

MINUTES OF THE PLAN COMMISSION
January 13, 2020

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:05 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Amy Flores, Matthew Krummick, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: Kurt Schultz.

A quorum was established.

Village Staff present: David Smith, Senior Planner.

Commissioner Pyter moved, seconded by Commissioner Steffe, to approve the December 9, 2019, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

PC 20-01 Village of Libertyville, Applicant

Request is for a Text Amendment to Article 16 of the Libertyville Zoning Code relating to required application materials for a Planned Development.

Mr. David Smith, Senior Planner, introduced the proposed text amendment. Mr. Smith stated that Staff recommends that the following text be changed to Zoning Code Article 16-13.4(e)(2)(viii) by removing the term Preliminary engineering plan and replacing it with Final Civil Engineering Plans in order include the appropriate application submittal materials for Planned Development Final Plans following the approval of a Planned Development Concept Plan.

Commissioner Steffe stated that consideration should be given to including a definition for Final Civil Engineering Plans.

Chairman Moore stated that if the Village accepts the contents of Civil Engineering Plans as Final then it would seem adequate.

Commissioner Flores stated that it seems that Village Staff are at times under time pressure when plans are amended during the review process.

Chairman Moore stated that the intent of the Code is that most of the issues are worked out at the concept plan phase of a project.

Minutes of the January 13, 2020, Plan Commission Meeting
Page 2 of 5

In the matter of PC 20-01, Commissioner Oakley moved, seconded by Commissioner Flores, to recommend that the Village Board of Trustees approve a Text Amendment to Article 16 of the Libertyville Zoning Code relating to required application materials for a Planned Development, as follows:

Article 16-13.4(e)(2)(viii) remove the term **Preliminary engineering plan** and replace with **Final Civil Engineering Plans** in order include the appropriate application submittal materials for Planned Development Final Plans following the approval of a Planned Development Concept Plan.

e. **Final Plan Following Approval of Development Concept Plan.**

- 1) **Purpose.** The Final Plan is intended to particularize, refine, and implement the Development Concept Plan and to serve as a complete, thorough, and permanent public record of the planned development and the manner in which it is to be developed.
- 2) **Application.** Subject to an extension of time granted by the Village Administrator pursuant to Section 15-1.12 of this Code, within one (1) year after the date of approval of the Development Concept Plan, the applicant shall file an application for Final Plan approval in accordance with the requirements of Section 16-1 of this Code. The application may include the entire area included in the approved Development Concept Plan or one or more stages or units thereof in accordance with the staging plan, if any, approved as part of the Development Concept Plan. The application shall refine, implement, and be in substantial conformity with the approved Development Concept Plan and at a minimum shall include, where applicable, the following
 - i) A land use application;
 - ii) Proof of ownership;
 - iii) Property Owner's authorization;
 - iv) Narrative;
 - v) Plat of Survey;
 - vi) Site Plan;
 - vii) Elevations of proposed structures;
 - viii) Final Civil Engineering Plans;
 - ix) Trees survey by a certified arborist;
 - x) Landscape plan;
 - xi) Lighting Plan;
 - xii) Traffic study;
 - xiii) Fiscal impact analysis;
 - xiv) Sign plans; and
 - xv) Aerial photograph of site and surrounding area.

Article 16-13.4(f)(2)(viii) remove the term **Preliminary engineering plan** and replace with **Final Civil Engineering Plans** in order include the appropriate application submittal materials

Minutes of the January 13, 2020, Plan Commission Meeting
Page 3 of 5

for Planned Development Final Plans following the approval of a Planned Development Master Plan.

f. Final Plan Following Approval of Master Plan.

- 1) Purpose. The Final Plan is intended to particularize, refine, and implement elements of the Master Plan and to serve as a complete, thorough, and permanent public record of the planned development and the manner in which it is to be developed.
- 2) Application. The applicant shall file an application for Final Plan approval with respect to those elements of the planned development as to which the applicant is seeking final approval. Said application shall be made in accordance with the requirements of Section 16-1 of this Code. The application may include a request for approval of any element of development within the approved Master Plan. The application shall refine, implement, and be in substantial conformity with the approved Master Plan and at a minimum shall include, where applicable, the following:
 - i) A land use application;
 - ii) Proof of ownership;
 - iii) Property Owner's authorization;
 - iv) Narrative;
 - v) Plat of Survey;
 - vi) Site Plan;
 - vii) Elevations of proposed structures;
 - viii) Final Civil Engineering Plans;
 - ix) Trees survey by a certified arborist;
 - x) Landscape plan;
 - xi) Lighting Plan;
 - xii) Traffic study;
 - xiii) Fiscal impact analysis;
 - xiv) Sign plans; and
 - xv) Aerial photograph of site and surrounding area.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Pyter, Steffe

Nays: None

Absent: Schultz

PC 20-02 Village of Libertyville, Applicant

Request is for a Text Amendment a Text Amendment to Articles 5 and 14 of the Libertyville Zoning Code relating to Limitations Upon Location of Specified Uses.

Minutes of the January 13, 2020, Plan Commission Meeting
Page 4 of 5

Mr. David Smith, Senior Planner, introduced the proposed text amendment. He stated that prior to 2005, the Village Board adopted Ordinance No. 05-O-77, which modified Section 5-2.4 of the Zoning Code (Use Limitations) for the C-1, Downtown Core Commercial District. He stated that prior to the adoption of the 2005 amendment, this section of the Zoning Code provided that:

No office use located at street level shall be permitted in the C-1 Commercial District if, either individually or in combination with any other office uses in the C-1 Downtown Core Commercial District, such use occupies more than ten percent (10%) of the total street frontage in the C-1 Downtown Core Commercial District, not including the street frontage of parking area, lots and structure.

Mr. David Pardys, Village Attorney, stated that in recognition of the fact that the retention of retail uses at street level along Milwaukee Avenue within the C-1 Downtown Commercial District is of crucial importance to maintaining the vitality and viability of that District, the Village Board amended Sections 5-2.2 and 5-2.4(c) to expand and better define the uses subject to this restriction and to create a more balanced means of applying the rule.

Mr. Pardys stated that the 2005 amendment prohibited the designated uses (marked by an asterisk in Section 5.2.2 of the Zoning Code) from occupying the front 35 feet of any first floor space within a building with street frontage on Milwaukee Avenue and further provided that no more than 25% of the gross first-floor area of such buildings can be occupied by such uses.

Mr. Pardys stated that the amendment also provided that any use which was in violation of this section as of the date of the adoption of the amendment could continue to occupy its space, in accordance with the rules pertaining to non-conformities, provided that in the event that an otherwise prohibited use of such space would need to conform to the restrictions of the amendment in the event that the use was terminated or abandoned for a period of greater than 180 days.

Mr. Pardys stated that Ordinance No. 05-O-77 amended Section 16-8.5 of the Code (authorized variations) to allow for variations to be granted to these newly adopted rules pursuant to the standards required for variations under Article 16.

Mr. Pardys stated that the adoption of the Code amendments in 2005 have been critical to the success of maintaining the vitality of Libertyville's downtown retail corridor. He stated that Staff has been made aware, however, of certain difficulties which property owners within the C-1 District have had in finding retail tenants in buildings which were occupied by both retail and non-retail tenants at the time of the 2005 amendment. He stated that because of these difficulties, Staff has proposed a text amendment that seeks to address this issue by allowing a demised unit within a building which has been continuously occupied since the adoption of the amendment in 2005 by a use which would otherwise be prohibited, to expand that use into immediately adjacent space within the same building. Mr. Pardys stated that the proposed amendment further provides that following such expansion, the total floor area of otherwise prohibited uses within the building cannot exceed the total floor area of such prohibited uses which existed within the building as of the date of the adoption of Ordinance No. 05-O-77.

Minutes of the January 13, 2020, Plan Commission Meeting
Page 5 of 5

Chairman Moore asked if Libertyville MainStreet or the Economic Development Commission has been made aware of this proposed Zoning Code Text Amendment.

Mr. Smith stated that both MainStreet and Economic Development Commission have not been made aware of the proposed text amendment.

Chairman Moore stated that if this item is continued to next month for further deliberation by the Plan Commission that it may better serve the discussion if a visual exhibit is presented in order to help clarify the proposed amendment.

Commissioner Pyter asked if this proposal came about because of any particular commercial building owner complaints.

Mr. Pardys stated that the proposed text amendment is crafted so that it is limited and focused.

Commissioner Pyter asked if this amendment would harm the retail establishments in the C-1 District. Mr. Pardys stated that it is not anticipated to cause a negative impact on the existing retail establishments in the C-1 District.

Chairman Moore stated that this proposal should be continued to February so that Libertyville MainStreet and the Economic Development Commission has an opportunity to give feedback before the Plan Commission gives their recommendation.

In the matter of PC 20-02, Commissioner Pyter moved, seconded by Commissioner Steffe, to continue this item to the February 10, 2020, Plan Commission meeting.

Motion carried 6 - 0.

Ayes: Moore, Flores, Krummick, Oakley, Pyter, Steffe
Nays: None
Absent: Schultz

STAFF COMMUNICATIONS AND DISCUSSION: None.

Commissioner Flores moved, seconded by Commissioner Steffe, to adjourn the Plan Commission meeting.

Motion carried 6 - 0.

Meeting adjourned at 7:55 p.m.