

MINUTES OF THE PLAN COMMISSION
April 23, 2018

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:08 p.m. at the Village Hall.

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

Members absent: Matthew Krummick.

A quorum was established.

Village Staff present: David Smith, Senior Planner; and Jeff Cooper, Village Engineer.

Commissioner Schultz moved, seconded by Commissioner Flores, to approve the April 9, 2018, Plan Commission meeting minutes.

Motion carried 6 - 0.

NEW BUSINESS:

**PC 18-04 Lingle Design Group, Applicant
 1417 Peterson Road**

Request is for an Amendment to the Planned Development Final Plan for the Butterfield Square Shopping Center in order to remodel an existing McDonald's restaurant, including new signage and a change to the exterior facade of the building, located in a C-4, Shopping Center Commercial District.

Mr. David Smith, Senior Planner, introduced the request by the petitioner to Amend the Butterfield Square Shopping Center Planned Development Final Plan. Mr. Smith stated that the petitioner, Lingle Design Group on behalf of the McDonald's Corporation, is requesting approval for an Amendment to the Planned Development Final Plan in order to allow exterior renovation of an existing McDonald's restaurant building located in the Butterfield Square Shopping Center, a Planned Development located in a C-4, Shopping Center Commercial District at 1417 Peterson Road.

Mr. Smith stated that the applicant is proposing to remodel the existing exterior facade to reflect a more current McDonald's core design. Mr. Smith stated that the proposed scope of work will not increase the building's current footprint on the property.

Mr. Smith stated that the Village Board approved the Planned Development of the Butterfield Square Shopping Center and Planned Development Concept Plan in January of 1996 with an architectural design motif referred to as 'Old World'. Mr. Smith stated that this motif was reflected in the shopping center exterior facade and roof lines utilizing wood, stucco and brick

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throughout its design. Mr. Smith stated that the Planned Development Final Plan for the shopping center's principal building and the McDonald's outlot was approved in April of 1996.

Mr. Smith stated that the McDonald's restaurant was constructed utilizing the 'Old World' architectural design in 1996 in accordance to the requirements of the approved Butterfield Square Shopping Center Planned Development.

Mr. Smith stated that the McDonald's at this location was approved as part of the Butterfield Square Shopping Center Planned Development Final Plan. He stated that due to the proposed changes to the existing design as part of the 'Old World' architectural theme, an application for an Amendment to the Planned Development Final Plan shall be required.

Mr. Joe Kerchner, Lingle Design Group, architect and agent for the petitioner, stated that in addition to the changes to the exterior facade of the restaurant building, the proposal includes the upgrade replacements for the drive-thru menu boards, updating any of the ADA required improvements, as well as an interior remodel.

Commissioner Oakley asked the petitioner if he is in agreement with the Staff review comments found in the DRC Staff report. Mr. Kerchner stated that he agrees.

Commissioner Steffe asked the petitioner for clarification as to whether or not there are any other conditions or covenants that McDonald's is responsible for being in compliance with relative to the Butterfield Square Shopping Center. Mr. Kerchner stated that he is not aware of what is required relative to the other buildings. He stated that they are in the process of working out being in compliance with the planned development's CCR's.

Mr. Smith stated that the applicant will need to acquire authorization from the ownership of the other parcels located within the Planned Development before final approval by the Village Board.

Mr. David Pardys, Village Attorney, asked if consent from the other property owners within the Planned Development was required with the application. Mr. Smith stated that it is important to obtain authorization from all of the property owners within the Planned Development.

Mr. Pardys stated that he concurs that it would be an appropriate condition for a recommendation for approval at this point.

Commissioner Steffe stated that his biggest concern is that the Planned Development was approved with a certain design in mind. He stated that we would not want to move forward without making sure that the other owners in the shopping center agreed to the changes that McDonald's is proposing.

Mr. Kerchner stated that there are other buildings in the shopping center that have left the 'Old World' design.

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Commissioner Steffe stated that he notes that the application proposal represents current McDonald's corporate design that is being rolled out around the country. He stated that the petition narrative indicated that 99% of the McDonald's locations are going with this design. He asked the petitioner what the other 1% of the McDonald's is doing. Mr. Kerchner stated that the other 1% of the McDonald's stores is doing what is termed 'Special Exteriors'. He stated that there are villages or cities where they might impose certain restrictions as to how certain McDonald's stores are rehabbed, not unlike how the other Libertyville North Milwaukee Avenue McDonald's store was treated in order to maintain its 1950's motif.

Commissioner Pyter asked if any of the existing road signs will change as a part of this petition request. Mr. Kerchner stated that they are not changing those signs.

Commissioner Pyter asked about the proposal to improve the sidewalk connection and as to whether or not it falls under I.D.O.T. jurisdiction. Mr. Kerchner stated that they will obtain a permit from I.D.O.T.

Mr. Jeff Cooper, Village Engineer, stated for clarification that the Village is requesting a Plat of Survey from McDonald's in order to determine if the public sidewalk is on private property and if so, is it covered by a public easement.

Mr. Kerchner stated that they are currently working on obtaining the proper documentation in response to Mr. Cooper's request.

Chairman Moore asked if the Plan Commission has what they need to make a recommendation to the Village Board. Mr. Smith stated that the proper authorization forms should be amended prior to the Village Board taking action on this item.

Chairman Moore asked if owner authorization would need to be 100% of the owners. Mr. Smith stated that it should be from all within the Butterfield Square Shopping Center Planned Development.

Mr. Pardys stated that typically authorization would be unanimous consent or from those affected by development. He stated that this is a design issue then it stands to reason that consent should be unanimous.

Mr. Smith stated that Staff will seek unanimous consent from all owners within the Planned Development before they schedule it for the Village Board agenda.

Mr. Kerchner stated that the proper authorization documentation is currently being worked on. He stated that he needs to verify and check on the status of those efforts.

Chairman Moore suggested that the second condition can read as follows, "Unanimous consent of the property owners within the Butterfield Square Shopping Center Planned Development for the proposed improvements."

Mr. Kerchner stated that he concurs with Chairman Moore's suggestion.

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Chairman Moore asked the petitioner if he is ready for the Plan Commission to give their recommendation. Mr. Kerchner stated that he is ready for the Plan Commission to make their recommendation.

In the matter of PC 18-04, Commissioner Schultz moved, seconded by Commissioner Flores, to recommend the Village Board of Trustees approve an Amendment to the Planned Development Final Plan for the Butterfield Square Shopping Center in order to remodel an existing McDonald's restaurant, including new signage and a change to the exterior facade of the building, located in a C-4, Shopping Center Commercial District, subject to the following conditions:

- 1. To permit one wall sign on the east elevation and one wall sign on the north elevation that do not exceed the approved sign sizes in accordance to the plans approved and referenced in Ordinance No. 07-O-77.*
- 2. Unanimous consent of the property owners within the Butterfield Square Shopping Center Planned Development for the proposed improvements.*

Motion carried 6 - 0.

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

Nays: None

Absent: Krummick

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.

Mr. David Smith, Senior Planner, stated that Staff has presented to the Plan Commission data and recommendations relative to further amending impervious surface regulations in the Zoning Code at their January 8, 2018 and February 12, 2018 meetings. Mr. Smith stated that the following categories were considered at those meetings.

- Review of Building and Lot coverage regulations
- Require setbacks for impervious surfaces on single family homes
- Eliminate reduction in side yard setbacks for undersized lots of record
- Eliminate ribbon driveways
- Further cap maximum lot coverage variation requests

Mr. Smith stated that the Village's current Lot Coverage regulation is exceptionally stringent in the current Code. He stated that because of the Village's aggressive lot coverage regulation they decided that it made more sense to examine the Village's Building Coverage regulation and determine if any Zoning Code changes would be appropriate as it relates to Building Coverage as opposed to the Lot Coverage.

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Mr. Smith reminded the Plan Commission that Building Coverage is the impervious coverage on a lot caused by structures with a roof and that Lot Coverage includes Building Coverage and everything else that is impervious including drives, walks, and any other hardscape elements on the property.

Mr. Smith stated that during the course of the February 12, 2018 meeting, the Plan Commission supported the elimination of ribbon driveways and further reducing the cap on the maximum allowed percentage that the Village Board has the authority to grant variations from 20% to 15% additional lot coverage above the maximum allowed lot coverage for residential districts.

Mr. Smith stated that the Plan Commission did not support the establishment of setbacks for impervious surfaces such as driveways and patios nor did they support changing the section in the Zoning Code relative to reduced side yard setbacks for non-conforming lots in width.

Mr. Smith stated that the Public Works Department is still facilitating the Village Wide Storm Water Management Study.

Mr. Jeff Cooper, Village Engineer, stated that Staff has been meeting with Christopher Burke Engineering on a monthly basis. He stated the study began by identifying the trouble areas in the Village and established 12 project areas that have been subject to substantial flooding. He stated that as of their last meeting they have draft concept plans for each of the 12 study areas. He stated that some of the proposed solutions included large detention areas and installation of storm sewer replacements as needed. He stated that the next step is to examine alternatives as the funding mechanisms are studied. He stated that the goal is to finalize the study in November.

Mr. Smith stated that the Plan Commission requested that Staff further study the current Code requirements for Building Coverage and to supply additional information. Mr. Smith stated that Staff has provided the following additional materials for tonight's discussion:

1. Site Plans of 32 single family homes that have either been constructed, are currently under construction or are under Staff review for permit within the last three (3) years.
2. Updated table indicating both building coverages and lot coverages for those single family homes that have either been constructed, are currently under construction, or are under Staff review for permit within the last three (3) years.
3. List of seven (7) single family properties that were granted lot coverage variations. Staff notes that only one (1) of the seven (7) was the result of new construction for a single family residence located at 204 Broadway approved in 2015.
4. Updated graphs to include both lot coverage and building coverage for homes permitted, constructed, or under review within the last three years.

Mr. Smith stated that Staff will recommend that the maximum allowed building and lot coverages as currently listed in the Zoning Code not be changed. He stated that Staff identified 7 properties out of 38 in which building coverage approached the maximum limits with most of those properties falling well within the medium range of allowable building coverage. He stated that no variations for building coverage have been applied for in the last five years. He stated

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that there have been seven (7) applications to increase lot coverage for single family properties and only one was for a new single family home.

Mr. Smith stated that in response to the recent updates to the Lake County Storm Water Management Commission's Water Shed Development Ordinance it is the Planning Division Staff's conclusion that making the Building Coverage allowance more restrictive will not have a profound effect on Storm Water mitigation that the WDO and the Village's Appendix P is not already addressing.

Mr. Brad Meyer, 232 Third Street, stated that he appreciates that Staff is not proposing changes to the Zoning Code regulation regarding building coverage. He stated that he is currently building a two car garage on Broadway on a smaller lot. He stated that he agrees that the coverages don't become an issue until smaller lots are subject to redevelopment. He stated that the lot he is working on now is somewhere between 5,200 and 5,500 square feet in area. He stated that it is a vintage home lot with a one car garage not facing the alley. He stated that he demoed the one car garage but only had enough space to construct a small 20 by 20 two car garage. He stated that he maxed out his allowable building coverage.

Commissioner Pyter stated that he endorses the elimination of ribbon driveways.

Commissioner Flores stated that she endorses the elimination of ribbon driveways. She stated that by enforcing full width driveways will help to manage both building and lot coverages elsewhere on the lot.

Chairman Moore stated that it seems to be the development of a property and its impact upon the maximum permitted coverages that drives the decision to install a ribbon driveway more so than the aesthetics of a ribbon driveway.

In the matter of PC 18-01, Commissioner Oakley moved, seconded by Commissioner Pyter, to recommend the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code to include the following changes:

- 1. Use Limitation Sections in Residential Districts of the Zoning Code shall include the elimination of ribbon driveways and that driveways for all newly constructed single family detached homes not be less than nine (9) feet in width.*
- 2. Section 16-8.5(a)(3) regarding Board of Trustees Authorized Variations to increase the maximum allowable lot coverage shall be reduced from twenty percent (20%) of the district requirement in every in Residential District to fifteen percent (15%).*

Motion carried 6 - 0.

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

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STAFF COMMUNICATIONS AND DISCUSSION: None.

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

Motion carried 6 - 0.

Meeting adjourned at 8:00 p.m.