is a Home Rule Unit by virtue of the provisions of the Constitution of the State of Illinois of 1970; and,

WHEREAS, Owner is the owner of a certain tract of property (hereinafter referred to as the "Property") comprising 53.2 acres legally described and identified in the Legal Description, which is attached hereto as EXHIBIT A, which exhibit is made a part hereof and which real estate is contiguous to the corporate limits of the Village; and,

WHEREAS, a Plat of Annexation is attached hereto as EXHIBIT B, which depicts a total area of 53.2 acres to be annexed; and,

WHEREAS, Owner desires and proposes pursuant to the provisions and regulations applicable to the R-E (Residential Estate) District of the Village Zoning Ordinance, with a Special Use for public park facilities, to develop the Property in accordance with and pursuant to a certain Initial Development Plan prepared by Williams/Pollock/Associates, Ltd. and dated as last revised September 10, 1993, and a certain Master Plan prepared by Williams/Pollock/Associates, Ltd. and dated as last revised September 10, 1993, a copy of which Plans are attached hereto as EXHIBITS

Attachment: Ordinance No. 95-26 (Consideration of a Preliminary Plan and Special Use Amendment for 951 McHenry Road)

D and E and incorporated herein, and subject to all other exhibits attached hereto or incorporated by reference herein. Said development of property shall consist of a multi-use park and recreation facility as depicted on EXHIBITS D and E; and,

WHEREAS, pursuant to the provisions of Section 5/11-15.1-1 et. seq., of the Illinois Municipal Code (Chapter 65, Illinois Compiled Statutes 1992) and as the same may have been modified by the Village's Home Rule Powers, a proposed Annexation Agreement was submitted to the Corporate Authorities and a public hearing was held thereon pursuant to notice as provided by Statute; and,

WHEREAS, pursuant to due notice and advertisement, the Plan Commission of the Village has held a public hearing and made their recommendations with respect to the requested zoning classification of the R-E District with a Special Use for a public park facility; and,

WHEREAS, the President and Board of Trustees after due and careful consideration have concluded that the annexation of the Property to the Village and its zoning and development on the terms and conditions herein set forth would further enable the Village to control the development of the area and would serve the best interests of the Village.

NOW, THEREFORE, in consideration of the premises, mutual covenants and agreements herein set forth, the parties hereto agree as follows:

1. Applicable Law. This Agreement is made pursuant to and in accordance with the provisions of Section 5/11-15.1-1 et. seq., of the Illinois Municipal Code (Chapter 65, Illinois Compiled Statutes 1992) and as the same may have been modified by the Village's Home Rule powers. The preceding whereas clauses are hereby made a part of this Agreement.

2. Agreement: Compliance and Validity. The Owner has filed with the Village Clerk of the Village a proper petition pursuant to and in accordance with provisions of Section 5/7-1-8 of the Illinois Municipal Code (Chapter 65, Illinois Compiled Statutes 1992) and as the same may have been modified by the Village's Home Rule powers, conditioned on the execution of this Agreement and the compliance with the terms and provisions contained herein, to annex the Property to the Village. It is understood and agreed that this Agreement in its entirety, together with the aforesaid petition for annexation, shall be null, void and of no force and effect unless the Property is validly annexed to the Village and is validly zoned and classified in the R-E District with a Special Use for a public park facility, all as contemplated in this Agreement.

3. Enactment of Annexation Ordinance. The Corporate Authorities within twenty-one (21) days of the execution of this Agreement by the Village will enact a valid and binding ordinance (hereinafter referred to as the "Annexation Ordinance") annexing the Property to the Village. Said Annexation Ordinance shall be recorded with the Lake County Recorder's Office along with the Plat of Annexation (attached hereto as EXHIBIT B). Recording shall take place no more than thirty (30) days after enactment of Annexation Ordinance.

4. Enactment of Zoning Ordinance. Within twenty-one (21) days after the passage of the Annexation Ordinance, the Corporate Authorities shall adopt a proper, valid and binding ordinance, zoning the Property in the R-E District with a Special Use for a public park facility subject to the restrictions further contained herein and all applicable ordinances of the Village of Buffalo Grove as amended from time to time. Said zoning shall be further conditioned on the development of the Property in accordance with the Initial Development Plan (EXHIBIT D) and the Master Plan (EXHIBIT E) and other exhibits attached hereto or incorporated by reference herein. It is understood and agreed that

development of the Property will occur in phases, and said Special Use shall remain in full force and effect to allow said phased development in accordance with the EXHIBITS incorporated herein and other plans approved by the Village in the future.

5. Approval of Plans. The Corporate Authorities hereby approve the Initial Development Plan (EXHIBIT D) and the Master Plan (EXHIBIT E). It is understood and agreed that Owner will submit a Preliminary Plan, including engineering, pursuant to the provisions of the Village Development Ordinance for each phase of development of the Property. The Corporate Authorities agree to approve said Preliminary Plan and a Development Plan (including plats of subdivision) based on final versions of the plans and drawings of the development of the Property as submitted by the Owner provided that the Development Plan shall:

- (a) conform to the approved Initial Development Plan and Master Plan; and
- (b) conform to a Preliminary Plan to be submitted for Village review and approval; and
- (c) conform to the terms of this Agreement and all applicable Village Ordinances as amended from time to time; and
- (d) conform to the approved Development Improvement Agreement as amended from time to time.

Phasing of the development of the Property, if any, shall be in accordance with applicable Village ordinances, and shall conform to the phases of the development as shown on the approved Initial Development Plan and Master Plan.

6. Compliance with Applicable Ordinances. The Owner agrees to comply with all ordinances of the Village of Buffalo Grove as amended from time to time in the development of the Property, provided that all new ordinances, amendments, rules and regulations relating to zoning, building and subdivision of land adopted after the date of

this Agreement shall not be arbitrarily or discriminatorily applied to the Property but shall be equally applicable to all property similarly zoned and situated to the extent possible. Owner, in the development of the Property, shall comply with the standards set forth in the Village of Buffalo Grove Development Ordinance as amended from time to time.

7. Amendment of Plan. If the Owner desires to make changes in the Initial Development Plan or Master Plan as herein approved, the parties agree that such changes in said Plans will require, if the Village so determines, the submission of amended plans or plans, together with proper supporting documentation, to the Plan Commission and/or the Corporate Authorities to consider such changes to said Plans. The Corporate Authorities may, at their sole discretion, require additional public hearings and may review the commitments of record contained in this Agreement, including, but not limited to fees, prior to final consideration of any change in the Initial Development Plan or Master Plan, and prior to approval of a Preliminary Plan. The Village Manager is hereby authorized to approve such minor changes as he deems appropriate, provided that no such changes - (a) involves a reduction of the area set aside for common open space; nor (b) increases by more than two percent (2%) the floor area proposed for nonresidential use; nor (c) increases by more than two percent (2%) the total ground area covered by buildings.

8. Building Permit Fees. The building permit fees may be increased from time to time so long as said permit fees are applied consistently to all other developments in the Village to the extent possible. In the event a conflict arises between the Owner/Developer and the Village on any engineering and technical matters subject to this Agreement, the Village reserves the right to pass along any and all additional expenses incurred by the use of consultants in the review and inspection of the development from time to time. Owner shall pay any non-discriminatory new or additional fees hereinafter charged by the Village to Owner or property within the Village.

9. Water Provision. The Owner shall be permitted and agrees to tap on to the Village water system at points recommended by the Village Engineer which points shall be depicted on the Preliminary Engineering Plan. It is understood, however, that changes to the Preliminary Engineering Plan may be required at the time of Final Engineering. The Owner further agrees to pay to the Village such fees in accordance with the applicable Village Ordinances at the time of the issuance of the water and sewer permits. The Owner agrees to accept any increase in water rates and tap on fees provided such rates and fees apply consistently to all other similar users in the Village to the extent possible. Following such tap on, the Village agrees to provide to the best of its ability and in a non-discriminatory manner water service to all users on the Property in accordance with the Preliminary Engineering Plan. Watermains serving the Property and those approved as part of the development shall be installed by the Owner and, except for service connections to the buildings shall, upon installation and acceptance by the Village through formal acceptance action by the Corporate Authorities, be dedicated to the Village and become a part of the Village water system maintained by the Village.

10. Storm and Sanitary Sewer Provisions.

A. The Corporate Authorities agree to cooperate with the Owner and to use their best efforts to aid Owner in obtaining such permits from governmental agencies having jurisdiction as may be necessary to authorize connection from the proposed development to the Lake County Department of Public Works for the collection of sewage and to the Illinois Department of Transportation (IDOT) as may be appropriate. The Owner shall construct on-site and off-site sanitary sewers as may be necessary to service the Property, as depicted on the Preliminary Engineering Plan. It is understood, however, that changes to the Preliminary Engineering Plan may be required at the time of Final Engineering. Upon installation and acceptance by the Village through formal acceptance

action by the Corporate Authorities, the Corporate Authorities agree to operate and maintain such systems, except for sanitary sewer service connections. The Owner agrees to accept any increase in sewer rates and tap on fees, provided that such fees and rates are applied consistently to all similar users in the Village to the extent possible.

B. The Owner shall also construct on the Property in question any storm sewers which may be necessary to service the Property, as depicted on the Preliminary Engineering Plan. It is understood, however, that changes to the Preliminary Engineering Plan may be required at the time of Final Engineering. Upon installation and acceptance by the Village through formal acceptance action by the Corporate Authorities, the Corporate Authorities agree to operate and maintain that portion of the storm sewer system which serves public streets, or multiple properties, and the Owner agrees to operate and maintain that portion of the storm sewer system located on the subject Property and not dedicated, and shall record a covenant to that effect within thirty (30) days of the recording of the Plat of Subdivision.

11. Drainage Provisions. The Owner shall fully comply with any request of the Village Engineer related to the placement of buildings on lots, to preserve drainage standards. The Owner shall install any storm sewers and/or inlets which are required to eliminate standing water or conditions of excess soggy which may, in the opinion of the Village Engineer, be detrimental to the growth and maintenance of lawn grasses.

12. Payment of Recapture Fees Owed. The recapture fee required to be paid by this Property shall be due and payable to the Village upon final platting of the first plat of subdivision of any portion of the Property. Inasmuch as the Village and Park District serve virtually the same constituents and geographic area, and in the interest of inter-governmental cooperation, the Village will require payment of only the principal of said recapture fee, and waive payment of interest and collection fees.

13. Security for Public and Private Site Improvements. Security for public and private site improvements shall be provided in accordance with the Development Ordinance, and the Development Improvement Agreement (EXHIBIT C) as amended from time to time. Any letter of credit issued for such improvements shall be drawn on a financial institution of net worth reasonably satisfactory to the Village Attorney. The issuer may have an equitable or lending interest in the Property provided that the letter of credit, either by its own terms or by separate written assurances of the issuer, shall be honored irrespective of that interest. The Village shall have the right to draw up to the full amount of the letter of credit in order to complete, and have formal acceptance of, all improvements secured by the letter of credit.

14. Exhibits. The following EXHIBITS, some of which were presented in testimony given by the Owner or the witnesses during the hearings held before the Plan Commission and the Corporate Authorities prior to the execution of this Agreement, are hereby incorporated by reference herein, made a part hereof and designated as shown below. This Agreement, upon execution by the parties, together with copies of all EXHIBITS, shall be kept on file with the Village Clerk and be available for inspection to the parties hereto.

EXHIBIT A	Legal Description
EXHIBIT B	Plat of Annexation dated as last revised August 7, 1992 by Manhard Consulting Ltd.
EXHIBIT C	Development Improvement Agreement
EXHIBIT D	Initial Development Plan dated as last revised September 10, 1993 by Williams/Pollack/Associates, Ltd.
EXHIBIT E	Master Plan dated as last revised September 10, 1993 by Williams/Pollock/Associates, Ltd.

- EXHIBIT F Parking Requirements for the Initial Busch Grove Site Development (8-1/2x11" sheet) by Williams/Pollock/Associates, Ltd.
- EXHIBIT G Outdoor lighting foot-candle distribution plot for ballfields dated March 29, 1993 by Qualite Sports Lighting, Inc.
- EXHIBIT H Tennis Court lighting specifications (8 pages, 8-1/2x11") by LSI Lighting Systems
- EXHIBIT I Outdoor lighting foot-candle distribution plot for tennis courts

15. Building, Landscaping and Aesthetics Plans. Owner will submit building and landscaping plans (which landscaping plans shall conform to the requirements of Village Ordinances) for approval by the Appearance Commission and the Corporate Authorities before commencing construction of buildings or recreational facilities. Exterior building lighting, parking lot lighting, outdoor recreation lighting and signage shall be compatible with surrounding areas as approved by the Appearance Commission. Phases not under construction or completed shall be maintained in a neat and orderly fashion as determined by the Village Manager.

16. Facilitation of Development. Time is of the essence of this Agreement, and all parties will make every reasonable effort to expedite the subject matters hereof. It is further understood and agreed that the successful consummation of this Agreement and the development of the Property in the best interests of all the parties requires their continued cooperation. The Owner does hereby evidence its intention to fully comply with all Village requirements, its willingness to discuss any matters of mutual interest that may arise, and its willingness to assist the Village to the fullest extent possible. The Village does hereby evidence its intent to always cooperate in the resolution of mutual problems and its willingness to facilitate the development of the Property, as contemplated by the provisions of this Agreement.

17. Enforceability of the Agreement. This Agreement shall be enforceable in any court of competent jurisdiction by any of the parties or by an appropriate action at law or in equity to secure the performance of the covenants herein described. If any provision of this Agreement is held invalid, such provisions shall be deemed to be excised herefrom and the invalidity thereof shall not affect any of the provisions contained herein.

18. Term of Agreement. This Agreement will be binding on all parties and the Property for a term of twenty (20) years from the date of the execution of this Agreement by the Village. This Agreement shall not be assigned without prior written consent of the Village.

19. Binding Effect of Agreement. This Agreement shall be binding upon the Property, the parties hereto and their respective successors and assigns.

20. Corporate Capacities. The parties acknowledge and agree that the individuals that are members of the group constituting the Corporate Authorities are entering into this Agreement in their official capacities as members of such group and shall have no personal liability in their individual capacities.

21. Notices. Any notice required pursuant to the provisions of this Agreement shall be in writing and be sent by certified mail to the following addresses until notice of change of address is given and shall be deemed received on the fifth business day following deposit in the U.S. Mail.

If to Owner: Michael Rylko, Director
Buffalo Grove Park District
530 Bernard Drive
Buffalo Grove, IL 60089

Copy to: John Sullivan, Esq.
Staechlin, Jantorni and Sullivan
310 S. Michigan Avenue
Chicago, IL 60604

If to Village: Village Clerk
Village of Buffalo Grove
50 Raupp Boulevard
Buffalo Grove, IL 60089

Copy to: William G. Raysa, Esq.
Raysa & Skelton
1140 Lake Street, Suite 400
Oak Park, IL 60301

22. Default. In the event Owner defaults, in its performance of its obligations set forth in this Agreement, then the Village may, upon notice to Owner, allow Owner sixty (60) days to cure default or provide evidence to the Village that such default will be cured in a timely manner if it cannot be cured during said period. If Owner fails to cure such default or provide such evidence as provided above, then, with notice to Owner, the Village may begin proceedings to disconnect from the Village any portion of the Property upon which development has not been completed. In such event, this Agreement shall be considered to be the petition of the Owner to disconnect such portion of the Property.

23. Litigation.

A. The Owner, at its cost, shall be responsible for any litigation which may arise relating to the annexation, zoning and development of the Property. Owner shall cooperate with the Village in said litigation but Owner's counsel will have principal responsibility for such litigation.

B. The Owner shall reimburse the Village for reasonable attorneys' fees, expenses and costs incurred by the Village resulting from litigation relating to the annexation, zoning and development of the Property or in the enforcement of any of the terms of this Annexation Agreement upon a default by the Owner.

C. Owner hereby indemnifies and holds the Village harmless from any actions or causes of action which may arise as a result of development activities for which the Owner is responsible.

24. Special Conditions.

A. It is understood and agreed that the Initial Development Plan (EXHIBIT D) and Master Plan (EXHIBIT E) depict outdoor playing fields and recreation areas that will use exterior lighting for evening use. Owner has submitted EXHIBITS G and I delineating the extent of spillover illumination from the ballfields and tennis courts, and EXHIBIT H provides specifications for the proposed tennis court lighting.

Prior to installation of any outdoor lighting, Owner will receive approval from the Village Appearance Commission concerning the type and location of all outdoor lighting fixtures on the Property. It is understood and agreed that outdoor lighting shall use a "sharp cut-off" fixture designed to prevent light spillage onto areas adjacent to the Property.

Said lighting shall be turned off no later than 10:30 p.m. each day.

B. It is understood and agreed that the Owner will submit a Preliminary Plan, including engineering, pursuant to requirements of the Village Development Ordinance prior to any development on the Property.

C. Any outdoor public address system installed on the Property is subject to review and approval by the Village. Said public address system shall be designed and installed to minimize any detrimental impacts or nuisances for adjacent properties.

IN WITNESS WHEREOF, the Corporate Authorities and Owner/Developer have caused this instrument to be executed by their respective proper officials duly authorized to execute the same on the day and the year first above written.

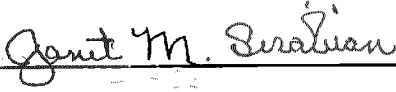
VILLAGE OF BUFFALO GROVE

By



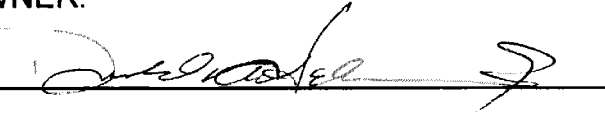
ATTEST:

By



OWNER:

By



ATTEST:

By



EXHIBIT A

BUSCH GROVE COMMUNITY PARK

SUBJECT PROPERTY LEGAL DESCRIPTION:

Parcels 1, 2, and 3 (area to be annexed, 53.2 acres)

PARCEL 1:

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHERLY OF THE CENTER OF APTAKISIC ROAD (NOW KNOWN AS BUSCH ROAD) AND EASTERLY OF THE CENTER OF STATE HIGHWAY (EXCEPT THAT PART THEREOF, DESCRIBED AS FOLLOWS, TO-WIT: (A) BEGINNING AT A POINT IN THE CENTER LINE OF THE PUBLIC ROAD AS FORMERLY LOCATED RUNNING NORTHWESTERLY AND SOUTHEASTERLY ACROSS SAID QUARTER SECTION, WHICH POINT IS NORTH 36 DEGREES 40 MINUTES WEST 1294.51 FEET FROM A POINT IN THE SOUTH LINE OF SAID QUARTER SECTION 1137.5 FEET EAST OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH 86 DEGREES 21 MINUTES EAST 306.3 FEET; THENCE NORTH 3 DEGREES 39 MINUTES WEST 230 FEET; THENCE SOUTH 86 DEGREES 21 MINUTES WEST ALONG CENTER OF PUBLIC ROAD (AS TRAVELED), 455.83 FEET TO INTERSECTION OF SAID CENTER LINE WITH CENTER LINE FIRST MENTIONED ROAD; THENCE SOUTH 36 DEGREES 40 MINUTES EAST ALONG CENTER OF SAID ROAD 274.29 FEET TO THE POINT OF BEGINNING, AND (B) BEGINNING AT INTERSECTION OF CENTER LINE OF OLD MCHENRY ROAD AS FORMERLY LOCATED AND CENTER LINE OF PUBLIC HIGHWAY KNOWN AS APTAKISIC ROAD (NOW KNOWN AS BUSCH ROAD); THENCE SOUTH 86 DEGREES 21 MINUTES WEST ALONG CENTER OF SAID APTAKISIC ROAD (NOW KNOWN AS BUSCH ROAD) PRODUCED SOUTHWESTERLY 210 FEET, MORE OR LESS, TO THE CENTER LINE OF SAID STATE HIGHWAY; THENCE SOUTHEASTERLY ALONG THE CENTER OF SAID HIGHWAY 360 FEET, MORE OR LESS, TO A POINT 230 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES FROM CENTER LINE OF APTAKISIC ROAD (NOW KNOWN AS BUSCH ROAD); THENCE NORTH 86 DEGREES 21 MINUTES EAST ALONG A LINE PARALLEL TO AN 230 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES FROM CENTER LINE OF SAID ROAD FOR A DISTANCE OF 85 FEET, MORE OR LESS, TO THE CENTER LINE OF SAID OLD MCHENRY ROAD; THENCE NORTH 36 DEGREES 40 MINUTES WEST ALONG CENTER OF SAID ROAD, 274.29 FEET TO THE POINT OF BEGINNING), IN LAKE COUNTY, ILLINOIS.

PARCEL 2:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP AND RANGE, AFORESAID, (EXCEPT THE EAST 61 FEET LYING SOUTH OF THE NORTH 133 FEET THEREOF), IN LAKE COUNTY, ILLINOIS.

PARCEL 3:

THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHEASTERLY OF THE CENTER LINE OF STATE ROUTE 54 AS NOW LOCATED, IN LAKE COUNTY, ILLINOIS.

SUBJECT PROPERTY COMMON DESCRIPTION:

The approximately 53.2 acre tract bounded on the north by Busch Road, on the east by Buffalo Grove Road, and on the west by Illinois Route 83.



Action Item : Consideration of a Petition to the Village of Buffalo Grove for Approval of an Amendment to the Underlying Planned Unit Development Approved by Ordinance No. 2006-7 to Allow a 10-Foot Extension of the Existing Communications Tower, Colocation of an Antenna Array and the Installation of Additional Ground Equipment at the Base of the Tower Within the Existing Enclosure at 185 N. Milwaukee Avenue.

Recommendation of Action

Staff recommends approval of the request, subject to the conditions of approval in the attached staff report.

The Petitioner, Crown Castle USA Inc. is requesting to extend the height of an existing communications tower by 10 feet, bringing the overall equipment height to 115 feet, to collocate a New Cingular Wireless (AT&T) antenna array on the tower.

The tower for which the extension is proposed was constructed in 1998 and is 100 feet tall with an antenna that adds an additional 5 feet in height to the tower. Additional ground equipment is also proposed to be located within the existing enclosure at the base of the tower. The ground equipment is enclosed by an opaque wood fence with a lock.

The Planning & Zoning Commission (PZC) shall open the public hearing and take public testimony concerning the amendment to the underlying Planned Unit Development approved by Ordinance No. 2006-7 to allow a 10-foot extension of the existing communications tower, colocation of an antenna array and the installation of additional ground equipment at the base of the tower within the existing enclosure. The PZC shall make a recommendation to the Village Board concerning the request.

ATTACHMENTS:

- Staff Report (PDF)
- Plan Set (PDF)
- Ordinance 2006-7 (PDF)

Trustee Liaison
Pike

Staff Contact
Kelly Purvis, Community Development

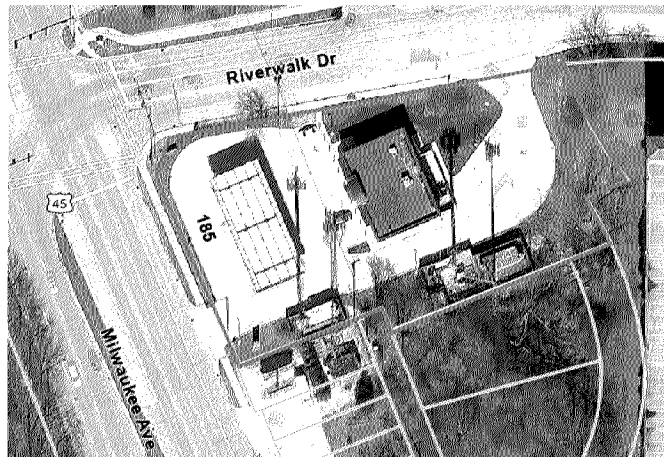
Wednesday, November 16,
2022

**VILLAGE OF BUFFALO GROVE
PLANNING & ZONING COMMISSION
STAFF REPORT**

MEETING DATE:	November 16, 2022
SUBJECT PROPERTY LOCATION:	185 N. Milwaukee Avenue
PETITIONER:	Michael Gasser on behalf of Crown Castle USA, Inc.
PREPARED BY:	Kelly Purvis, Deputy Director of Community Development
REQUEST:	A Petition to the Village of Buffalo Grove for approval of an amendment to the underlying Planned Unit Development approved by Ordinance No. 2006-7 to allow a 10-foot extension of the existing communications tower, colocation of an antenna array and the installation of additional ground equipment at the base of the tower within the existing enclosure at 185 N. Milwaukee Avenue.
EXSITING LAND USE AND ZONING:	The property is improved with a gas station and convenience store (True North/Shell) and three cellular towers and is in the B3 Planned Business District.
COMPREHENSIVE PLAN:	The 2009 Village Comprehensive Plan calls for this property to be a commercial use.

PROPERTY BACKGROUND

The subject property was annexed into the Village in 2004 and automatically zoned RE, Residential Estate District (a default zoning district upon annexation) by adoption of Ordinance No. 2004-32. At the time of annexation, the property was already improved with a restaurant, three communications towers with antenna facilities and ground level equipment shelters serving the antennas. Development of the property occurred under the zoning authority of Lake County.



The property owner petitioned the Village in 2006 for a rezoning of the property to B3 Planned Business District, in hopes to market the site for commercial redevelopment. Through the adoption of Ordinance No. 2006-7, the property was zoned B3 District and the underlying PUD for the property was established. Ordinance No. 2006-7 acknowledges that the communications towers do not meet the Village’s zoning requirements for communication towers. It is further noted that the communications towers and related antennas and equipment shelters on the property shall not be modified or expanded unless approved by the Village.

Ordinance No. 2006-7 has been amended twice. In 2009, the Village adopted Ordinance No. 2009-76, which allowed the colocation of an antenna for Clearwire Corporation on the western-most tower (owned by TowerCo). In 2018, Ordinance No. 2018-043 was approved to allow the construction of the True North/Shell gas station and convenience store on the subject property.

REQUEST

The Petitioner, Crown Castle USA Inc. is requesting to extend the height of an existing communications tower by 10 feet, bringing the overall equipment height to 115 feet, to collocate a New Cingular Wireless (AT&T) antenna array on the tower.

The tower for which the extension is proposed was constructed in 1998 and is 100 feet tall with an antenna that adds an additional 5 feet in height to the tower. Additional ground equipment is also proposed to be located within the existing enclosure at the base of the tower. The ground equipment is enclosed by an opaque wood fence with a lock.

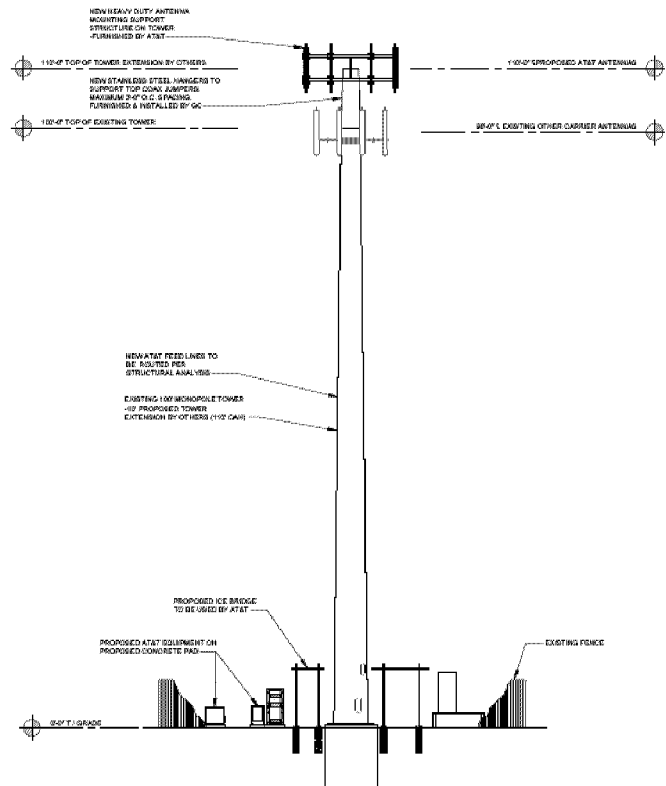
VILLAGE PURVIEW

Certain federal statutes and regulations preempt aspects of local authority to regulate wireless telecommunication facilities. Per the United States Middle Class Tax Relief and Job Creation Act of 2012 (also known as the Spectrum Act) and the rules and orders of the Federal Communications Commission (FCC), the scope of municipal review is limited to whether a request is a qualified request.

Regarding tower height extensions, according to the FCC, a proposed modification does not constitute a “substantial change” if the modification would not increase the height of the tower by the greater of (a) 10% or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet. The subject application falls into the second bucket of allowable tower height extensions. AT&T proposes adding one additional antenna array on the tower with a separation of approximately three feet between the bottom of the array and the top of the existing array. Therefore, the modification to the tower would not constitute a “substantial change”. Because the proposed tower height increase is not a “substantial change” as defined by the FCC, the subject application constitutes an “eligible facilities request” that must be approved by the Village pursuant to federal law.

A municipality may not require an applicant to submit any other documentation including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

The Village does have the ability to require that these types of projects go through a review process. As indicated above, Ordinance No. 2006-7 requires that expansion or modification of the communications towers be approved by the Village. Therefore, to allow the tower to be modified as described, the



petitioner will need an amendment to the underlying Planned Unit Development approved by Ordinance No. 2006-7.

Existing Communication Antenna Tower

- The existing communication antenna tower was constructed in 1998 under the jurisdiction of Lake County.
- The tower was annexed into the Village in 2004 and is legally non-conforming.
- The existing communication tower is 100 feet tall with antenna that are up to 105 feet in height.

Proposed Communication Tower Extension

- The communication antenna tower extension will allow collocation of an AT&T antenna array on the existing tower.
- Additional equipment will be installed at the base of the tower, within the existing enclosure.
- The new tower height will be 110 feet with antenna that are up to 115 feet in height.
- The proposed tower extension is considered an eligible facilities request by the FCC and therefore, the Village must approve the request.



DEPARTMENTAL REVIEWS

Village Department	Comments
Engineering	The Engineering Department has reviewed the structural analysis report for the communication tower extension and has no concerns.

SURROUNDING PROPERTY OWNERS

Pursuant to Village Code, the contiguous property owners were notified, and a public hearing sign was posted on the subject property. The posting of the public hearing sign and the mailed notifications were completed within the prescribed timeframe as required. As of the date of this Staff Report, the Village has not received any calls or questions about the request.

STAFF RECOMMENDATION

Village staff recommends ***approval*** of an amendment to the underlying Planned Unit Development approved by Ordinance No. 2006-7 for the purpose of allowing a 10-foot extension to the communications tower for collocation of an AT&T antenna array on the tower and installation of ground equipment at the base of the tower within the existing enclosure, subject to the conditions in the Suggested PZC Motion below.

ACTION REQUESTED

The Planning & Zoning Commission (PZC) shall open the public hearing and take public testimony concerning the amendment to the underlying Planned Unit Development approved by Ordinance No. 2006-7 to allow a 10-foot extension of the existing communications tower, collocation of an antenna array

and the installation of additional ground equipment at the base of the tower within the existing enclosure. The PZC shall make a recommendation to the Village Board concerning the request.

Suggested PZC Motion

The Planning and Zoning Commission recommends approval of an amendment to the underlying Planned Unit Development approved by Ordinance No. 2006-7 to allow a 10-foot extension to the communications tower for colocation of an AT&T antenna array on the tower and installation of ground equipment at the base of the tower within the existing enclosure on the property located at 185 N. Milwaukee Avenue, subject to the following conditions:

- 1. The proposed tower extension and antenna colocation shall be constructed in substantial conformance with the plans attached as part of the petition.*
- 2. That Ordinance No. 2006-7 will remain in full force and effect except as specifically modified to allow the tower expansion, colocation of a new antenna array and installation of ground equipment within the existing enclosure.*

ATTACHMENTS

- Petitioner's Narrative Statement
- Overall Site Plan
- Compound Plan
- Equipment Layout & Elevations
- Tower Elevation Plan
- Photo of Existing Tower
- Ordinance 2006-7



9045 River Rd,
Indianapolis, IN 46240

Phone: (317) 249-2028
www.crowncastle.com

January 13, 2022

IL - VILLAGE OF BUFFALO GROVE 2013
Building & Zoning
50 RAUPP BOULEVARD
BUFFALO GROVE, IL 60089

Via Electronic

*****NOTICE OF ELIGIBLE FACILITIES REQUEST*****

RE: Request for Minor Modification to Existing Wireless Facility – Section 6409
Site Address: 185 N MILWAUKEE AVE, Buffalo Grove, IL 60089
Crown Site Number: 875563 / Crown Site Name: CASALE (DANIELLO'S RE
Customer Site Number: IL1974 / Application Number: 537273

Dear Staff:

On behalf of New Cingular Wireless PCS, LLC ("AT&T Mobility" or "Applicant"), Crown Castle USA Inc. ("Crown Castle") is pleased to submit this request to modify the existing wireless facility noted above through the collocation, replacement and/or removal of the Applicant's equipment as an eligible facilities request for a minor modification under Section 6409¹ and the rules of the Federal Communications Commission ("FCC").²

Section 6409 mandates that state and local governments must approve any eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Under Section 6409, to toll the review period, if the reviewing authority determines that the application is incomplete, it must provide written notice to the applicant within 30 days, which clearly and specifically delineates all missing documents or information reasonably related to whether the request meets the federal requirements.³ Additionally, if a state or local government, fails to issue any approvals required for this request within 60 days, these approvals are deemed granted. The FCC has clarified that the 30-day and 60-day deadlines begins when an applicant: (1) takes the first step required under state or local law; and (2) submits information sufficient to inform the jurisdiction that this modification qualifies under the federal law⁴. IL - VILLAGE OF BUFFALO GROVE 2013 requires the electronic submission of applications for Special Use and Variance Application. Please allow this letter to confirm that, on January 13, 2022, Applicant submitted its electronic application through the appropriate forum. This letter supplements the electronic filing for purposes of starting the review period. Accordingly, the deadline for written notice of incomplete application is February 12, 2022, and the deadline for issuance of approval is March 14, 2022.

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

² *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); and *Implementation of State & Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020).

³ See 47 CFR § 1.6100 (c)(3). ⁴ See 2020 Upgrade Order at paragraph 16.

The Foundation for a Wireless World

CrownCastle.com

Attachment: Plan Set (Consideration of an Amendment to the PUD Approved by Ord. No. 2006-7 for 185 N. Milwaukee Avenue)



9045 River Rd,
Indianapolis, IN 46240

Phone: (317) 249-2028
www.crowncastle.com

Section 6409 Substantial Change Checklist
Towers Outside of the Public Right of Way

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100.

Criteria for Towers Outside the Public Rights of Way

YES/NO NO	Does the modification increase the height of the tower by more than the greater of: (a) 10% (b) or, the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?
YES/NO NO	Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?
YES/NO NO	Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?
YES/NO NO	Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?
YES/NO NO	Does the modification defeat the concealment elements of the eligible support structure?
YES/NO NO	Does the modification violate conditions associated with the siting approval with the prior approval the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?

If all questions in the above section are answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.

Crown Castle USA, Inc. ("Crown Castle") on Behalf of New Cingular Wireless PCS ("AT&T Mobility", "AT&T", or "Petitioner") appreciates the opportunity to provide this Written Narrative In Support of A Special Use Request (the "Narrative Statement") explaining why the requested Special Use is appropriate for the wireless communication facility (WCF). With the facts surrounding the request and a clear understanding of the federal definition of an "eligible facilities request" we strongly believe the Village of Buffalo Grove Building and Zoning Department (the "Village") will agree the request merits approval. With this Narrative Statement, Crown Castle will also provide information about how the subject application constitutes an "eligible facilities request" under applicable federal law and detail certain discussions with County staff regarding the subject application.

Crown Castle owns and manages an existing monopole communication tower facility on a commercial parcel at 185 Milwaukee Avenue. This parcel is located in between Riverwalk Drive and Lake Cook Road near the center of a Planned Business Center District and is surrounded by 3 other wireless communication tower facilities. The facility is buffered from view of residential properties to the east by heavy foliage and remains primarily out of view.

The tower facility was originally approved for installation by Lake County building permit in March 1998 and has remained at 100' tower height since construction with an antenna height up to 105'. In 2006 the Village of Buffalo Grove approved the location of the tower facility under Ordinance 2006-7. The ground equipment is enclosed by an opaque wooden fence with secure lock. The tower is capable and remains available for collocation in order to meet the communication demands of Buffalo Grove and surrounding communities.

In order to address coverage and equipment requirements in its network, our customer AT&T Mobility ("AT&T") desires to collocate a new antenna array on the tower which will include a 10' tower extension bringing the overall equipment height to 115'. Rather than erect a new monopole, we are proposing to only add to the existing pole. This seems like a better arrangement for all concerned in that it allows AT&T to achieve the elevation AT&T seeks without adding another vertical element to the neighborhood.

The peculiar circumstances in connection with the land is that the tower facility was previously approved for construction and was built according to the aforementioned approval without limit to the tower height, setbacks, or any development standards. However, the approval was provided by Lake County and under the regulation of that governing body. Sometime after 1998, the Village of Buffalo Grove became the governing body for zoning and permit review. The Village of Buffalo Grove later approved Ordinance 2006-7 for the location and presumably the existing development standards and the Village has since continued to issue appropriate building permits as needed for the collocation of equipment. The proposed collocation in of itself would not require a hearing or petition at this time.

However, since the proposed collocation by AT&T also requires a tower height extension it has been determined that a Special Use and variance review should be conducted by the Buffalo Grove Planning and Zoning Commission. The tower on the subject property can accommodate the AT&T antenna array with an increase of only 10' feet in height, would remain available for a third collocation without the need of building of an entirely new structure. This particular tower allows AT&T to address both coverage and equipment upgrade requirements and is the least obtrusive way in which the coverage can be filled. AT&T anticipates that once this minor tower extension has been completed, its ability to provide your constituents with better coverage and connectivity will be vastly improved. If there is

anything that living through the COVID-19 pandemic has taught us, it is the importance of coverage and connectivity during these unprecedented times – where all of us are spending more time at home, students are learning from home, professionals are working from home, and first responders must be able to quickly obtain the information they need to help their neighbors in need.

Crown Castle very much appreciates the opportunity to discuss the subject application with Village representatives on multiple occasions and welcomed the collaborative nature of those conversations. Among other things, Crown Castle and staff talked about how this modification request is an “eligible facilities request” subject to streamlined review under federal law, specifically Section 6409(a) of the Spectrum Act and the Federal Communications Commission’s rules implementing that federal statute.¹ Section 6409(a) requires that the Village shall approve, and may not deny, “eligible facilities requests,” like the modification proposed in the subject application, when they do not result in a “substantial change” to the physical dimensions of the existing structure. The intent behind this federal law is to promote deployment to help our country meet the ongoing technological revolution and connect our citizens with each other, with their schools, with their jobs, and with life-saving technologies.

With regard to tower height extensions, according to the FCC, a proposed modification does not constitute a “substantial change” if the modification would not increase the height of the tower by the greater of (a) 10% or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet.” The subject application falls into the second bucket of allowable tower height extensions under Section 6409(a) – AT&T proposes adding one additional antenna array on the tower with a separation of approximately three feet between the bottom of the new array and the top of the existing array. The separation of three-feet (measured from bottom of new array and top of existing array) is significant to note because, as the FCC clarified in its 5G Upgrade Order issued last June, “an increase in the height of the tower of up to twenty (20) feet between antennas, as measured from the top of an existing antenna to the bottom of a proposed new antenna on the top of a tower” does not constitute a “substantial change” under Section 6409(a). See FCC 5G Upgrade Order at para. 2. Because the proposed tower height increase is not a “substantial change” as defined by the FCC, the subject application constitutes an “eligible facilities request” that shall be approved by the Village pursuant to federal law.

Crown Castle will now review the criteria set forth in Chapter 17.28.040 of the Village Code and demonstrate why the required variances are warranted in this case.

17.28.040, A. – Criteria for Special Use:

17.28.040(A) - Criteria 1. The special use and variance will serve the public convenience at the location of the subject property; or the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

Petitioner’s response to 17.28.040(A) - Criteria 1. Petitioner’s request will serve the public at the location with an existing tower facility that has been twice reviewed, approved, and has served the public since 1998. Three additional wireless facilities have been approved for location within the immediate vicinity and remain to this day. In compliance with Chapter 17.34.040.G. of the Village Code,

¹ Middle Class Tax Relief and Job Creation Act of 2012, Section 6409(a) of Pub. L. No. 112-96, codified at 47 U.S.C. § 1455(a) (2012) (“Section 6409(a)”; Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies, 80 Fed. Reg. 1238-01 (Jan. 8, 2015) (the “FCC Infrastructure Order”); Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, 85 Fed. Reg. 45126 (July 27, 2020) (“FCC 5G Upgrade Order”). The FCC Infrastructure Order and the FCC 5G Upgrade Order are hereinafter referred to collectively as the “FCC Orders.”

Petitioner is now attempting to make the facility available including variations to collocate additional personal wireless service facilities on the free-standing tower since the collocation is feasible and in lieu of constructing a new free-standing tower facility within the same community. Upon approval of the petition, the Village will be assisting Petitioner in meeting this ordinance requirement.

17.28.040(A) - Criteria 2. The location and size of the special use/variance, the nature and intensity of the operation involved in or conducted in connection with said special use, the size of the subject property in relation to such special use, and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate, orderly development of the district in which it is located;

Petitioner's response to 17.28.040(A) - Criteria 2: Petitioner's request is to place the second carrier's equipment within the existing compound facility and add the tower equipment on the existing tower facility. The street access, adequate off-street parking, and secured facility fence have been in place for 24 years, maintained and kept free of debris. While the second carrier will increase the communications infrastructure, the intensity of operating the facility will remain primarily unoccupied, requiring only occasional inspections.

17.28.040(A) - Criteria 3. The special use and variance will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purposes already permitted in such zoning district, nor substantially diminish and impair other property valuations with the neighborhood;

Petitioner's response to 17.28.040(A) - Criteria 3: As previously stated, the existing facility has twice previously gained approval for the use. The proposed collocation will allow the facility to remain essentially out of sight while enhancing connectivity for the community.

17.28.040(A) - Criteria 4. The nature, location and size of the buildings or structures involved with the establishment of the special use will not impede, substantially hinder or discourage the development and use of adjacent land and buildings in accord with the zoning district within which they lie;

Petitioner's response to 17.28.040(A) - Criteria 4: As previously stated, the equipment will be placed within the existing fenced compound and on the existing tower facility. The proposed upgrades to the tower facility will likely encourage development by increasing connectivity and avoiding the construction of new tower facilities.

17.28.040(A) - Criteria 5. Adequate utilities, access roads, drainage, and/or other necessary facilities have been or will be provided;

Petitioner's response to 17.28.040(A) - Criteria 5: The utilities, access road, and proper drainage are on site and will be properly maintained.

17.28.040(A) - Criteria 6. Parking areas shall be of adequate size for the particular special use, which areas shall be properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways to and from these parking areas shall be designed so as to prevent traffic hazards, eliminate nuisance and minimize traffic congestion in the public streets.

Petitioner's response to 17.28.040(A) - Criteria 6: As stated above, adequate off-street parking, and secured facility fence and substantial screening are in place on site. Since this an unstaffed facility requiring only occasional visits for inspection the facility has adequate off-street parking area.

17.28.040, B. – Criteria for Special Use: The special use and variance shall in all other respects conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be varied. Notwithstanding the foregoing, business planned unit developments shall conform with Section 17.44.040(D) unless varied.

Petitioner's response to 17.28.040, B: The existing and proposed facilities conforms to Section 17.44.040(D).

17.28.040, C. – Criteria for Special Use: The Planning and Zoning Commission may recommend and the Corporate Authorities may impose such conditions and restrictions upon the subject property, the location, the construction and design of buildings and use of the property benefited by such special use as may be necessary or appropriate to comply with the foregoing criteria.

Petitioner's response to 17.28.040, C: Petitioner is open to discuss conditions that are compliant with the aforementioned Section 6409(a) and the FCC Infrastructure Orders. Given that the Application proposes an EFR as such term is defined in federal law, the Application is entitled to streamlined review pursuant to federal law.

17.28.040, D. – Criteria for Special Use: Notwithstanding Chapter 17.52, the Planning and Zoning Commission may recommend and the Corporate Authorities may vary the regulations of the zoning district in which the special use is located subject to meeting the criteria of Section 17.52.070(A)(1)–(3), except for planned unit developments which shall meet the general objectives of Section 17.28.050(A)(1)–(7).

Petitioner's response to 17.28.040, D: Petitioner is confident that the board will approve the variation with consideration of Section 6409(a) and the facts at hand.

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2.2.b



CROWN CASTLE, USA
20 MILLWAUKEE STREET, SUITE 400,
SCAUNSBURG, IL 60173



Signature
01/12/2022
Exp. Date

NO.	DATE	DESCRIPTION
1	08/20/19	REVISED DC CABLE COUNT
2	07/16/19	REVISED TOWER HEIGHT
3	09/13/21	GRAND AOD
4	10/29/21	GENERATOR CHANGE
5	11/29/21	TOWER EXTENSION HEIGHT CHANGE
6	01/12/22	REVISED PER JDX

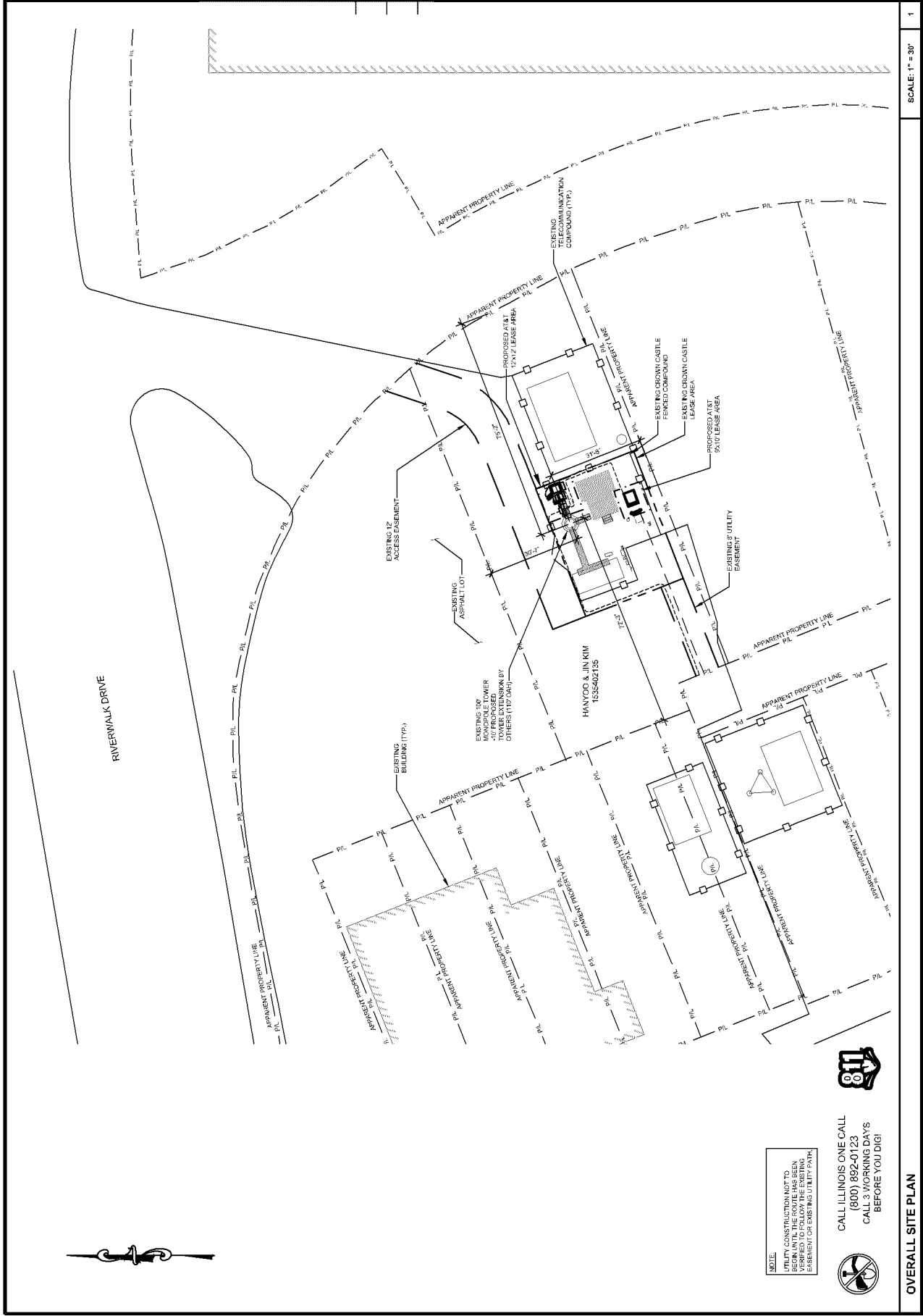
DRAWN BY: SEK
CHECKED BY: LIB
DRAWING DATE: 09/09/2021

SITE NAME
CASALE (DANIELLOS'S RESTAURANT)
BUSINESS UNIT NUMBER
8755663

SITE ADDRESS
185 N. MILWAUKEE
BUFFALO GROVE, IL 60089

SHEET TITLE
OVERALL SITE PLAN
SHEET NUMBER

C-1
Packet Pg. 86



NOTE:
UTILITY CONSTRUCTION NOT TO
BEGIN UNTIL THE ROUTE HAS BEEN
VERIFIED TO FOLLOW THE EXISTING
EASEMENT OR EAS AND UTILITY PATH



CALL ILLINOIS ONE CALL
(800) 892-0123
CALL 3 WORKING DAYS
BEFORE YOU DIG!



OVERALL SITE PLAN

SCALE: 1" = 30'

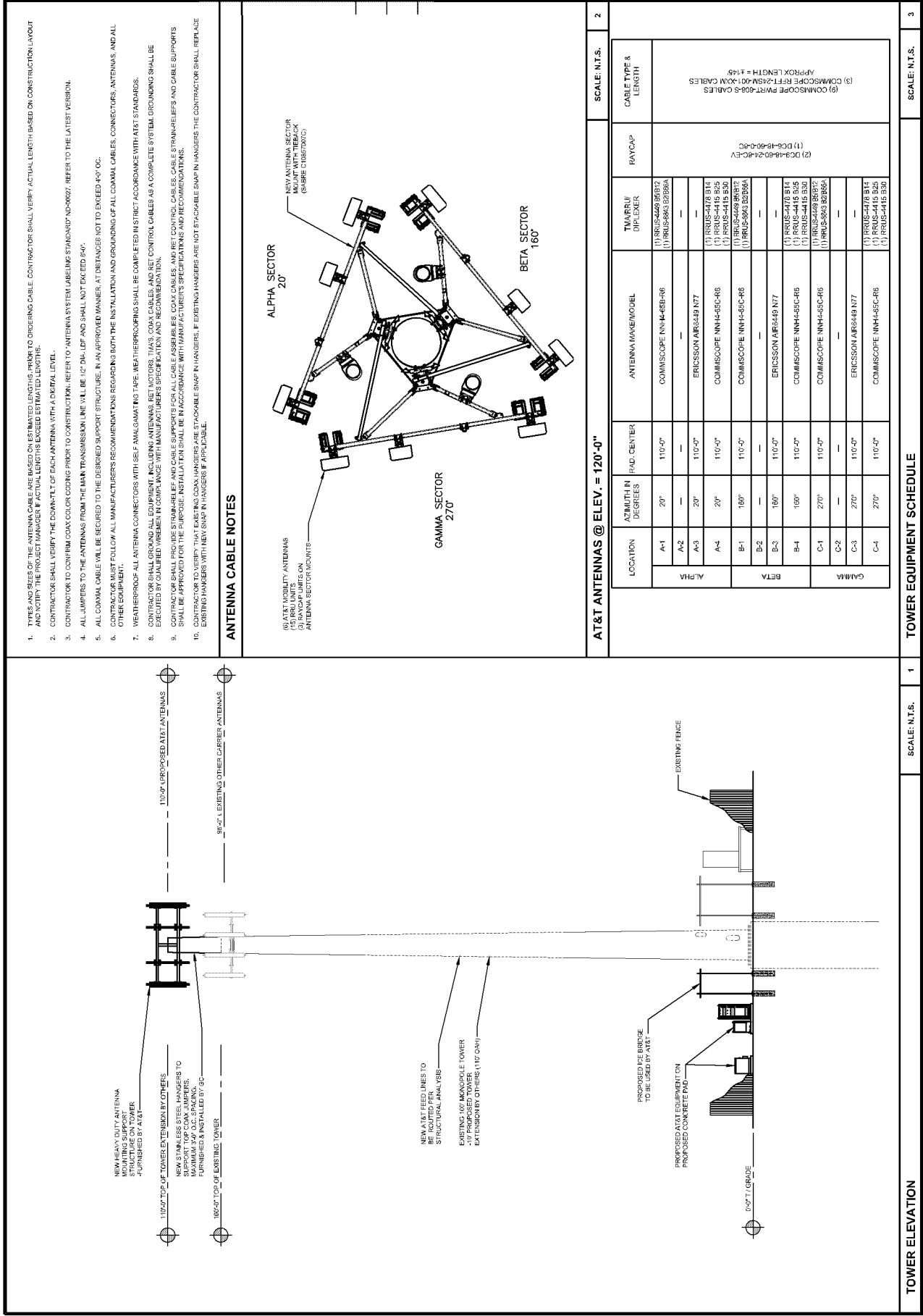
1

REVISIONS	DESCRIPTION	DATE
1	FINAL CDS	06/18/19
2	REVISED DC CABLE COUNT	08/20/19
3	REVISED TOWER HEIGHT	07/16/19
4	CRAND AOD	10/29/21
5	GENERATOR CHANGE	11/29/21
6	TOWER EXTENSION HEIGHT CHANGE	01/12/22
7	REVISED PER JDX	01/12/22

Drawn By: SEK
Checked By: LIB
Drawing Date: 09/09/2021

SITE NUMBER
IL1974

SITE NAME CASALE (DANIELLO'S RESTAURANT)
BUSINESS UNIT NUMBER 8755663
SITE ADDRESS 185 N. MILWAUKEE BUFFALO GROVE, IL 60089
SHEET TITLE TOWER ELEVATION, ANTENNA PLAN & SCHEDULE
SHEET NUMBER





After recording mail to:

Village Clerk
Village of Buffalo Grove
Village of Buffalo Grove
50 Raupp Boulevard
Buffalo Grove, IL 60089

2/1/2006

ORDINANCE 2006 - 7

**AN ORDINANCE APPROVING REZONING
TO THE B-3 PLANNED BUSINESS CENTER**

**VILLAGE OF BUFFALO GROVE,
COOK AND LAKE COUNTIES, ILLINOIS**

**185 Milwaukee Avenue
(Southeast corner of Milwaukee Avenue/Riverwalk Drive)**

W I T N E S S E T H:

WHEREAS, the Village of Buffalo Grove is a Home Rule Unit by virtue of the provisions of the Constitution of the State of Illinois of 1970; and,

WHEREAS, the subject site commonly known as 185 Milwaukee Avenue and hereinafter referred to as the "Property", is legally described in EXHIBIT A attached hereto; and,

WHEREAS, the Property is an 0.89-acre tract zoned in the Residential Estate District pursuant to Village Ordinance No. 2004-32;

WHEREAS, LaSalle Bank National Association, successor Trustee under Trust Agreement dated March 29, 1993 and known as Trust No. 4328 (Daniel P. Casale being the sole beneficiary thereof) , is the owner of the Property [hereinafter referred to as the "Owner"]; and,

WHEREAS, the Property is currently occupied by a commercial building (formerly used for

restaurant facilities), and three communications towers with antenna facilities and ground level equipment shelters serving said antennas; and,

WHEREAS, development of the Property, including construction of the commercial building, parking areas, communication towers and antennas and equipment shelters occurred under the zoning authority of the County of Lake, Illinois; and,

WHEREAS, the Owner has petitioned to the Village for rezoning of the Property to the B-3 Planned Business Center District with the intention of securing a tenant for the vacant commercial building and to maintain the use of the current communications towers; and,

WHEREAS, the Property is not in compliance with certain standards of the Village's B-3 zoning district, including the building setback and landscaped yard along Milwaukee Avenue and the landscaped yard along Riverwalk Drive; and,

WHEREAS, the existing communications towers are not in compliance with the Village's zoning regulations as set forth in Title 17 – Zoning Ordinance of the Village's Municipal Code; and,

WHEREAS, the Village's *1998 Comprehensive Plan* designates the Property for commercial use; and,

WHEREAS, the Village supports continued commercial use of the Property, including redevelopment for uses that generate retail sales tax, and the Village intends to cooperate with the Owner and users of the commercial building to establish and maintain viable retail-sales producing businesses on the Property; and,

WHEREAS, pursuant to due notice and advertisement, the Village President and Board of Trustees (sometimes hereafter referred to as the "Corporate Authorities") held a public hearing and made its findings and recommendation pursuant to the requested rezoning to the B-3 District; and,

WHEREAS, The President and Board of Trustees of the Village find that rezoning of the Property to the B-3 District is consistent with the Village's planning for the area and is compatible with the use and zoning of adjacent properties; and,

WHEREAS, the President and Board of Trustees of the Village after due and careful consideration have determined that use of Property on the terms and conditions herein set forth would enable the Village to control development of the area and would serve the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BUFFALO GROVE, COOK AND LAKE COUNTIES, ILLINOIS:

1. Applicable Law. This Ordinance is made pursuant to and in accordance with the Village's Zoning Ordinance, Development Ordinance and the Village's Home Rule powers. The preceding whereas clauses are hereby made a part of this Ordinance.
2. Enactment of Zoning Ordinance. The Corporate Authorities hereby rezone the Property to the B-3 Planned Business Center District, subject to the conditions contained herein and in compliance with all applicable ordinances of the Village as amended from time to time.
3. Compliance with Applicable Ordinances. Owner shall comply with all ordinances of the Village as amended from time to time in the use and development of the Property, provided that all new ordinances, amendments, rules and regulations relating to zoning, building and subdivision of land adopted by the Village after the date of this Ordinance shall not be arbitrarily or discriminatorily applied to the Property but shall be equally applicable to all property similarly zoned and situated to the extent possible.
4. Exhibits. The following Exhibits, some of which were presented in testimony

given by the Owner or the witnesses during the hearing held before the Corporate Authorities prior to the execution of this Ordinance, are hereby incorporated by reference herein, made a part hereof and designated as shown below.

EXHIBIT A	Legal Description
EXHIBIT B	Plat of Survey dated August 31, 2005 by Howard Surveying Company, Inc.
EXHIBIT C	Owner Acceptance and Agreement
GROUP EXHIBIT D	Leases concerning communications towers

5. Enforceability of the Ordinance. This Ordinance shall be enforceable in any court of competent jurisdiction by any of the parties or by an appropriate action at law or in equity to secure the performance of the covenants herein described. If any provision of this Ordinance is held invalid, such provisions shall be deemed to be excised herefrom and the invalidity thereof shall not affect any of the other provisions contained herein.

6. Binding Effect of Ordinance. This Ordinance shall be binding upon the Property, the parties hereto and their respective grantees, successors and assigns.

7. Corporate Capacities. The parties acknowledge and agree that the individuals that are members of the group constituting the Corporate Authorities are enacting this Ordinance in their official capacities as members of such group and shall have no personal liability in their individual capacities.

8. Notices. Any notice required pursuant to the provisions of this Ordinance shall be in writing and be sent by certified mail to the following addresses until notice of change of address is given and shall be deemed received on the fifth business day following deposit in the U.S. Mail.

If to Owner: Daniel P. Casale
215 Miller Road
North Barrington, IL 60010

Copy to: Larry M. Clark, Esq.
Attorney at Law
700 North Lake Street, Suite 200
Mundelein, IL 60060

If to Village: Village Clerk
Village of Buffalo Grove
50 Raupp Boulevard
Buffalo Grove, IL 60089

Copy to: William G. Raysa, Esq.
Raysa & Zimmermann, LLC
22 South Washington Avenue
Park Ridge, IL 60068

9. Special Conditions. The following special conditions shall be applicable to the Property.

- A. Occupancy of the commercial building is limited to businesses wherein the primary business generates retail sales tax. Any other use of the commercial building is subject to approval by the Village in its sole discretion.
- B. Any modifications to the commercial building, parking areas, landscaping and signs on the Property are subject to approval by the Village in its sole discretion.
- C. The communications towers and related antennas and equipment shelters on the Property shall not be modified or expanded unless approved by the Village. The Village hereby acknowledges its intent to allow reasonable and necessary maintenance of the existing facilities to ensure proper technical performance and safety. In the event that a tower, antenna or equipment shelter sustains damage that is less than 50 percent of the value of said facility, said facility may be re-constructed to its size and composition prior to the damage, except that exterior materials for the equipment shelters shall be brick or a similar masonry construction approved by the Village. Landscaping shall be provided around the exterior of the equipment shelters if the Village determines that said landscaping would enhance the property without endangering public safety. If a tower is damaged to 50 percent or

greater of the cost of reconstruction, said tower shall be removed from the Property pursuant to the regulations of the Village Zoning Ordinance pertaining to non-conforming uses. Any costs incurred by the Village, including but not limited to attorneys' fees, to determine the valuation of the tower and other facilities and the amount of damage that has occurred shall be reimbursed to the Village by the Owner.

- D. Owner shall not extend the current leases as set forth in Group Exhibit D attached hereto nor enter into new leases concerning the communications facilities on the Property. In the event that the use of any tower, antenna or equipment shelter is discontinued said equipment shall be removed from the Property as soon as possible but not more than six months after the use ceases. If the use of any tower, antenna or equipment shelter is discontinued for a period of one year, said use shall be considered abandoned pursuant to the regulations of the Village Zoning Ordinance pertaining to non-conforming uses.
- E. It is acknowledged that a future commercial use on the Property may benefit from signage that exceeds the standards of the Village's Sign Code. The Village will entertain a petition for variation of the Sign Code for future signage on the Property.

10. Effect. This Ordinance shall be in full force and effect from and after its passage and approval, subject to the Owner's execution of the Acceptance and Agreement attached hereto as Exhibit C, incorporated herein and made a part hereof, and the filing of said executed Acceptance and Agreement form with the Village. This Ordinance shall not be codified.

AYES: 5- Braiman, Berman, Kahn, Trilling, Rubin

NAYS: 0 - None

ABSENT: 1 - Glover

PASSED: February 6, 2006

APPROVED: February 6, 2006

ATTEST:

Janet M. Sebastian
Village Clerk

APPROVED:

Elliott Hartstein
ELLIOTT HARTSTEIN, Village President

This document was prepared by:

Mail to: Village Clerk

Village of Buffalo Grove
Village of Buffalo Grove
50 Raupp Boulevard
Buffalo Grove, IL 60089

EXHIBIT A**Legal Description****185 Milwaukee Avenue, Buffalo Grove, Illinois**

Lots 1, 2, 3, 4, 5 and 6 and the north 12.36 feet of Lot 7 and Lots 16 and 17, in Block 7 in Unit No. 2 in Columbian Gardens, being a subdivision of part of Section 35, Township 43 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded July 10, 1926 as Document No. 282352, in Book "P" of Plats, Page 92, together with that part of the vacated alley lying east of Lots 1 through 7 and west of Lots 16 and 17 and lying north of the easterly prolongation of the south line of the north 12.36 feet of Lot 7 as recorded on June 8, 2001 as Document 4705803 (excepting therefrom that part taken in eminent domain cases 92ED75 and 92ED79), in Lake County, Illinois.

SUBJECT PROPERTY COMMON DESCRIPTION: The approximately 0.89-acre tract on the southeast corner of Milwaukee Avenue [IL Route 21] and Riverwalk Drive, also known as 185 Milwaukee Avenue, Buffalo Grove, IL.

PINS:

15-35-402-127	15-35-402-130	15-35-402-133
15-35-402-128	15-35-402-131	15-35-402-134
15-35-402-129	15-35-402-132	15-35-402-135

Lots 1, 2, 3, 4, 5, 6, the North 12.36 feet of Lot 7 and Lots 16 and 17 in Block 7 in UNIT NO. 2 in COLUMBIAN GARDENS, being a Subdivision of part of Section 35, Township 43 North, Range 11 East of the Third Principal Meridian, according to the plat thereof, recorded July 10, 1926 as Document 282,352 in Book "P" of Plats, page 92, together with that part of vacated alley lying East of Lots 1 through 7 and West of Lots 16 and 17 and lying North of the Easterly prolongation of the South line of the North 12.36 feet of Lot 7 as recorded on June 8, 2001 as Document 470580, (excepting therefrom that part taken in eminent domain cases 92E075 and 92e079) in Lake County, Illinois.



EXHIBIT C**Petitioner acceptance and agreement concerning rezoning to the
B-3 Planned Business Center District****185 Milwaukee Avenue****Southeast corner of Milwaukee Avenue [IL Route 21] and Riverwalk Drive****CHICAGO TITLE LAND TRUST COMPANY
AS SUCCESSOR TRUSTEE TO**

✓ LaSalle Bank National Association, successor Trustee under Trust Agreement dated March 29, 1993 and known as Trust No. 4328 and Daniel P. Casale being the sole beneficiary thereof do hereby accept and agree to abide by and be bound by each of the terms, conditions and limitations set forth in Ordinance No. 2006-___ duly passed and approved by the Village of Buffalo Grove, Illinois rezoning the Property described in said Ordinance to the B-3 Planned Business Center District.

AND NOT PERSONALLY

The undersigned acknowledge that they have read and understand all of the terms and provisions of said Buffalo Grove Ordinance No. 2006-___, and do hereby acknowledge and consent to each and all of the provisions, restrictions, and conditions of said Ordinance.

CHICAGO TITLE LAND TRUST COMPANY

AS SUCCESSOR TRUSTEE TO

✓ LaSalle Bank National Association, successor Trustee under Trust Agreement dated March 29, 1993 and known as Trust No. 4328 AND NOT PERSONALLY

By: Jane B. Zakrzewski
Trust Officer JANE B. ZAKRZEWSKI Trust Officer

Daniel P. Casale, as sole beneficiary of LaSalle Bank National Association, successor Trustee under Trust Agreement dated March 29, 1993 and known as Trust No. 4328

Daniel P. Casale

This instrument is executed by the undersigned Land Trustee, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee on account of any undersigned.

EXHIBIT D**Cell Tower Leases for 185 Milwaukee Avenue (Daniel Casale)**

1. Nextel Site Lease dated April 4, 2000.
2. Sprintcom, Inc. Lease executed by SprintCom, Inc. on June 23, 1998 and by Owner on August 1, 1998.
3. Voicestream Gsm I (T-Mobile) site Lease with Option executed by Voicestream on July 30, 2002 and Landlord on July 15, 2002.
4. Ameritech Lease executed by Tenant on June 2, 1993 and by Landlord on June 7, 1993.

STATE OF ILLINOIS)
COUNTY OF COOK) ss.

CERTIFICATE

I, Janet M. Sirabian, certify that I am the duly elected and acting Village Clerk of the Village of Buffalo Grove, Cook and Lake Counties, Illinois.

I further certify that on February 6, 2006 the Corporate Authorities of the Village passed and approved Ordinance No. 2006-07 entitled: **AN ORDINANCE REZONING THE PROPERTY AT 185 MILWAUKEE AVENUE TO THE B-3 PLANNED BUSINESS CENTER DISTRICT** provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2006-07, including the Ordinance and a sheet thereof, was prepared, and a copy of such Ordinance was posted in and at the Village Hall, commencing and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of Village Clerk.

Dated at Buffalo Grove, Illinois, this 6th day of February, 2006.

Janet M. Sirabian
Village Clerk

By Jane L. Olson

11/2/2022

**MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE
VILLAGE OF BUFFALO GROVE HELD IN THE COUNCIL CHAMBERS, 50 RAUPP BOULEVARD,
BUFFALO GROVE, ILLINOIS ON WEDNESDAY, NOVEMBER 2, 2022**

Call to Order

The meeting was called to order at 7:30 PM by Chairman Frank Cesario

Public Hearings/Items For Consideration

1. Consider Variation Requests to the Fence Code, Pertaining to Residential Districts for the Purpose of Installing a 3-Foot Open Style Fence and a 5-Foot Semi-Open Style Fence that Extends Beyond the Front Line of the Building, Within 45 Feet of an Intersection and Within the 4-Foot Required Corner Side Yard Setback for a Fence at 151 Weiland Road (Trustee Pike) (Staff Contact: Kelly Purvis)

Mr. Binder, Associate Planner for the Village, provided a brief description of the fence variations requested from the fence code and showed various photos of the property.

He indicated that a 3-foot open-style fence is proposed in the front yard of the subject property and a five-foot semi-open style fence is proposed in the corner side yard and rear yard.

Mr. Binder noted that the fence would be located within the corner side yard setback (nearer than four feet from the property line) and would be within 45 feet of the intersection.

He indicated that the proposal has been reviewed by engineering staff which does not have any concerns and that there would not be any sightline issues.

Mr. Binder indicated that staff is in support of the variances requested.

The petitioner, Mr. Chandippa, was sworn in. He spoke about the expansion of Weiland Road, and the installation of the sidewalk in his front yard. He noted that people trespass on the property and pick the fruit from his trees. He also showed photos of the protective covering on the bathroom windows that was recently scratched off and indicated that his property has been vandalized recently.

Mr. Chandippa indicated that he and his wife are requesting the fence to prevent trespassing and vandalism on the property. He also mentioned that they wish to keep their son away from Weiland Road, which is very busy.

Com. Khan noted that he went by the house before the meeting and that he agrees that the area has changed since expansion of Weiland Road. He stated that the petitioner's property has an open view from Armstrong and that he can see how it would be a "cut through". He also asked questions about the transition height of the fence and why they are not closing access to the back yard.

The Petitioner responded that the trees do a pretty good job of keeping people out from the front.

Com. Khan stated that he wants to make sure that the proposed fence will indeed solve the issues described by the Petitioner.

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11/2/2022

Com. Weinstein asked questions about the style of fence and how it will be treated. He also mentioned that the fence would be within the easement and could conflict with utilities.

Com. Worlikar asked what the purpose of bringing the fence right up to the sidewalk is.

The Petitioner responded that it provides a more level surface and avoids existing landscaping.

Com. Richards asked if the Petitioner has spoken to the neighbors.

Chairman Cesario asked for clarification from staff that the 3-foot fence would not create a sightline issue.

The public hearing closed at 7:53 pm

Com. Weinstein made motion that the PZC grant variations to Section 15.20 of the Buffalo Grove Fence Code to allow a 3-foot open style fence and a 5-foot semi-open style that extends beyond the front line of the building, within 45 feet of an intersection and within the 4-foot required corner side yard setback at 151 Weiland Road, provided the fence shall be installed in accordance with the documents and plans submitted as part of the petition.

Com. Richards seconded the motion.

Com. Worlikar suggested it would be helpful to know how far back the fence could be moved from the corner side property line and away from the sidewalk.

Chairman Cesario asked the petitioner if he would be comfortable with pushing the fence back four feet from the property line to comply with the Fence Code.

Mr. Chandippa indicated that he would be ok with moving the fence four feet from the property line, to comply with the Code.

Com. Moodhe indicated that this situation is unique because the property fronts on Weiland Road. He noted that it will be easier to see through the proposed picket fence than board on board and that he appreciates that the petitioner was open to that.

Com. Spunt indicated that he would also like to see the fence pushed back 4-feet from sidewalk and asked if the fence would interfere with drainage patterns on the property.

Chairman Cesario commented that there is commercial activity adjacent to the property and that there is no question that he is entitled to the taller fence along the corner side property line. He acknowledged the change in the space around the property due to the expansion of Weiland Road. He agreed that the open style fence in the front yard is safer and will make people feel more comfortable but, will still give the property owner the privacy they need.

Com. Worlikar indicated that he is sympathetic and supportive to the Petitioner and glad he is ok with the 4-foot additional setback from the corner side property line. He indicated that the fence being closer to the property line may create a hazard for the neighbor backing out of their driveway.

The motion was amended to remove the four-foot variation from the corner side yard setback.

11/2/2022

RESULT:	APPROVED [UNANIMOUS]
AYES:	Moodhe, Spunt, Cesario, Khan, Weinstein, Au, Richards, Worlikar, Davis

2. Petition to the Village of Buffalo Grove for an Amendment to the Restated Annexation Agreement and Planned Unit Development Approved by Ordinance No. 2003-10, an Amendment to the Preliminary Plan, and Approval of an Off-Street Parking Facility Use at 325 N Riverwalk Drive (Trustee Ottenheimer) (Staff Contact: Kelly Purvis)

Associate Planner, Andrew Binder showed the proposed site plan and reviewed the approvals necessary for the construction of the 360-stall parking lot on the property.

The Petitioner, Mike Rolfs of Hamilton Partners, was sworn in.

Mr. Rolfs indicated that negotiations on the land lease started right after Covid, and that CVS/Caremark made a decision to move their offices out of Northbrook. He indicated that CVS/Caremark thought they would need more parking than is currently available in the parking structures. He noted, per their lease agreement, they have the right to give the property owner notice upon a need for more parking, and the property owner (Hamilton Partners) will build the parking lot that is presented tonight. Mr. Rolfs indicated that CVS/Caremark have consolidated most of their operations here in Buffalo Grove and that he hopes they will expand.

Com. Au asked why they want to expand parking now. She indicated that she used to work in Riverwalk-2 pre-covid, and there was always parking. She asked why they are speculating for this need for parking before it has been determined that it is needed.

The Petitioner responded that he is not requesting final approval and that they would still need final engineering approval, etc. before they would be able to build the parking lot. He noted that he would like to be able to move quickly should the need arise for the parking.

Com. Davis asked if there is a specific occupancy trigger or data that would trigger the need for the parking lot to be constructed.

The Petitioner responded that nobody really knows what is going to happen with hybrid and work from home models, but CVS/Caremark have a use/person calculation that they use to determine the parking need. Based on the number of anticipated employees, they think they may need more parking than what is available.

Com. Davis indicated that he drove through the garages the day before and they were pretty empty. He asked what the occupancy of the garages are.

The Petitioner responded that a lot of larger companies have not fully come back to the office yet. He estimated that the parking structure is only 25% occupied at this time.

Com. Moodhe asked staff, if this proposal is approved, what part of the original PUD approval would be off the table for future development.

Staff indicated that this proposal would supersede the prior approval. The previously proposed office building with structured parking would no longer be part of the approved PUD. Staff noted that in the future, if they wished to build the office building and parking structure, they would need to come back for approval of another amendment to the preliminary plan and PUD.

The Petitioner indicated that they are looking at this as a temporary measure and that the most likely future use on the site will be residential. He indicated that he would like to reserve the right to construct the office building/and or residential in the future.

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Com. Moodhe asked if they had given any thought to constructing a parking deck.

Mr. Rolfs responded that a parking deck would be far too expensive.

Mr. Rolf spoke about the topography on the property and indicated that the existing berms will provide good screening of the parking lot.

Com. Spunt asked if the parking would only be for CVS employees.

The Petitioner responded, yes.

Chairman Cesario confirmed with staff that there are no variations being requested for a use that is permitted by right.

Staff agreed with Chairman Cesario.

There were no public comments.

The public hearing was closed at 8:31pm.

Com. Weinstein made motion that the PZC recommends approval of the Amendment to the Restated Annexation Agreement and Planned Unit Development approved by Ordinance No. 2003-10, an Amendment to the Preliminary Plan, and approval of an off-street parking facility use at 325 N Riverwalk Drive, subject to the following conditions:

- 1. The proposed development shall be developed in substantial conformance to the plans attached.*
- 2. The Petitioner shall comply with all applicable Village codes, regulations, and policies.*
- 3. Any incidental or directional signage proposed will be reviewed by Village staff.*
- 4. Prior to the issuance of any building permits for construction of the new off-street parking facility, the total parking count for the office uses will be reviewed and accommodations shall be made to the parking lot at 2100 - 2150 Lake Cook Road in compliance with the Illinois Accessibility Code (regarding the number of accessible parking spaces and location of the accessible spaces).*

Com. Moodhe seconded the motion.

Com. Moodhe noted that there was a letter from a resident included in the PZC packet. He noted that even though a parking lot is not his favorite use for the site, it is probably better than an 8-story office building. He indicated that he is supportive of the request if it brings potential for more corporate business to the Village.

Com. Davis stated that he is struggling with the request because it is based on speculation of what the need might be. He noted he doesn't think it makes a lot of sense in our current environment and that there is a reason why those buildings haven't been constructed - there is no need.

11/2/2022

Com. Weinstein agreed with Com. Davis and noted that he is also a little hesitant. He noted the property has been sitting undeveloped this long and that they would be replacing vacant green space with potentially vacant concrete. He also noted that the parking lot will be well screened and will not be very visible and that he trusted that CVS/Caremark know their business and their need for the parking.

Chairman Cesario stated that approval of the parking lot tonight removes the owner's right to build the eight-story building. He noted, they can leave here tonight, and construct that project. He suggested that the current proposal for overflow parking is a more acceptable proposal and is better for the Village and tenant. Hard stated it is hard to argue with better for everyone.

RESULT:	APPROVED [8 TO 1]
AYES:	Moodhe, Spunt, Cesario, Khan, Weinstein, Au, Richards, Worlikar
NAYS:	Jason Davis

Regular Meeting

Other Matters for Discussion

Approval of Minutes

1. Planning and Zoning Commission - Regular Meeting - Aug 17, 2022 7:30 PM

RESULT:	ACCEPTED [8 TO 0]
AYES:	Moodhe, Spunt, Cesario, Weinstein, Au, Richards, Worlikar, Davis
ABSTAIN:	Zill Khan

Chairman's Report

Chairman Cesario gave his chairman's report.

Committee and Liaison Reports

Com. Moodhe reviewed the Village Board meeting he attended and the PZC items that were approved by the Village Board.

Staff Report/Future Agenda Schedule

Staff indicated that there are two upcoming cases for November 16, 2022, agenda.

Public Comments and Questions

Adjournment

The meeting was adjourned at 8:40 PM

Kelly Purvis

APPROVED BY ME THIS 2nd DAY OF November, 2022