

MINUTES OF THE PLAN COMMISSION
March 12, 2018

The regular meeting of the Plan Commission was called to order by Vice Chairman Kurt Schultz at 7:02 p.m. at the Village Hall.

Members present: Vice Chairman Kurt Schultz, Amy Flores, Matthew Krummick, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: Chairman Mark Moore.

A quorum was established.

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

OLD BUSINESS:

PC 18-01 Village of Libertyville, Applicant

Request is for Text Amendments to various sections of the Libertyville Zoning Code in order to address regulations regarding impervious surfaces.

In the matter of PC 18-01, Commissioner Pyter moved, seconded by Commissioner Steffe, to continue this item to the April 23, 2018, Plan Commission meeting.

Motion carried 6 - 0.

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

Nays: None

Absent: Moore

NEW BUSINESS:

**PC 18-03 Matthew and Shanna Sokolowske, Applicants
939 and 941 Sandstone Drive**

Request is for an Amendment to a Resolution No. 04-R-12, approving a Preliminary and Final Plat of Subdivision that subdivided a parcel of land into two lots on approximately 31,129 square feet, in order to remove conditions 4, 5, and 6 for property located in an R-4, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the request to amend Resolution No. 04-R-12 approving a Preliminary and Final Plat of Subdivision for 941 Sandstone Drive, in order to remove conditions for approval relative to tree preservation, driveway location, and future variation requests for property located in an R-4, Single Family Residential District.

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Mr. Smith stated that in 2004, the subject 31,000 square foot site was subdivided into two lots, each in excess of 15,000 square feet and each large enough to be compliant with the minimum required lot size for the R-4, Single Family Residential District. He stated that the subject site is located at the northwest corner of the Manor Court cul-de-sac and Sandstone Drive. He stated that that Village Board approved the Final Plat of Subdivision with the following stipulations: (1) listed as number four (4) in the resolution, "That all trees outside of the proposed building envelope on both Lots 1 and 2 are preserved"; and (2) listed as number five (5) in the resolution, "That the driveway access to both Lots 1 and 2 be limited to the cul-de-sac bubble portion of Manor Circle"; and (3) listed as number six (6) in the resolution, "No variations shall be applied for or granted for Lots 1 and 2."

Mr. Smith stated that the petitioner is requesting to amend the resolution for the Final Plat in order to have the three stated stipulations removed in order to construct a single family residence on the property located at 941 Sandstone Drive.

Mr. Matt Sokolowske, petitioner, stated that he is requesting that the three conditions as stipulated in the resolution, as outlined in Mr. Smith's introduction, be removed. He stated that there is nothing in writing that explains why these conditions were put in place to begin with. He stated that he is only seeking this change to ensure he has rights equal to neighboring properties. He stated that the remaining trees on site are either dead or are in poor condition. He stated that a number of trees need to be removed in order to do proper grading. He stated that the proposed driveway location on the stem of the cul de sac provides the least amount of impervious surface. He stated that the Village will not support a driveway location directly out to Sandstone Drive and that there is a stormwater and safety concern for the driveway to connect directly to the bubble of the cul-de-sac.

Mr. Sokolowske stated that they will provide substantial landscaping as part of their home building plan. He stated that the other request is a variation from the Subdivision Code in order to waive the public sidewalk or fee in lieu of a public sidewalk requirement. He stated that to installing a public sidewalk would increase the impervious surface. He stated that he is not seeking to set a precedent and that he should not have to pay a fee in lieu of a public sidewalk if the sidewalk would not connect to anything.

Ms. Ellen Cury, 933 Sandstone Drive, stated she purchased her home in October of 2004 and at that time she was unaware of the subdivision that was just approved a few months prior. She stated that she understands the Emerald Ash Borer problem and was disappointed to see some of the trees disappear. She stated that what is remaining on the site is no longer relevant. If the Sokolowske's are offering additional landscaping that would be very good. She stated that she concurs with the Sokolowske's to not be required to put in a new public sidewalk, but does not support the removal of the condition that requires no new variations shall be approved for the site. She stated that she does not want to see the new driveway on the neck of the cul-de-sac due to safety concerns for the children who play there. She stated that she is concerned about how the driveway coming out to the neck of the cul-de-sac will impact the ability of the property owner to install a fence. She stated that she is concerned about how the driveway coming out to the neck of the cul-de-sac will impact the view in the neighborhood. She stated that she believed that the impervious surface is the same in either driveway configuration.

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Mr. Sokolowske stated that he is certain that the impervious surface is substantially less if the driveway can come out directly to the stem of the cul-de-sac.

Ms. Barbara Shafer, 315 Minear, stated she has reviewed a certain number of historical documents dating back to 2004 relative to this site and the surrounding area. She stated that before the subject site was subdivided into two lots there was once a single story house on the property. She stated that she read from previous testimonies that the intent of the area was to provide for larger wooded lots in the area. She stated that after the property was subdivided that a substantial number of trees were cut down just so the property owner could sell the lot. She stated that meeting minutes from a prior board meeting held in 2004 indicated that the architect for the Tunncliff house proposed for 939 Sandstone testified that a very small number of trees would be removed from within the building envelopes of both lots.

Ms. Shafer stated that it is her hope that when 941 Sandstone is developed that the spirit of the resolution be considered when the owner installs new landscaping. She stated that the driveway should not access onto the neck of the cul-de-sac. She stated that the resolution seemed to be very unusual.

Mr. Sokolowske stated that it is his intent to deal with the facts, not with the spirit of the intent. He stated that it is his intent to comply with that codes and regulations as they are written.

Ms. Shanna Sokolowske, petitioner, stated that it is important to note that Sandstone Drive has a curve in the street in front of their home which impacts the shape of their lot.

Mr. Sokolowske stated that it is his understanding that these conditions to this particular resolution have never been stipulated before or after the adoption of this resolution.

Ms. Sally Bauer, 1007 Sandstone Drive, stated that she is concerned about the water problems in the area. She stated that the applicant should abide by the restrictions. She stated that when the Tunncliff house was constructed at 939 Sandstone Drive an underground stream was interrupted which caused flood problems.

Mr. Steve Culver, 236 East Ellis Avenue, stated that he is concerned about the water.

Ms. Susan Kelly, 945 Sandstone Drive, stated that although the neighborhood is woody, the proposed removal of the remaining trees on 941 Sandstone Dr. is justified. She stated that the applicant should try to restore the trees as much as possible and provide screening around their house. She stated that she does not have a strong opinion about the driveway location but that the restriction should be honored. She stated that the restriction on variations should be kept as well.

Mr. John Spoden, Director of Community Development, stated that the fee in lieu of the public sidewalk requirement shall require a variation from the Subdivision Code.

Ms. Shafer stated that she supports the spirit of the tree removal restriction in the resolution with the understanding that if the remaining trees are removed that an appropriate tree replacement

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should take place. She stated that she is still concerned about the area's storm water management.

Mr. Dan Ginnetti, 939 Sandstone Drive, stated that the remaining trees on the 941 Sandstone lot are beyond keeping at this point. He stated that the restriction on the trees that were meant to be kept was not enforced. He stated that Mr. Sokolowske should be allowed to improve the lot. He stated that he does not care about the location of the driveway.

Ms. Kelly Richter, 249 East Ellis Avenue, stated that the water problems along East Ellis Avenue seem to be well documented.

Ms. Coury stated that she is the resolution should be honored. She stated that the applicant would not have the opportunity to appear before the Plan Commission if it wasn't for the resolution.

Commissioner Oakley stated that there have been water problems in this area for quite some time. He stated that change is inevitable but he does not support the lifting of the stipulations in the resolution.

Commissioner Flores stated that the remaining trees on the 941 Sandstone lot are not pretty. She stated that she supports the removal of condition number four (4) regarding the trees. She stated that she didn't understand why the stipulation was put in place to require the driveway placement to be on the cul-de-sac bubble. She stated that the neighboring cul-de-sac has been developed to allow the driveways on the corner lots to access directly onto Sandstone Drive with the other two lots accessing directly onto their cul-de-sac bubble.

Commissioner Flores stated that regarding the variation restriction, it is important to honor what was put in place in the resolution in 2004 but the Plan Commission at that time was working with a different set of rules and circumstances. She stated that it should be the Zoning Board of Appeal's responsibility to hear Variation cases and make recommendations up to the Village Board. She stated that she supports the removal of the stipulation that restricts Variation applications for the subject property.

Commissioner Steffe stated that the good trees have already been removed. He stated that he supports the removal of stipulations numbered four (4) regarding the trees and six (6) regarding the restriction on future variations as this seems unfair.

Commissioner Krummick asked where Ms. Coury's driveway is located. Ms. Coury stated that the driveway connects at both the bubble portion and the stem portion of the cul-de-sac.

Commissioner Krummick stated that he supports the removal of stipulations numbered five (5) regarding the driveway location and six (6) regarding the restriction on future variations. He stated that the issues seemed to have evolved since 2004 and that the more prominent concern for the area is the storm water management.

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Commissioner Pyter stated that he supports the removal of all three stipulations as requested by the applicant. He stated that putting the driveway entrance on the bubble may make it too close to the existing driveway for 939 Sandstone. He stated that he supports the driveway placement in a location that has the least amount of impact on neighboring properties. He stated that it does not seem fair to stipulate that the homeowner could not request variations in the future.

Mr. Sokolowske stated that he had an extensive discussion with Village Staff as to what defines the cul-de-sac bubble. He stated that they proposed the driveway entrance as close to the bubble as they thought would be practical.

Commissioner Flores stated that the area to maneuver vehicles in and out of the driveways within the bubble appeared to be challenging.

Mr. Sokolowske stated that installing their drive entrance onto the bubble would cause potential vehicular movement conflicts with other vehicles and the cul-de-sac bubble's center island.

Commissioner Pyter asked for clarification as to the extent of last summer's flooding events.

Ms. Kelly stated that there is an overland storm water flow pattern from Ellis Avenue. She stated that during July the overland stormwater created two streams that ran around both sides of her house towards Lake Minear. She stated that in addition to the storm water flooding problems, there was a sanitary sewer eruption that caused additional problems for them as well.

Mr. Mike Kelly showed videos of the storm water from his iPhone to the Plan Commission.

Mr. James Ramaker, 942 Sandstone Drive, stated that there have been water problems in this area for quite some time.

Mr. Rod Gerber, 320 Minear, stated that the Village should consider an Anonymous Tip Phone Line so that neighbors can call in to report problems in the neighborhood.

Commissioner Pyter asked the petitioner about the planning for the appropriate on site storm water management. Mr. Sokolowske stated that they have been working with Village Staff regarding the development of the Civil Engineering Plans and will continue to do so. He stated that the topographical low point on the property will lie between the house and the Sandstone Drive right of way.

Commissioner Pyter stated that he supports the petitioner's request to not install a public sidewalk.

Vice Chairman Schultz stated that he supports the removal of stipulations numbered four (4) regarding the tree preservation and six (6) regarding the no future variations. He stated that he realizes how forested the lot was before, but they have to deal with the conditions that are on the lot now. He stated that the petitioner should consider a driveway location that mirrors or is similar to Ms. Coury's driveway and be located where the bubble and the stem of the cul de sac meet.

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Vice Chairman Schultz asked the petitioner how he would like for the Plan Commission to proceed. Mr. Sokolowske stated that they are ready for the Plan Commission's recommendation to the Village Board.

Mr. Spoden stated that consideration should be given to removing Staff recommendation conditions one (1) and two (2) regarding PC 18-03(1) relative to the Tree Preservation Ordinance. He stated that if this were a new subdivision proposed today, Village Staff would require a tree survey of all trees 6 inches dbh or greater, but since it is an existing lot in the Village, Staff would require the preservation of trees that are 18 inches or greater. He stated that the remaining trees on the site would not qualify for preservation in accordance to the ordinance.

Commissioner Oakley stated that consideration should be given to providing additional landscaping along the north side of the subject property.

Mr. Sokolowske stated that there is a substantial amount of vegetation located at the northwestern area of the lot.

Commissioner Oakley asked for clarification as to the purpose of the chain linked fence shown on the plans. Mr. Sokolowske stated that the chain link fence shown on the plans is intended for tree preservation. He stated that all of the existing trees on the north side of the property are intended to be kept.

Commissioner Pyter stated that it is his understanding that the public sidewalk is a Village Board issue. He asked if the Plan Commission is required to make a recommendation to the Village Board.

Mr. Spoden stated that the Plan Commission is not required to make a recommendation to the Village Board regarding the public sidewalk.

In the matter of PC 18-03.1), Commissioner Flores moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve an Amendment to Resolution No. 04-R-12 in order to remove Section Three, Number Four (4) which states: (4) That all trees outside of the proposed building envelope on both Lots 1 and 2 are preserved., subject to the following conditions:

- 1. Tree Replacement plan shall be incorporated into a Landscape Tree Plan subject to review and approval by Staff as part of the Building Permit application process.*
- 2. Tree tagged #2035 that was removed in error located within the building envelope of the vacant lot addressed as 941 Sandstone Drive shall be replaced with four new 2.5" diameter trees of approved species in addition to the other proposed new trees required for replacement in accordance the Village's Tree Preservation Ordinance and shown as such in the requested landscape plan.*

Motion carried 6 - 0.

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

In the matter of PC 18-03.2), Commissioner Krummick moved, seconded by Commissioner Flores, to recommend the Village Board of Trustees approve an Amendment to Resolution No. 04-R-12 in order to remove Section Three, Number Five (5) which states: (5) That driveway access to both Lots 1 and 2 be limited to the cul-de-sac bubble portion of Manor Circle., in accordance with the plans submitted.

Motion carried 5 - 1.

Ayes: Schultz, Flores, Krummick, Pyter, Steffe
Nays: Oakley
Absent: Moore

In the matter of PC 18-03.3), Commissioner Krummick moved, seconded by Commissioner Pyter, to recommend the Village Board of Trustees approve an Amendment to Resolution No. 04-R-12, in order to remove Section Three, Number Six (6) which states: (6) No variations shall be applied for or granted for Lots 1 and 2., in accordance with the plans submitted.

Motion carried 6 - 0.

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

STAFF COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, announced that the Plan Commission will not meet on March 19, 2018. The next meeting will be scheduled for April 9, 2018.

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

Motion carried 6 - 0.

Meeting adjourned at 8:50 p.m.