

**MINUTES OF THE PLAN COMMISSION**  
**January 13, 2014**

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:40 p.m. at the Village Hall.

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

Members absent: Dan Donahue.

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

Commissioner Semmelman moved, seconded by Commissioner Schultz, to approve the December 9, 2013, Plan Commission meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**PC 14-03      Twin Tiger LLC, Applicant**

**Request is for a Text Amendment to Section 7-3.3 of the Libertyville Zoning Code to allow Yoga, Pilates, Senior Fitness, Spin, and Nutrition Programs Instruction as a Special Permitted Use in an I-2, East Downtown Transition District.**

**PC 14-04      Twin Tiger LLC, Applicant  
504-510 N. First Street**

**Request is for an Amendment to a Special Use Permit for a Fitness, Physical Rehabilitation and Sports Training Service in order to include Yoga, Pilates, Senior Fitness, Spin, and Nutrition Programs Instruction for property in an I-2, East Downtown Transitional District.**

Mr. David Smith, Senior Planner, introduced the requested text amendment and amendment to a Special Use Permit. Mr. Smith stated that in 2007, the Plan Commission and Village Board approved changes to the Zoning Code and site specific ordinances for the subject site which included a Text Amendment to Section 7-3.3 of the Zoning Code to include Other Personal Services, but limited to Fitness, Physical Rehabilitation and Sports Training and related Services in an I-2, East Downtown Industrial District as a Special Permitted Use, a Special Use Permit for a Fitness, Physical Rehabilitation and Sports Training Service in an I-2, East Downtown Industrial District, a Site Plan Permit in order to allow a Fitness, Physical Rehabilitation and Sports Training Service and a variation to reduce the minimum number required parking spaces

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in order to permit a Fitness, Physical Rehabilitation and Sports Training Service in an I-2, East Downtown Industrial District located at 504 and 510 North First Street.

Mr. Smith stated the petitioner is requesting to further amend the Zoning Code Section 7-3 in order to list Yoga, Pilates, Senior Fitness, Spin, and Nutrition Programs Instruction as Special Permitted Uses in an I-2 District and is requesting to amend their existing Special Use Permit in order to allow such uses for their facility located at 504 and 510 North First Street.

Mr. Smith stated that currently, Body Works, Inc. has been a one-on-one oriented training and physical rehabilitation service based business and that the request before the Plan Commission tonight, if approved, would allow small class sizes as part of their services.

Mr. Rich Pietrolaj, property and business owner, stated that their small group activities would take place in the smaller building which is currently under-utilized. He stated that the proposed new uses are intended to be complimentary to their existing fitness training facility. He stated that the change is not intended to be a health club type atmosphere. He stated that they have a 49 space parking lot and it typically peaks at 20 spaces parked at any given time. He stated that they are seeking flexibility in the services that they offer.

Mr. Dan Timm, 518 First Street, stated that he supports the petitioner's request.

Mr. Chris Wegren, 303 North Avenue, stated that he supports the petitioner's request.

Commissioner Oakley asked if the subject building will require sprinklers. Mr. Pietrolaj, stated that they will comply with all Fire Department regulations.

Commissioner Adams stated that as long as there isn't a parking concern, he supports the requests.

Commissioner Cotey asked about the class size. Mr. Pietrolaj stated that they would like to accommodate between 10 and 15 students per class.

Mr. Mike Ditzler, co-petitioner, stated that they would like to serve up 15 students per class.

Chairman Moore asked for clarification of the petitioner's proposal to include nutrition programs. Mr. Pietrolaj stated that oftentimes the nutrition program may include guest speakers covering healthy nutrition topics.

Chairman Moore stated that an increase in class size from 10 to 15 should not have a negative impact upon the parking lot. He asked the petitioner what they would like for the Plan Commission to do tonight. Mr. Pietrolaj stated that he would like for the Plan Commission to provide their recommendation up to the Village Board tonight.

*In the matter of PC 14-03, Commissioner Semmelman moved, seconded by Commissioner Cotey, to recommend the Village Board of Trustees approve a Text Amendment to Section 7-3.3 of the*

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*Libertyville Zoning Code to allow Yoga, Pilates, Senior Fitness, Spin, and Nutrition Programs Instruction as a Special Permitted Use in an I-2, East Downtown Transition District.*

*Motion carried 6 - 0.*

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

*In the matter of PC 14-04, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve an Amendment to a Special Use Permit for a Fitness, Physical Rehabilitation and Sports Training Service in order to include Yoga, Pilates, Senior Fitness, Spin, and Nutrition Programs Instruction for property in an I-2, East Downtown Transitional District, in accordance with the plans submitted and subject to the following condition: 1) That class size does not exceed 15 clientele at any given time and that not more than one class takes place at any given time on the premises.*

*Motion carried 6 - 0.*

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

**PC 14-05 Dale and Becky Gifford, Applicants**  
**927 Sherborne Court**

**Request is for an amendment to Resolution No. 06-R-24, a Resolution approving a Final Plat of Subdivision in order to amend the Final Tree Preservation Plan of the Sherborne Subdivision in an R-3, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the request to amend a Resolution approving a Final Plat of Subdivision. Mr. Smith stated that in 2006, the Village Board approved a Resolution for a Final Plat of Subdivision for the Sherborne subdivision. He stated that it is located in the R-3, Single Family Residential District comprised of ten (10) lots ranging in size from 20,039 square feet to 28,179 square feet in area. He stated that in 2007, the Sherborne Phase 2 subdivision was approved which added two (2) lots to the original 10 lot subdivision.

Mr. Smith stated that as a condition for approval of the Resolution for the Final Plat, the Engineering Division of the Public Works Department reviewed and approved Final Civil Engineering Plans and Tree Preservation Plan. He stated that the Tree Preservation Plan clearly outlined trees to be protected at the site.

Mr. Smith stated that the petitioners, Dale and Becky Gifford, are requesting to remove a number of trees shown on the Tree Preservation Plan to be preserved from the rear yard of 927 Sherborne

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Court, Lot 4 of the Sherborne Subdivision. Mr. Smith stated that these trees appear to impede the development of a single family home. He stated that granting approval of the removal of these trees shall require the amendment of the approved Tree Preservation Plan thereby amending the Resolution approving the Final Plat of Subdivision.

Mr. Smith stated that Lot 4, currently vacant, of the Sherborne subdivision, located four (4) lots south of Winchester Road, has twenty-four (24) trees that stand in the rear yard between the building envelope and the rear 15 foot wide conservation easement which abuts the rear property line. Mr. Smith stated that of these 24 trees, the petitioners are seeking to remove nine (9) tagged trees from the rear yard that appear to encumber the development of their proposed single family home. He stated that the trees proposed to be removed are leaning into the lot's building envelope and that the sum total size of the nine (9) trees equal approximately 91 inches in diameter and each range in size from 11" up to 17". He stated that two (2) of the nine (9) trees are identified as dead, the others are in poor condition.

Mr. Tom Donahue, architect for the petitioner, stated that the Sherborne subdivision covenants and restrictions regulate the protection of trees that are located within the 15 foot wide conservation easement that runs along the perimeter of the subdivision lots. He stated that in this case for 927 Sherborne, there are trees not located in the conservation easement that lean into the rear building setback line. He stated that of these nine (9) trees they are seeking to remove, there are non-desirable tree species, including Silver Maple and Boxelder. He stated that they were initially unaware of the restrictions imposed by the subdivisions Tree Preservation Plan. He stated that of the nine (9) trees they are seeking to have removed, two (2) are dead and seven are leaning into the building envelope.

Ms. Heidi Sebert, landscape architect for the petitioner, presented the landscape plan. She stated that they are proposing to replace the nine(9) trees with seventeen (17) new trees.

Mr. Donahue stated that Village Staff is requesting an inch for inch replacement or to make up the balance with a \$400 fee per inch not replaced.

Mr. Mike Robinson, 1006 Ashley Lane, stated that he agrees with Staff's recommendation to keep the sum total of the inch per inch replacement.

Ms. Karen Devine, 842 Interlaken, stated that she is a neighbor of the subject lot. She stated that many of the trees on the subject lot seem to be scrub trees. She stated that she is concerned about the impact on drainage once the new house is constructed.

Mr. Donahue stated that the civil engineering plans for the development of the subject lot must be reviewed and approved by the Village's Engineering Division.

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Commissioner Oakley asked for clarification from the petitioner's proposal regarding how many inches they are willing to replace. Mr. Donahue stated that the sum total number of inches being removed is 91" and they are proposing to plant a total of 61.8" of new trees.

Commissioner Oakley stated that he is concerned about what will happen to the condition of the trees five years from now.

Mr. Fred Chung, Village Senior Project Engineer, stated that the standard practice for planting of trees is typically 2.5" caliper spaced properly so that they have space to grow.

Commissioner Adams stated that he would like to see an inch for inch replacement.

Commissioner Cotey stated that he agrees that there should be an inch for inch replacement, but to remove the Staff recommendation of a \$400 fee per inch that makes up the balance. He stated that consideration should be given to increasing the planting size larger than 2.5" caliper.

Commissioner Semmelman stated that the petitioner's replacement proposal should be increased and come as close to 91" as possible.

Commissioner Schultz stated that the petitioner's replacement proposal should be increased and come as close to 91" as possible. He stated that there appears to be more open space in the southwest corner of the lot that could be utilized for more tree plantings.

Chairman Moore stated that there appears to be more open area for additional or larger new trees. He asked the petitioner if they are willing to increase the inches up to 75". Mr. Donahue stated that they agree to plant up to 75" of new trees.

*In the matter of PC 14-05, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve an amendment to Resolution No. 06-R-24, a Resolution approving a Final Plat of Subdivision in order to amend the Final Tree Preservation Plan of the Sherborne Subdivision in an R-3, Single Family Residential District, in accordance with revised plans to be submitted, subject to the following condition: 1) To increase the tree sizes or increase the number of trees to not be less than a sum total of 75 caliper inches of new trees replacing nine (9) trees proposed to be removed from the rear yard from the property located at 927 Sherborne Court. A revised tree plan exhibit shall be reviewed and approved by the Director of Public Works.*

*Motion carried 6 - 0.*

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

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**COMMUNICATIONS AND DISCUSSION:**     None.

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

Motion carried 6 - 0.

Meeting adjourned at 8:50 p.m.