

**MINUTES OF THE PLAN COMMISSION**  
**January 25, 2021**

The regular meeting of the Plan Commission was conducted virtually due to public health concerns and called to order by Chairman Mark Moore at 7:09 p.m.

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

Plan Commission Members absent: None.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; Chris Sandine, Associate Planner; and Jeff Cooper, Village Engineer.

Commissioner Steffe moved, seconded by Commissioner Flores, to approve the January 11, 2021, Plan Commission meeting minutes.

Motion carried 7 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**PC 21-01      4th Street Broadway, LLC, Applicant  
                  232 Fourth Street**

**Request is for an Amendment to the Zoning Map of the Village of Libertyville in order to rezone property from O-1, Professional Services Office District to R-7, Single Family Attached Residential District for property located in the O-1, Professional Services Office District at 232 Fourth Street.**

**PC 21-02      4th Street Broadway, LLC, Applicant  
                  232 Fourth Street**

**Request is for a Text Amendment to the Libertyville Zoning Code Article 4, Part C, Table 4-1 and Article 16, Table 16-1 regarding Minimum Lot Area required for Planned Developments in the R-7, Single Family Attached Residential Districts and R-8, Multiple Family Residential Districts.**

**PC 21-03      4th Street Broadway, LLC, Applicant  
                  232 Fourth Street**

**Request is for a Special Use Permit for a Planned Development in order to develop a single family attached residential development for property located in an O-1, Professional Services Office District at 232 Fourth Street.**

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**PC 21-04      4th Street Broadway, LLC, Applicant**  
**232 Fourth Street**

**Request is for a Planned Development Concept Plan in order to develop a single family attached residential development for property located in an O-1, Professional Services Office District at 232 Fourth Street.**

Mr. David Smith, Senior Planner, introduced the requests by the applicant. Mr. Smith stated that the applicant is seeking approval for a Zoning Code text amendment that would reduce the minimum required amount of land area for a Planned Development in the R-7 and R-8 residential zoning districts. He stated that the applicant is seeking approval to rezone the subject property from O-1 office district to R-7 residential district. He stated that the applicant is also seeking a Special Use Permit for a Planned Development and a Planned Development Concept Plan in order to construct seven townhomes on the subject property. He stated that only after the applicant obtains approval from the Village Board for their Planned Development Concept Plan they will then need to come back to the Plan Commission for the Planned Development Final Plan.

Mr. Bernard Citron, legal counsel and agent representing the applicant, stated that their townhome proposal is a plan that should fit well within the neighboring area. He stated that the Libertyville 2030 Comprehensive Plan indicates that the proposed land use fits within the designated future land use map. He stated that the current land use and O-1 zoning for the subject site is out of place for the area today. He stated that the surrounding zoning ranges from R-6 to R-8 so therefore the proposal to rezone the subject property to R-7 is commensurate with the surrounding area. He stated that they are proposing a seven unit single family attached residential development.

Mr. Citron stated that the proposed text amendment that would reduce the minimum required land area will promote the necessary flexibility for these types of developments. He stated that these types of parcels are generally smaller which justifies the Planned Development. He stated that the seven proposed townhome units will each have garage parking in addition to a smaller detached garage and five outdoor guest parking spaces. He stated that they are eliminate one of the two existing curb cuts out onto the street. He stated that having only one curb cut is more than sufficient for seven dwelling units. He stated that one of the proposed units will be an attainable/affordable dwelling unit.

Mr. Steve Francis, Principal Architect, Linden Group Architects, 10100 Orland Parkway, Orland Park, Illinois, speaking on behalf of the petitioner, presented specifics about the proposed plan. He stated that the subject property is located at the southeast corner of Fourth Street and Broadway Street. He stated that they are proposing two residential buildings, one building will contain three units and the other building will contain four units. He stated that the three dwelling units to the west will include the attainable unit. He stated that the common access drive along the south of the townhome buildings will service the townhome garages, outdoor guest parking and the smaller detached two-car garage. He stated that six townhome units will have a two-car garage and the attainable dwelling unit will have a one car garage. He stated that the overall parcel size is 0.53 acres.

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Mr. Francis introduced the landscape plan to the Plan Commission. He stated that the landscaping will be enhanced and the invasive tree species will be taken out. He stated that substantial foundation plantings and screening plantings will be included along the south and east property lines. He stated that a new fence is proposed along the south property line.

Mr. Francis introduced the proposed townhome building architectural elevations and stated that they will be three stories in height. He stated that the dwellings will be either two or three bedroom units. He stated that the east end unit will be side loaded so that the entrance faces Fourth Street. He stated that the exterior building façade materials are maintenance free. He introduced the floor plans for the townhome units. He stated that the townhome structures are three stories with a sloped roof making an overall height of 36 feet. He stated that it is understood that the height going above 32 feet increases the minimum required setbacks per the Zoning Code. He stated that they did present the same building but with a flat roof that met the 32 foot height limitation thus not requiring the increase in the minimum required setbacks however the reaction from Village Staff and the Mayor indicated that the sloped roof design was preferred. He stated that the pitched roof design is more traditional and it seemed to garner more preference than the flat roof design and seemed to be more compatible with the neighborhood.

Mr. Tim Doron, Senior Traffic Consultant at Fish Transportation Group, Inc., 1800 Des Plaines Ave., Forest Park, IL., transportation engineer consultant on behalf of the petitioner, stated that he studied the area and wanted to make sure that the site plan geometrics will work for vehicles entering and exiting. He stated that they have also identified off-site parking availability for guests along Fourth and Broadway. He stated that the proposed on-site five (5) guest parking spaces are plentiful for the development. He stated that the streets are virtually empty after 5:00 p.m. He stated that they agree with the Civiltech memo as it relates to the geometrics of the site. He stated that they used a 19' by 9' design vehicle in their geometric study in order to determine that vehicles can enter and the exit the site. He stated that they also studied the geometrics for a garbage truck for pulling in and backing out as well as backing in and pulling out. He stated that they discussed garbage pick-up methods with Groot and they were informed by Groot that once the development was constructed they would review the site and then determine what is the best method for garbage pick-up.

Mr. Citron stated that they have seven (7) more parking spaces on site that the minimum required number of parking.

Mr. Doron stated that the proposed number of parking spaces are more than sufficient. He stated that the impact upon traffic will be far less than what the current credit union use at this site imposes. He stated that guest parking in the street is very typical as well even though overnight parking on the street is prohibited. Mr. Doron stated in response to Village Staff's suggestion of providing a secondary access point out onto Broadway is not necessary. He stated that the traffic volumes will be very low and that consideration should be given to a more pedestrian friendly site design in lieu of a secondary vehicular access point.

Mr. Doron stated their auto-turn studies indicated that all of the townhome garages can be accessed adequately by vehicles. He stated that the furthest west space in the first unit on the west end of the development may require a vehicle to pull in/back up and then pull in again in order to access

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its garage if there is a vehicle already in the two-car garage. He stated that their auto-turn study utilized a 7 feet wide by 19 feet long vehicle model.

Mr. Mike Walker, 228 North Fourth Street, stated that he lives next door to the proposed development but his property is currently zoned commercial. He asked if the development changes to a residential zoning then how would it affect his property.

Mr. John Spoden, Director of Community Development, stated that Mr. Walker's property is not part of the application by 4th Street Broadway, LLC. He stated that it was Staff's concern that if the applicant's proposal is rezoned to residential next to Mr. Walker's property which is zoned O-1 then Staff would approach Mr. Walker to see if he is interested in having his property zoned to residential.

Mr. Walker asked what the property tax implications would be if his property were to be zoned from commercial to residential. Mr. Spoden stated that they would research the answer for that question.

Mr. Walker stated that he is concerned about how a new townhome development will obstruct his view from his property. He stated that he will be selling his property at some point in time and suggested that the developer could look at it to see if his property could be combined into the proposed development somehow.

Mr. Citron stated that Mr. Walker's property would not be economically beneficial to their plan as it would not enable them to increase the residential density of their project.

Chairman Moore stated that the acquisition of Mr. Walker's property would help to reduce the impervious surface.

Mr. Citron stated that they have adjusted the garage stall dimensions in response to the Staff review comments.

Chairman Moore asked the applicant to respond to the Staff review comment regarding the parking lot landscape screening. Mr. Citron stated that they will work with Staff in order to determine the appropriate landscape plan changes.

Mr. Steve Spinell, applicant, stated that they would also be willing to install a fence along the east end of the site in lieu of landscaping.

Commissioner Oakley stated if the developer were able to acquire Mr. Walker's property it will enhance the proposed development. He stated that he is concerned about the proposed height of the townhome units and as to whether this is a variation or not.

Mr. Spoden stated that they are allowed to go up to 37 feet in height but when the structures exceed 32 feet in height then the setback requirements are increased. He stated that since this is a Planned Development any variations are considered deviations from the code, not variations. He stated

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that Staff had given the developer preliminary feedback previously indicating that a sloped roof is preferable over flat roofs.

Mr. Citron stated that there is at least a 38 foot separation between the proposed townhome locations and Mr. Walker's home.

Commissioner Oakley stated that he would be interested in understanding how the proposed development will impact the property values and property taxes on Mr. Walker's property.

Mr. Citron stated that when the assessor assesses property values for property taxation purposes they do not base it upon the underlying zoning but on the land use itself. He stated that if Mr. Walker agrees to have his property rezoned from O-1 to R-7 it will not change what he pays in property taxes. He stated that if it is a vacant parcel of land then the taxation amount would be contingent upon the underlying zoning.

Mr. Citron stated that the proposed residential development will produce less traffic than what the current land use produces.

Commissioner Flores asked how the space will be used between the two townhome structures. Mr. Citron stated that this area will just be grass with some plantings. He stated that as a design consideration they believed that it would be better to separate the units into two buildings and encroaching in the minimum required setbacks instead of having a single longer line of seven (7) buildings facing Broadway.

Commissioner Flores stated that she is concerned about the proposed height of the townhome units.

Mr. Smith explained the Zoning Code regulations for setbacks impacted by an increase in the height of the structure.

Commissioner Flores asked if the proposed development complies with the minimum required setback from the side property line that abuts Mr. Walker's property. Mr. Smith stated that the proposed development would comply with the side yard setback from the property line that abuts Mr. Walker's property to the south.

Commissioner Flores stated that the design of the proposed development seems tight and is concerned that vehicles will have some difficulty accessing the first garage of the furthest west townhome.

Mr. Spinell stated that their consultants have studied the site and have no issues with traffic entering and exiting the site. He stated that there is ample maneuvering space on site for vehicles and garbage trucks. He stated that they have developed hundreds of developments with alley ways or driveways that access garages over the past 25 to 30 years in various communities and have never had a an issue of vehicles turning into the garages or getting in and out of these types of units.

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Mr. Spinell stated that he has reached out to Mr. Walker in the past but that their conversations had not reached any resolution.

Commissioner Flores asked if consideration could be given to creating access to the existing alley located to the south of the site.

Mr. Spinell stated that he had not considered accessing the alley to the south.

Commissioner Flores stated that consideration should be given to creating another way out due to the tight site plan design.

Mr. Doron stated that the anticipated traffic volumes produced the proposed development will be very small. He stated that garbage trucks accessing the site will only be once a week events. He stated that if a vehicle needs to enter from Fourth Street and the garbage truck is existing, the entering vehicle can be made to wait until the garbage truck exits.

Commissioner Pyter inquired about the adjacent alley ownership. Mr. Spoden stated that it is a publicly owned alley.

Commissioner Pyter asked if there is an opportunity to connect to the existing alley. Mr. Citron stated that there is no intention to connect to the existing public alley at this time.

Commissioner Pyter stated that he is concerned about the ability of vehicles to enter into the proposed townhome garages as currently designed. He asked if there are any existing garages that are accessed from the north-south oriented alley. Mr. Citron stated that they did not review the existing garage along the north-south oriented alley because their proposal does not provide access from the alley.

Mr. Citron stated that six of their seven proposed townhome garage spaces are 10 feet by 20 feet in dimensions and will be able to accommodate vehicles accessing them.

Commissioner Pyter stated that the proposed garages are not very large and is still concerned about vehicles being able to get in and out of them.

Commissioner Pyter asked about the purpose of the small islands located just outside of the townhome garage doors. Mr. Spoden stated that the applicant is proposing to locate the air conditioning units on those islands.

Commissioner Pyter stated that he is concerned that the air conditioning units may impede vehicular access into the garages.

Mr. Spinell stated that they have built many similar townhome developments with the air conditioning units located between the garage aprons and have never had any issues with vehicles accessing the garages.

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Commissioner Pyter stated that he would support a one-way driveway through the site. He stated that the existing alley to the south would seem to provide unencumbered traffic flow and that consideration should be given to providing access to the existing alley from the proposed development.

Mr. Spinell stated that the existing alley provides access to the garages of the homes that front Fourth Street and those residents have had no trouble getting in and out of their garages that back up to the existing alley which is a similar condition proposed in their development with the proposed private drive providing access to the proposed townhome garages.

Commissioner Pyter asked if any of the proposed garages will provide service doors. Mr. Spinell stated that they are not including service doors on the townhome garages but there will be a service door on the proposed detached garage.

Commissioner Pyter stated that he supports the land use of developing townhomes for this property but believes the parcel is too small for the proposed density. He stated that consideration should be given to removing the proposed detached garage and if the developer is able to acquire the adjacent single family home it will benefit the development.

Commissioner Schultz asked what the purpose is for the proposed detached garage. Mr. Spinell stated that there may be renters in the development with more than two cars and the detached garage could provide additional rental income. Mr. Spinell stated that two separate renters can have access to the detached garage by utilizing two separate garage door openers.

Commissioner Schultz asked where trash will be picked up and contained. Mr. Spinell stated that the trash will be contained in each garage. He stated that on trash pick-up day the residents of the dwellings will bring their trash receptacles outside of the their garage doors, the garbage truck will back into the site to pick up the trash then pull out.

Commissioner Schultz asked if there will be any type of communal trash receptacle location on site. Mr. Spinell stated that there is not a communal trash location proposed.

Mr. Spoden stated that the Village is concerned about the garbage trucks backing in and out of the site. He stated that it is preferable that the residents walk their trash bins out to the public right of way.

Mr. Tim Doron stated that Groot waste management company stated to him that it was not untypical for the garbage truck to back into a site like this and then pull back out onto the street after picking up garbage.

Commissioner Schultz stated that he would like to see the townhome garage sizes to be increased. He stated that he would like to see the petitioner give consideration to tying into the existing alley way in order to make it easier to get into and out of the site. He stated that he supports the number of parking spaces, height of the units and the architecture looks nice.

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Commissioner Steffe asked for clarification about the maintenance responsibilities of the Home Owner's Association. Mr. Spinell stated that all of the units will be rental, not owner occupied. He stated that 4<sup>th</sup> Street Broadway LLC will be responsible for landscaping, snow removal, and exterior maintenance throughout the property.

Commissioner Steffe asked about snow removal. Mr. Steffe stated that plowed snow can be placed south of the south row of outdoor parking spaces or plowed out to the street. Mr. Spoden stated that the Village does not allow snow to be plowed out onto the street.

Commissioner Steffe stated that he supports the land use but feels that it is too dense and that consideration should be given to connecting vehicular access to the alley.

Commissioner Krummick stated that the Village denied a similar development located near Stewart and Florence Court. He stated that the proposed development here at Fourth and Broadway is too dense. He stated that the current existing financial institution land use is a viable land use and consideration should be given to keeping it.

Mr. Spinell stated that his firm initially contemplated developing his office at this location but the Village was studying this site through their Comprehensive Plan update process and determined that the appropriate land use should be residential. He stated that the Village of Libertyville has undergone a substantial number of tear downs because the Village is a desirable place to live. He stated that their residential development proposal for this site is creating substantial value.

Chairman Moore stated that the proposed townhome development land use is consistent with the Comprehensive Plan. He stated that the site plan design should not incorporate air conditioning ground units on the east or west ends of the buildings and that they should be screened.

Mr. Spoden stated that when Parkside Townhome subdivision was developed they addressed the A/C unit screening question by installing fencing at the ends of the buildings.

Chairman Moore asked about the disposition of whether an HOA should be required or not. Mr. Citron stated that the proposed dwelling units are intended to be rental and an HOA would not be practical.

Ms. Brooke Lenneman, Village Attorney, stated that an HOA should not be a concern unless the rentals are converted to owner-occupied units.

Chairman Moore stated that he is concerned about the proposed text amendment to reduce the minimum required land area for a Planned Development. He stated that he is concerned about the proposed density. He stated that it would be a good idea to connect to the existing alleyway. He stated that he is not supportive of the change to the Planned Development land area change to the Code and not supportive of the proposed density.

Mr. Spinell stated that he concurs with the request to continue their petition to the March 2021 Plan Commission meeting.



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*In the matters of PC 21-01 through PC 21-04, Commissioner Pyter moved, seconded by Commissioner Steffe, to continue these items to the March 15, 2021, Plan Commission meeting.*

*Motion carried 7 - 0.*

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

**STAFF COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, stated that the Village has now incorporated the Zoning Code into the Municipal Code.

Commissioner Oakley moved, seconded by Commissioner Pyter, to adjourn the Plan Commission meeting.

Motion carried 7 - 0.

Meeting adjourned at 8:56 p.m.