

MINUTES OF THE PLAN COMMISSION
April 23, 2012

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

Members present: Chairman Mark Moore, Scott Adams, William Cotey, Dan Donahue, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: None.

A quorum was established.

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

Commissioner Cotey moved, seconded by Commissioner Semmelman, to approve the March 19, 2012, Plan Commission meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS:

**PC 12-02 Glenkirk, Applicant
 903 Bedford Lane**

Request is for a Special Use Permit for Congregate Housing in order to increase the maximum permitted number of residents in a single family home in an R-5 Single Family Residential District.

**PC 12-03 Glenkirk, Applicant
 1717 Nathan Lane**

Request is for a Special Use Permit for Congregate Housing in order to increase the maximum permitted number of residents in a single family home in an R-5 Single Family Residential District.

**PC 12-04 Glenkirk, Applicant
 1332 Trinity Place**

Request is for a Special Use Permit for Congregate Housing in order to increase the maximum permitted number of residents in a single family home in an R-5 Single Family Residential District.

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Mr. David Smith, Senior Planner, stated that the petitioner, Glenkirk, was before the Plan Commission at their March 19, 2012, meeting requesting a Special Use Permit for Congregate Housing in order to increase the maximum permitted number of residents in a single family home in an R-5, Single Family Residential District located 903 Bedford Lane. Mr. Smith stated that the petitioner had sought approval to increase the maximum permitted number of residential occupants from five (5) to eight (8). Mr. Smith stated that during the course of the March 19, 2012 public hearing, both the public in attendance and the Plan Commission provided comments and concerns and at the conclusion of the March 19, 2012 hearing, the Plan Commission made a motion to continue this request to their April 23, 2012, agenda in order to provide the petitioner an opportunity to revise their petition materials.

Mr. Smith stated that Glenkirk has provided additional documentation and has agreed to reduce the number of requested occupants per house from eight (8) to six (6).

Mr. Mark Ingram, Glenkirk, stated that they have agreed to reduce the number of maximum permitted residents per home to not exceed six (6). He stated that Glenkirk takes extraordinary care to document their staff training. He stated that his staff shall abide by their Good Neighbor Agreement. He stated that they have already begun collecting quotes for their proposed driveway improvements. He stated that they plan to award fence repair contracts by July 1, 2012. He stated that they will install barriers along their Bedford house driveway in order to protect the neighbor's property from future damage.

Mr. Gerald Winter, 905 Bedford Lane, stated that nothing has changed since the last public hearing on this matter. He stated that 64 residents have signed a petition. He stated that adding more residents to the homes will compound the problem. He stated that the Glenkirk homes are not consistent with the neighborhood. He stated that Glenkirk should provide a liaison so that the neighbors have someone to bring their complaints to.

Mr. Michael Buchert, 913 Bedford Lane, stated that he lives five houses down from the Glenkirk house. He stated that children often run and bicycle by the Glenkirk house. He stated that the Glenkirk van drivers don't wave back when waved to. He stated that all of the neighbors have made visible improvements to their properties, but Glenkirk typically has not put a lot of effort to maintain their residential properties. He stated that he is not against Glenkirk being a neighbor, but is against the increase in the density. He stated that he would be concerned about the potential increase in ambulance visits. He stated that he would be more supportive if the Glenkirk services were woven into the fabric of the community better.

Ms. Judy Winter, 905 Bedford Lane, read letter from a resident who resides at 817 Bedford Lane. She stated that she does not support the request to increase the maximum number permitted to reside in the Glenkirk homes. She stated that certain employee behavior can lead to neglect of the Glenkirk residents. She stated that Glenkirk should be placed on a trial run basis for one year with the maximum permitted number of residents remain at five (5) and then come back and decide if they merit approval to increase the number of residents. She stated that she is concerned about the potential increase in traffic.

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Ms. Kori Larson, Executive Director of Glenkirk Homes, stated that she has been the director for about two years. She stated that she has been working on the concerns expressed by the neighbors and will continue to make improvements in being a good neighbor.

Chairman Moore stated that how the Glenkirk homes impact the surrounding neighborhoods is important and is directly correlated to the Standards for the Special Use Permit.

Ms. Larson stated that prior to the public hearings, she was not aware of some of the issues brought up by the neighbors, but she is taking all complaints seriously as she is being made aware of them.

Mr. Ingram stated that Glenkirk will respond to the issues as they are being made aware of them. He stated that he will make himself reachable and will provide his business card to anyone who wants it.

Mr. Greg Franz, 912 Bedford Lane, stated that he respects the mission of Glenkirk. He stated that he believes that the way that Glenkirk operates their agency is lacking. He stated that he has not received any contact from Glenkirk in over 30 days. He stated that being a good neighbor is a continuing process. He stated that Glenkirk needs to earn the title of being a good neighbor.

Ms. Arlyne Liberty, 1338 Trinity Place, stated that Glenkirk should have been acting like a good neighbor before now. She stated that the maximum permitted number of residents should not exceed five (5).

Ms. Winter stated that when she went to the original meeting prior to Glenkirk taking occupancy of the homes in Libertyville, she was threatened by Glenkirk that they would be sued.

Commissioner Oakley stated that he appreciates Glenkirk's proposal to reduce their resident occupancy from a maximum of eight (8) to six (6). He asked for clarification regarding the required licensing of the for Glenkirk to operate group homes. Ms. Larson stated that they are licensed through the Department of Human Resources for up to six (6) residents.

Commissioner Oakley asked about the frequency of inspections by the regulating authority. Ms. Larson stated that they are subject to surprise inspections on an annual basis.

Commissioner Oakley asked how the regulating authority measures quality of service. Ms. Larson stated that their agency is surveyed in areas of staff qualifications, quality of client care, living arrangements, and so on.

Commissioner Adams asked if the Village of Libertyville has received any complaints from anyone regarding homes operated by Lambs Farm. Mr. John Spoden, Director of Community Development, stated that the Village has not received complaints regarding Lambs Farm residential facilities.

Commissioner Adams stated that the petitioner should be more proactive in reaching out to the neighbors. He stated that Glenkirk should identify someone that could act as a liaison so that the neighbors would have someone to go to with concerns. He stated that perhaps a moratorium of six

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(6) months be placed upon Glenkirk in order to give them an opportunity to make the appropriate changes in a consistent way.

Commissioner Cotey asked for clarification regarding the driveway barrier requested to be placed between the Bedford Lane Glenkirk home and the driveway located on the adjacent property. Mr. Winter stated that the Glenkirk driveway is not more than one (1) foot apart from his driveway. He stated that the Glenkirk van drivers and visitors have left tire tracks in his yard.

Commissioner Cotey asked if additional parking restrictions could be instituted for the streets. Mr. Spoden stated that it is possible with Village Board approval.

Commissioner Cotey stated that the neighboring residents could petition the Village Board or state their concerns to the Streets Committee. He stated that he is disappointed that there does not seem to have been any changes in the last thirty (30) days. He stated that Glenkirk's proposal to reduce the maximum permitted number of residents for their homes to six (6) is good. He stated that it does not appear that the petitioner has met the Standards for the Special Use Permit. He stated that he likes the liaison idea and the Glenkirk should consider creating this position so that the neighbors have someone to go to for concerns. He stated that the petitioner should consider speaking with Lambs Farm to understand what their good neighbor practices are. He stated that the revised material submitted by Glenkirk is a good start.

Commissioner Semmelman stated that he likes the Good Neighbor Policy proposed by Glenkirk, but that it is too early to determine if it is working or not. He stated that consideration to implementing a one year trial should be given.

Mr. David Pardys, Village Attorney, stated that the Plan Commission can recommend that a condition be applied to the Special Use Permit that would require the petitioner to return to the Plan Commission within a year to report on its progress or compliance with the conditions of the Special Use Permit.

Commissioner Donahue stated that it is his understanding that the purpose of congregate housing is to de-institutionalize the clients that it is serving and to integrate them into the community.

Mr. Ingram stated that many of Glenkirk's residents can shop or walk through the neighborhoods, but often choose not to.

Commissioner Donahue asked for clarification as to why the current maximum number permitted is five (5) residents. Mr. Spoden stated that the Zoning Code defines 'family' as one (1) or more persons related by blood, marriage, legal adoption or guardianship, or not more than five (5) persons not so related, together with gratuitous guests and domestic servants, living together as a single housekeeping unit. He stated that based upon the Zoning Code definition of family, Glenkirk was able to legally occupy the homes and still be in compliance with up to five (5) residents.

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Commissioner Donahue asked if Glenkirk is a tax exempt non-profit agency. Mr. Ingram stated that Glenkirk is a tax exempt non-profit agency.

Commissioner Schultz asked why Glenkirk was seeking the Special Use Permit. Ms. Larson stated that they are currently licensed for six (6) and that they have a waiting list of other clients to get in to their residential programming.

Commissioner Schultz asked why Glenkirk's initial request was to go to eight (8) residents. Ms. Larson stated that the Zoning Code allows up to eight (8) for congregate housing.

Commissioner Schultz asked what Glenkirk's plan is if their request for the Special Use Permit is denied. Ms. Larson stated that they still have every intention to be good neighbors for all three homes.

Commissioner Schultz asked what the minimum required home size per resident is. Ms. Larson stated that the State requires that there be a minimum of 55 square feet per person in a shared bedroom and a minimum of 75 square feet for a single occupied bedroom.

Commissioner Schultz stated that he is concerned that the residents may receive lesser care if there are fewer staff members per the number of residents.

Ms. Larson stated that they will assure the highest quality of care for their residents.

Commissioner Schultz stated that he supports a trial period before he can support approval for a Special Use Permit.

Commissioner Donahue asked about the number of cars that come and go at each Glenkirk home. Mr. Ingram stated that there are two staff members in the homes in the afternoons and one staff person in the evening so during the staff shift change there could be up to three vehicles for a short period of time during the day.

Chairman Moore stated that he is concerned that the petitioner has not complied with the Standards for the Special Use Permit.

Ms. Larson stated that they would be willing to have their request continued for six (6) months in order to allow enough time to improve their relationship with the neighbors and to show that they are meeting the Standards for the Special Use Permit.

Chairman Moore stated that six (6) months may be a little long.

Commissioner Donahue stated that if the continuance is stretched out too far it can be problematic.

Ms. Larson stated that the continuance will help them to address the neighbor issues.

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Commissioner Oakley stated that the cultural changes will be more difficult to make.

Commissioner Cotey stated that it is important for Glenkirk to reach out to the community and for them to work on a cultural shift in order to minimize the adverse impact.

Commissioner Adams stated that if these requests are continued for another six (6) months then consideration should be given to doing another public notice.

In the matter of PC 12-02, Commissioner Cotey moved, seconded by Commissioner Semmelman, to continue this item to the October 22, 2012, Plan Commission meeting, subject to the following condition: 1) The applicant re-notice for the October 22, 2012, Plan Commission meeting per Section 16-3.2 of the Libertyville Zoning Code.

Motion carried 7 - 0.

Ayes: Moore, Adams, Cotey, Donahue, Oakley, Schultz, Semmelman
Nays: None
Absent: None

In the matter of PC 12-03, Commissioner Schultz moved, seconded by Commissioner Semmelman, to continue this item to the October 22, 2012, Plan Commission meeting, subject to the following condition: 1) The applicant re-notice for the October 22, 2012, Plan Commission meeting per Section 16-3.2 of the Libertyville Zoning Code.

Motion carried 7 - 0.

Ayes: Moore, Adams, Cotey, Donahue, Oakley, Schultz, Semmelman
Nays: None
Absent: None

In the matter of PC 12-04, Commissioner Cotey moved, seconded by Commissioner Schultz, to continue this item to the October 22, 2012, Plan Commission meeting, subject to the following condition: 1) The applicant re-notice for the October 22, 2012, Plan Commission meeting per Section 16-3.2 of the Libertyville Zoning Code.

Motion carried 7 - 0.

Ayes: Moore, Adams, Cotey, Donahue, Oakley, Schultz, Semmelman
Nays: None
Absent: None

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PC 12-01 Village of Libertyville, Applicant

Request is for an amendment to Section 11 of the Libertyville Zoning Code relating to sign regulations.

It was requested that this item be continued to the May 21, 2012, Plan Commission meeting.

In the matter of PC 12-01, Commissioner Cotey moved, seconded by Commissioner Schultz, to continue this item to the May 21, 2012, Plan Commission meeting.

Motion carried 7 - 0.

Ayes: Moore, Adams, Cotey, Donahue, Oakley, Schultz, Semmelman
Nays: None
Absent: None

NEW BUSINESS:

PC 12-05 Village of Libertyville, Applicant

Request is for a Text Amendment to Section 8-2.5 of the Libertyville Zoning Code relating to the maximum permitted height for accessory structures in an OS, Open Space District.

Mr. John Spoden, Director of Community Development, introduced the proposed text amendment to the Zoning Code. He stated that Village Staff is proposing a Text Amendment to Section 8-2.5 of the Libertyville Zoning Code relating to the maximum permitted height for accessory structures from 15 feet to 25 feet in the OS, Open Space District. He stated that the proposal would enable accessory structures that are subordinate to and serve the athletic fields in parks such as Butler Lake Park, Nicholas Dowden Park, Adler Park, and others to be constructed up to a height not exceeding 25 feet. He stated that athletic fields are considered the principal use and structures such as athletic storage facilities, ball field press boxes or other similar facilities that are subordinate to and serve the athletic fields are considered accessory structures. He stated that due to how they function and their architectural requirements, such accessory structures often require extended heights in order to serve their purpose.

Commissioner Adams asked if the height limit applies to lightning protection poles on roofs. Mr. Spoden stated that the height limit would not apply to lightning poles.

In the matter of PC 12-05, Commissioner Schultz moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Text Amendment to Section 8-2.5 of the Libertyville Zoning Code relating to the maximum permitted height for accessory structures in an OS, Open Space District.

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Motion carried 7 - 0.

Ayes: Moore, Adams, Cotey, Donahue, Oakley, Schultz, Semmelman

Nays: None

Absent: None

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, stated that pre-application conferences for future development were held for the Trimm property and the adjacent downtown Metra train station and for the site located at 1600 S. Milwaukee Avenue, previously known as the Fresh Foods grocer site.

Commissioner Schultz moved and Commissioner Semmelman seconded a motion to adjourn.

Motion carried 7 - 0.

Meeting adjourned at 8:56 p.m.