

**VILLAGE OF HUNTLEY**  
**PLAN COMMISSION MEETING**  
Monday, March 11, 2019  
MINUTES

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**CALL TO ORDER**

Chairman Tom Kibort called to order the Village of Huntley Plan Commission meeting for March 11, 2019 at 6:30 pm in the Municipal Complex Village Board Room at 10987 Main Street, Huntley, Illinois 60142. The room is handicap accessible.

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**PLEDGE OF**

**ALLEGIANCE**

Chairman Kibort led the Pledge of Allegiance.

**ROLL CALL**

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**PLAN**

**COMMISSIONERS:** Commissioners Darci Chandler, Terra DeBaltz, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, Robert Chandler, and Chairman Tom Kibort

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**COMMISSIONERS**

**ABSENT:**

None.

**ALSO PRESENT:**

Director of Development Services Charles Nordman, Assistant Village Manager Lisa Armour, Development Engineer Scott Hajek, Development Manager Margo Griffin, Special Counsel Thomas Burney, and Certified Shorthand Reporter Joan Holub from Q and A Reporting

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4. **Public Comments**

None.

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5. **Public Hearing(s)**

- A. Petition No. 19-2.2, Huntley Investment Partners, LLC, petitioner and owner, 11800 Factory Shops Boulevard (±60 acres); PINs: 02-16-101-016 and 02-16-101-006, Request is for approval of: (1) Amendment of the I-90/IL 47 Gateway Plan to change the designation of the property from Mixed Commercial to Light Industrial; (2) Removal of the property from the Planned Development District; (3) Rezoning of the property to the ORI (Office/Research/Industrial-Light Manufacturing) District; (4) A special use permit for warehousing, storage and distribution; (5) Special Use for Preliminary Planned Unit Development; and (6) Preliminary Plat of Subdivision.

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Chairman Kibort stated this petition is a continuation of the February 25, 2019 public hearing. He requested a motion and a second from a member of the Plan Commission to open the public hearing.

**A MOTION was made to open the public hearing to consider Petition No. 19-2.2.**

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**MOVED:**

**Commissioner DeBaltz**

**SECONDED:**

**Commissioner Ellison**

**AYES:**

**Commissioners Darci Chandler, Hahn, DeBaltz, Nichols, Vice Chair Ellison, Robert Chandler, and Chairman Kibort**

**NAYS:**

**None**

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**ABSTAIN:**

**None**

**MOTION CARRIED 7:0:0**

Chairman Kibort asked if there was anyone wishing to be heard that was not sworn in on February 25<sup>th</sup>. Chairman Kibort asked anyone new wishing to speak to stand and be sworn in. The following individuals were sworn in:

5 Cameron Trefry, Ware McComb Architects

Chairman Kibort stated staff will now give a brief presentation.

10 Director Nordman stated that the petitioner provided additional information regarding the impervious surface area of the site which was provided in the packet distributed for the meeting.

Director Nordman stated he would summarize the conditions of approval. Director Nordman noted that the petitioner provided a letter addressing their concerns with the proposed conditions of approval.

15 Director Nordman stated there are 55 proposed conditions for consideration by the Plan Commission. He explained that they are categorized by site development, parking and storage, traffic, architecture, and general conditions.

20 Director Nordman stated the conditions site development include required adherence to Illinois drainage land as well as restrictions restricting the stockpiling of excess materials on the site for a period of 12 months.

Director Nordman stated there was also a condition requiring mass grading of the entire site prior to the issuance of the first certificate of occupancy.

25 Director Nordman stated the ground sign for the former Outlet Center shall be removed prior to the issuance of the first building permit for the site.

30 Director Nordman further explained that the developer is required to provide an analysis of the existing sanitary and water systems and identify any necessary upgrades necessary for their development. Director Nordman stated this will occur as part of the application for Final Planned Unit Development.

Director Nordman stated conditions related to parking and storage restrict the storage of tractor trailer parking to the tenants occupying the respective buildings. Furthermore, there shall be no outdoor storage of shipping containers.

35 Director Nordman stated there is also a condition prohibiting the loading or unloading on the private access drive (Outlot C).

40 Director Nordman stated conditions related to traffic require the petitioner to reimburse the Village for maintenance of the traffic signal that will serve the development. Signage is also required to discourage truck traffic from traveling east on Freeman Road.

45 Director Nordman stated conditions related to architecture would be to address the design of the southwest corner of building one. Director Nordman stated that compliance with the architectural conditions would be reviewed at the time of Final PUD.

Director Nordman explained that conditions related to lighting would be reviewed when a photometric plan and fixture specifications are provided with the Final PUD.

50 Director Nordman reviewed conditions for landscaping, including the buffer between Lots 2 and 3 and the private access road. Director Nordman explained that width of the buffer is currently shown as 15 feet and the condition

requires it to be increased to 25 feet. Furthermore, the petitioner is requested to complete an evaluation of the health and overall maintenance of the existing wetland and ponds.

5 Director Nordman also stated that any fencing on the site shall be decorative and chain link fencing shall be prohibited.

Director Nordman stated the petitioner is to provide an easement to the Village for the installation of a gateway sign.

10 Director Nordman reiterated that his presentation is an overview of the conditions and that all 55 conditions are provided in the staff report.

Chairman Kibort asked if the petitioner had anything to add.

15 Mr. Michael Reschke states that he had received the 55 conditions recommended by staff. Mr. Reschke stated that they more or less accept 39 of the 55 conditions with some modifications to some of the 39 conditions. He stated they found sixteen of the conditions unnecessary, vague, and ambiguous and not appropriate for the planned development.

20 Mr. Reschke asked the chairman if he should review the 16 conditions that they do not agree with. Chairman Kibort stated it was up to Mr. Reschke to decide what information he would like to present.

Mr. Reschke introduced his attorney Gerald Callaghan.

25 Mr. Callaghan stated he would like to briefly review the reasoning behind not accepting 16 of the proposed conditions.

Mr. Callaghan explained that he believed condition 15 regarding truck access was addressed in their site plan and that their traffic engineer could elaborate on the plan if needed.

30 Mr. Callaghan stated condition 16 requires the petitioner to reimburse the Village for the maintenance of the existing traffic signal. Mr. Callaghan stated the signal is existing and there has been no past assessment against the prior use.

35 Mr. Callaghan stated he does not understand condition 18 about the architectural design of the buildings. Mr. Callaghan stated they have agreed to dress up the southwest corner of building one. Mr. Callaghan stated that he believed the condition has already been addressed based on the proposed elevations and renderings provided with the application.

40 Mr. Callaghan stated conditions 20 and 21 have to do with the design of the entrances to the buildings. Mr. Callaghan reiterated that he believed the proposed elevations already address these comments.

Mr. Callaghan stated condition 25 is already addressed because roof ladders for emergency purposes would be internal to the building.

45 Discussion ensued regarding the access to the roof.

Mr. Callaghan stated he was concerned with the conditions for exterior lighting because of the use of the word "all" and the way it could be interpreted. Mr. Callaghan stated there will be many different types of fixtures on the site and he would prefer to review the lighting when a plan is provided with the Final PUD.

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Discussion ensued regarding the types of exterior light fixtures.

5 Chairman Kibort stated that 55 conditions of approval are not unusual for a development of this size. Chairman Kibort stated that several of the conditions are guidelines for the Final PUD plans to follow and that arguing each and every one is pointless.

Mr. Callaghan stated that they have agreed to 39 of the conditions so they are not arguing every point, but just the ones they couldn't get their arms around what the intent was.

10 Mr. Callaghan stated that condition requiring the buffer to increase from 15 to 25 feet along the private access road was too much. Mr. Callaghan stated that increasing the setback to 25 feet would shrink the size of the building. Mr. Callaghan further explained that the roadway only served the three lots.

15 Mr. Callaghan stated that condition 45 required a \$150,000 contribution for a gateway feature. Mr. Callaghan stated this was not an impact fee and he didn't understand where the fee came from.

Mr. Callaghan stated condition 47 was not clear since they must submit plans for Final PUD that must be approved by the Village Board.

20 Mr. Callaghan explained that condition 51 will be addressed in the declaration of covenants, conditions, and restrictions so a separate maintenance plan was unnecessary.

Mr. Callaghan stated that condition 52 required the creation of a SSA because there is an owners association.

25 Mr. Callaghan explained that condition 53 required the petitioner to indemnify the Village if there is a lawsuit regarding the zoning of the property. He stated the petitioner is not interested in indemnification.

Mr. Callaghan stated condition 54 was unusual because it says the Special Use could be revoked if a tenant violated an ordinance. Mr. Callaghan stated the condition is too drastic.

30 Mr. Callaghan asked if the Commission had any questions or wanted to discuss any of the conditions further.

Chairman Kibort stated that he would like to take questions from members of the Commission.

35 Vice Chair Ellison stated the site is a very good location and she is concerned about utilizing it for warehouses. She stated that was her only concern regarding the proposed development.

Mr. Reschke stated there is a lot of vacant land along Route 47 and that retailers would rather be on Route 47 than Freeman Road. He stated that site is not convenient for retail.

40 Vice Chair Ellison stated that there might be a different type of use such as a hotel or waterpark that would be a better use of the site.

45 Vice Chair Ellison asked if Freeman Road to the east can handle the weight of the trucks. Mr. Reschke explained that 99 percent of the trucks will go west to Route 47 and the tollway.

Mr. Reschke stated that anticipated traffic from the proposed development does not require the light based on traffic counts. Mr. Reschke stated the traffic light could come down.

Commission Hahn stated he was on the ledge regarding the proposed development. He stated that he recognized that retail was unlikely for the site. Commission Hahn stated that the Village should be proactive when it comes to developing the site to get ahead of the interchanged planned for Route 23.

5 Commission Hahn stated that he would prefer to have the 55 conditions included should the Plan Commission approve the application.

Commission Hahn stated the Weber project to the east started a precedent with putting warehousing in that area.

10 Mr. Reschke suggested he sit down with staff to work on the language of the conditions. Commission Hahn stated that conditions need to be discussed amongst the members of the Plan Commission and they can decide how to proceed.

15 Commission Robert Chandler stated that he did not believe that many of the conditions were that big of a concern. He explained that he did not believe there was a reason to throw out conditions based on the information provided.

20 Mr. Reschke stated that they have been in business for 37 years and they are known for building quality and commitment to great architecture and design.

Vice Chair Ellison noted that they had built the outlet mall which had to be torn down.

25 Commission DeBaltz stated she does not have concerns about design, but was concerned with the location of the development.

Commission DeBaltz stated she did not believe the property was being utilized in a way that best benefits the people that live in Huntley. She explained that she believed the property had more potential.

30 Commission DeBaltz stated there is a lot of potential in Huntley and changing the land use for this property is not something that is best for the Village.

Commission DeBaltz reiterated that she was not okay with the proposed use on the site.

35 Chairman Kibort asked Commissioner DeBaltz if she wanted to make any modifications to the conditions. Commission DeBaltz responded no.

Commissioner Nichols stated she did not believe the vision for the site should change. She explained that warehousing is not what the Village had planned to go in this location.

40 Commission Nichols stated she thought the conditions should remain as written.

Chairman Kibort stated the petitioner is asking a lot to change the comprehensive plan and zoning to accommodate the proposed plan and the conditions were justified based on the request.

45 Chairman Kibort stated he would prefer to see the site as retail, but understood it may not be feasible.

Mr. Reschke stated he would have preferred more time to discuss the conditions with staff. Chairman Kibort asked he would like a continuance.

Chairman Kibort stated he was prepared to go forward with a vote tonight and then have the petitioner work with staff and the Village Board. Chairman Kibort reiterated that Mr. Reschke could ask for a continuance if that was his preference.

5 Special Counsel Burney clarified that the Commission is going to make recommendations to the Village Board and the Village Board will ultimately decide on the conditions. Special Counsel Burney explained that the next time the Commission will see the project will be at Final PUD.

10 Mr. Callaghan stated he wanted to make an additional point to make sure it was under consideration. Mr. Callaghan explained that the Zoning Ordinance says special use permits run to the owner and not run with the land which is fairly unusual. Mr. Callaghan stated they would ask that it runs with the land so that new tenants could occupy the buildings without having to come back to request a Special Use Permit.

Discussion ensued regarding Special Use language within the Zoning Ordinance.

15 Special Counsel Burney stated the Commission has the option to approve whether it wants the Special Use to run with the land or with Huntley Investment Partners.

20 Chairman Kibort asked if Commissioner Darci Chandler had any comments or questions. She stated she did not have any further comments or questions.

Special Counsel Burney noted that although the petitioner has stated that they accept 39 of the conditions, they have made substantive changes.

25 Chairman Kibort stated that if there are no further questions or comments, he will request a motion to close the Plan Commission public hearing.

**A MOTION was made to close the public hearing for Petition No. 19-2.2.**

30 **MOVED: Vice Chair Ellison**  
**SECONDED: Commissioner Darci Chandler**  
**AYES: Commissioners Darci Chandler, Hahn, DeBaltz, Nichols, Robert Chandler, Vice Chair Ellison and Chairman Kibort**  
**NAYS: None**  
**ABSTAIN: None**  
35 **MOTION CARRIED 7:0:0**

40 **A MOTION was made to recommend approval of an Amendment to the Village of Huntley Comprehensive Plan, I-90/IL 47 Gateway Subarea Plan to Change the Designation of the Property from Mixed Commercial to Light Industrial.**

**MOVED: Commissioner Hahn**  
**SECONDED: Commissioner Darci Chandler**  
**AYES: Commissioners Darci Chandler, Hahn, Robert Chandler and Chairman Kibort**  
45 **NAYS: Commissioners Nichols, DeBaltz, and Vice Chair Ellison**  
**ABSTAIN: None**  
**MOTION CARRIED 4:3:0**

50 **A MOTION was made to recommend approval of the Removing the Property from the Planned Development District.**

**MOVED:** Commissioner Darci Chandler  
**SECONDED:** Commissioner Robert Chandler  
**AYES:** Commissioners Darci Chandler, Hahn, Robert Chandler and Chairman Kibort  
5 **NAYS:** Commissioners Nichols, DeBaltz, and Vice Chair Ellison  
**ABSTAIN:** None  
**MOTION CARRIED** 4:3:0

10 A MOTION was made to recommend Rezoning the Property from “C-2” Regional Retail PDD” to “ORI Office/Research/Industrial-Light Manufacturing District”.

**MOVED:** Commissioner Nichols  
**SECONDED:** Commissioner Robert Chandler  
15 **AYES:** Commissioners Darci Chandler, Hahn, Robert Chandler and Chairman Kibort  
**NAYS:** Commissioners Nichols, DeBaltz, and Vice Chair Ellison  
**ABSTAIN:** None  
**MOTION CARRIED** 4:3:0

20 A MOTION was made to recommend approval of a Special Use for Preliminary Planned Unit Development, Including Any Necessary Relief, for a ±60 acre “ORI - Office/Research/Industrial-Light Manufacturing” PUD, subject to the following conditions:

25 **Site Development**

1. The Village of Huntley will require adherence to Illinois drainage law and best management practices for storm water management. Huntley Investment Partners and their agents and assignees are responsible for not increasing the rate of storm water runoff and will be required, to the extent practicable, to minimize any increase in runoff volume through “retention” and design of multi stage outlet structures.
- 30 2. No stockpiling of excess materials, including soil/dirt, shall be permitted for longer than twelve (12) months from the time a Certificate of Occupancy is approved for the first building to be constructed on the subject property. An engineer’s estimate of probable cost shall be provided for the removal of any stockpile and a cash compliance bond in the amount of the estimate shall be submitted to the Village. Upon removal of any stockpile, the subject property shall be properly graded and seeded.
- 35 3. Mass grading of the entire site shall occur upon issuance of the first building permit for any of the lots. This shall include the removal of the remaining debris left from the demolition of the Outlet Center. All mass grading shall be completed prior to the issuance of the first Certificate of Occupancy.
- 40 4. The former Huntley Outlet Center ground sign located along I-90 shall be removed prior to issuance of the first building permit for the ±60.63 acre site.
5. A structural analysis of the existing bridge on private access road (Outlot C) shall be provided with the application for Final Planned Unit Development.
- 45 6. Prior to the execution of an ordinance establishing the Final Planned Unit Development, the applicant shall prepare an analysis of the existing water system. As a condition of the Final Planned Unit Development the applicant shall install any necessary upgrades to provide required flow and capacity to accommodate proposed end users and to not unreasonably impact the Village’s water supply and distribution system.

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7. Prior to the execution of an ordinance establishing the Final Planned Unit Development, the applicant shall prepare an analysis of existing sanitary sewer system including the downstream lift station. As a condition of the Final Planned Unit Development, the applicant shall install any required upgrades to accommodate future flows and volumes to accommodate proposed end users and to not unreasonably impact the Village's waste water system.

Parking/Storage

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8. The fifty (50) tractor trailer parking spaces located east of building 2 and the forty (40) tractor truck trailer parking spaces located east of building 3 shall be for the benefit of the tenants occupying the respective buildings. Said tractor trailer parking spaces shall not be leased to an off-premise business.
  9. The outdoor storage of shipping/cargo containers shall be prohibited.
  10. Tractor trailer parking shall only be permitted in designated spaces located east of Buildings 2 (Lot 2) and Building 3 (Lot 3).
  11. No parking shall be allowed on the private access drive.
  12. The number of truck docks on the subject property shall not exceed 126 dock high doors and 10 grade level doors.
  13. Parking stalls shall measure no less than ten (10) feet in width and nineteen (19) feet in depth.
  14. No loading or unloading activity is permitted to take place from the private access drive (Outlot C).
  15. Trucks shall have clear and convenient access into and within the truck courts of every building within the development and should not disrupt vehicular and pedestrian circulation.

25 Traffic

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16. The owner agrees to reimburse the Village 100% of the annual cost for the traffic signal at Freeman Road and private access road (Outlot C). Costs shall include maintenance, repair, and replacement of the traffic signals.
  17. Signage shall be installed within the development to discourage truck traffic from traveling east on Freeman Road.

Architecture

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18. Building elevations visible from I-90 and Freeman Road shall be articulated by changes in exterior building materials, color, decorative accents and/or articulated features and shall be reviewed and approved by the Village Board at the time of Final Planned Unit Development.
  19. The southwest corner of Building 1 (Lot 1) shall be improved with additional architectural details to appear similar in character to the areas of the building designed for offices. Such architectural details shall be reviewed and approved by the Village Board at the time of Final Planned Unit Development.
  - 40 20. Pedestrian entrances to buildings accessible to visitors should be identifiable through changes in masonry, color and/or building materials and shall be subject to review and approval by the Village Board at the time of Final Planned Unit Development.
  - 45 21. Pedestrian and ground level building entries accessible to visitors should be designed using recessed entries, covered entries, projections or roofs to provide shade and visual relief at a pedestrian scale and shall be subject to review and approval by the Village Board at the time of Final Planned Unit Development.

22. Loading doors, service docks, and truck courts shall be screened from I-90 and Freeman Road so they are not visible. Proposed screening shall be reviewed and approved by the Village Board at the time of Final Planned Unit Development.
23. Ground-mounted equipment, including but not limited to mechanical equipment, electrical equipment, emergency generators, boilers, storage tanks, risers, and electrical conduits, but specifically excluding electrical transformers, shall be screened so as not to be visible from off-site public viewing areas or from adjacent public roads. Screening may be accomplished with walls, fences and/or landscape elements. Proposed screening shall be reviewed and approved by the Village Board at the time of Final Planned Unit Development.
24. The building elevations to be provided with an application for Final Planned Unit Development shall be in substantial conformance with the elevations provided as part of the Preliminary Planned Unit Development except as modified by the above conditions.
25. Wall-mounted items, such as roof ladders or electrical panels, shall not be located on the building façade facing adjacent public or private roads when alternative locations are practical and safe. Wall-mounted items should be screened or incorporated into the architectural elements of the building so as not to be visually apparent from public streets, the private access road, or other public areas within or adjacent to development.
26. Rooftop equipment, including but not limited to mechanical equipment, electrical equipment, storage tanks, cellular telephone facilities, satellite dishes, skylights, vents, exhaust fans, hatches, and mechanical ducts, but excluding solar panels, shall be screened so as not to be visible from public roads, the private access road, or visitor parking areas on-site.
27. Rooftop screens (i.e. parapet walls) shall be integrated into the architecture of the main building.
28. All outdoor refuse containers shall be screened within a permanent, durable enclosure and should be oriented so they are not easily visible from public roads or other public viewing areas.
29. The design of trash enclosures shall reflect the architectural style of adjacent buildings and use similar, high-quality materials.
30. All outdoor lighting, including spotlights, floodlights, electrical reflectors, and other means of illumination for signs, structures, landscaping, parking, loading, unloading, and similar areas, shall feature cutoff devices as appropriate and be focused, directed, and arranged to prevent glare and “spill over” to public streets or adjoining property.
31. Low intensity, energy-conserving night lighting is preferred, such as fixtures equipped with light emitting diodes (LED).
32. All lighting fixtures shall be from the same – or complementary – family of fixtures with respect to design, materials, fixture color, and light color.
33. Lights shall be unbreakable, recessed, or otherwise designed to reduce the problems associated with damage and replacement of fixtures.
34. Neon and similar types of lighting are prohibited in all areas within the development.
35. Architectural accent lighting, including up and/or down lighting via the use of the recessed fixtures, shall be included on plans submitted for Final Planned Unit Development.

#### Landscaping

36. The landscape buffer located between the private access road (Outlot C) and the truck docks on Lots 2 and 3 shall be increased to measure no less than 25 feet in width.
37. The petitioner shall increase the caliper of deciduous trees and the height of evergreen trees on the landscape plan to be submitted with the Final Planned Unit Development.
38. Additional landscaping shall be added along the southern edge of the southernmost parking lot on Lot 3 and shall be subject to review and approval by the Village Board at the time of Final Planned Unit Development.
39. An evaluation of the health and maintenance of the existing wetlands and ponds on Detention Lot 1 and 2 shall be provided with the Final Planned Unit Development. A

restoration plan, based upon the findings of the evaluation, shall also be provided at the time of Final Planned Unit Development.

40. The owner or property owners association shall replace any dead or dying landscape element immediately upon decline and continue to provide and maintain landscape tree buffer along the creek.
41. Any proposed fencing on the site shall be decorative in design. The use of chain link fencing shall be prohibited.
42. The proposed landscaping adjacent to the tollway right-of-way shall include a manicured lawn in addition to proposed shade trees, evergreen trees, and ornamental trees.

#### General

43. All public improvements and site development must occur in full compliance with all applicable Village Municipal Services (Engineering, Public Works, Planning and Building) site design standards, practices and permit requirements.
44. The applicant agrees to grant the Village a sign easement adjacent to I-90 on the Final Plat of subdivision.
45. In support of Section 4 of the Village's I-90/IL 47 Gateway Plan, the applicant agrees to contribute \$150,000 to the construction of a gateway feature.
46. The preliminary plat approval shall be effective for a maximum period of 12 months following Village Board approval unless, upon application of the developer, the Village Board grants an extension.
47. Final architecture, signage, and landscaping shall be submitted with the Final Planned Unit Development and shall be acceptable to the Village Board.
48. No building permits are approved as part of this submittal.
49. No sign permits are approved as part of this submittal.
50. Owners association documents shall be submitted with the application for Final Planned Unit Development and shall be acceptable to the Village Board.
51. The applicant/owner agrees to provide the Village with a comprehensive maintenance plan for the site which at a minimum will include the responsibility to maintain all the storm water systems, including storm drains and water quality basins, all private drives, private water and sewer line and the plan is subject to Village Board approval.
52. A backup Special Services Area (SSA) shall be established at the time of first subdivision approval. The backup SSA shall be established to ensure: (1) Maintenance, restoration, landscaping, repair, replanting and reseeding of open space, common areas, landscaped areas, and natural areas, all in accordance with best management practices; (2) Maintenance, restoration, and repair of compensatory storage areas, detention areas, drainage ways and facilities, stormwater drainage ways and areas, retaining walls, floodplains, and bioswales, on the subject property including but not limited to maintenance of landscaping, including grass and shrub trimming, tree plantings, fertilizing and dead material replacement, and removal of debris, obstructions or other impediments; (3) Maintenance, restoration, repair, and reconstruction of the private access roadway; (4) Maintenance, repair, and replacement of traffic signals; and (5) Professionals', contractors' and consultant's fees and costs associated with the provision of the special services described above.
53. The applicant shall defend, indemnify, and hold harmless the Village or any of its boards, commissions, agents, attorneys, officers, and employees from any claim, action or proceeding against the Village, its boards, commissions, agents, officers or employees to attack, set aside, void, or annul, the approval of the project. The Village shall promptly notify the applicant of any such claim, action or proceeding. The Village shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the Village from participating in a defense of any claim,

action, or proceeding if the Village bears its own attorney's fees and costs, and the Village defends the action in good faith.

54. All special use permits issued as a part of this approval shall be subject to revocation by the Village at such time as any of the following conditions are found to exist:

- The permit was obtained by misrepresentation or fraud;
- The terms or conditions of approval of the permit have not been met;
- The improvement, use or activity authorized by the permit is in violation of any statute, ordinance, law or regulation or constitutes a nuisance; or
- The owner or the occupant of the property is conducting the use or any associated or other use of the property in violation of any statute, ordinance, law or regulation or in a manner that constitutes a nuisance.

55. Owner and all of its mortgagees shall certify in writing its acknowledgement that the conditions set forth above are integral to the Village's approval of the planned unit development and their acceptance and agreement to abide by the conditions set forth above. Owner consents at its expense authorizes the Village to record said acknowledgment and conditions against the Subject Property.

**MOVED:** Commissioner Darci Chandler  
**SECONDED:** Commissioner Hahn  
**AYES:** Commissioners Darci Chandler, Hahn, Robert Chandler and Chairman Kibort  
**NAYS:** Commissioners Nichols, DeBaltz, and Vice Chair Ellison  
**ABSTAIN:** None  
**MOTION CARRIED 4:3:0**

A MOTION was made to recommend approval of Special Use Permits for Warehousing, Storage, and Distribution within the "ORI - Office/Research/Industrial-Light Manufacturing" District for Lots 1, 2, and 3, Huntley Commercial Center.

**MOVED:** Commissioner Darci Chandler  
**SECONDED:** Commissioner Nichols  
**AYES:** Commissioners Darci Chandler, Hahn, Robert Chandler and Chairman Kibort  
**NAYS:** Commissioners Nichols, DeBaltz, and Vice Chair Ellison  
**ABSTAIN:** None  
**MOTION CARRIED 4:3:0**

A MOTION was made to recommend approval of a Preliminary Plat of Subdivision for Huntley Commercial Center, subject to the above referenced conditions

**MOVED:** Commissioner Robert Chandler  
**SECONDED:** Commissioner Darci Chandler  
**AYES:** Commissioners Darci Chandler, Hahn, Robert Chandler and Chairman Kibort  
**NAYS:** Commissioners Nichols, DeBaltz, and Vice Chair Ellison  
**ABSTAIN:** None  
**MOTION CARRIED 4:3:0**

7. Discussion

Director Nordman stated the next Plan Commission meeting is scheduled for Monday, March 25, 2019.

8. Adjournment

At 7:57 pm, a MOTION was made to adjourn the March 11, 2019 Plan Commission meeting.

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**MOVED:** Commissioner DeBaltz

**SECONDED:** Commissioner Nichols

**AYES:** Commissioners Darci Chandler, Hahn, DeBaltz, Nichols, Robert Chandler, Vice  
Chair Ellison, and Chairman Kibort

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**NAYS:** None

**ABSTAIN:** None

**MOTION CARRIED 7:0:0**

Respectfully submitted,

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*Charles Nordman*

Director of Development Services  
Village of Huntley