

MINUTES OF THE PLAN COMMISSION
February 10, 2014

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:05 p.m. at the Village Hall.

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

Members absent: Kurt Schultz.

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

Commissioner Oakley moved, seconded by Commissioner Cotey, to approve the January 13, 2014, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

**PC 13-22 M/I Homes, Applicant
 200, 216, and 400 W. Lake Street**

Request is for a Map Amendment to re-zone approximately 2.8 acres of land from C-1, Downtown Core Commercial District and R-6, Single Family Residential District to R-8, Multiple Family Residential District in order to develop 80 townhome dwelling units on approximately 11 acres of land in an R-8, Multiple Family Residential District.

**PC 13-23 M/I Homes, Applicant
 200, 216, and 400 W. Lake Street**

Request is for a Special Use Permit for a Planned Development Major Adjustment to the Planned Development Final Plan in order to develop 80 townhome dwelling units on approximately 11 acres of land in an R-8, Multiple Family Residential District.

**PC 13-24 M/I Homes, Applicant
 200, 216, and 400 W. Lake Street**

Request is for a Planned Development Concept Plan in order to develop 80 townhome dwelling units on approximately 11 acres of land in an R-8, Multiple Family Residential District.

**PC 13-25 M/I Homes, Applicant
 200, 216, and 400 W. Lake Street**

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Request is for a Preliminary Plat of Subdivision in order to develop 80 townhome dwelling units on approximately 11 acres of land in an R-8, Multiple Family Residential District.

Mr. David Smith, Senior Planner, stated that on December 9, 2013, the petitioner, M/I Homes was before the Plan Commission for a public hearing requesting a Map Amendment to re-zone approximately 2.8 acres of land from C-1, Downtown Core Commercial District, and R-6, Single Family Residential District to R-8, Multiple Family Residential District; a Special Use Permit for a Planned Development; a Planned Development Concept Plan; and a Preliminary Plat of Subdivision in order to develop 80 townhome dwelling units on approximately 11 acres of land in an R-8 Multiple Family Residential District. He stated that the subject site includes the six (6) acre Trimm property and approximately five (5) acres of Village owned property that comprises a portion of the existing downtown Metra Station commuter parking lot and certain vacant residential lots fronting Lake Street.

Mr. Smith stated that during the course of the December 9, 2013 Plan Commission public hearing testimony was given and deliberated. He stated that the Plan Commission made a motion to continue all of the requests to the January 27, 2014 meeting agenda to provide the petitioner an opportunity to revise their plans in order to address Staff review comments, Plan Commission comments and concerns expressed by the public. He stated that the Plan Commission made a motion to continue these items again to the February 10, 2014 meeting in order to provide the petitioner additional time to respond to Staff comments.

Mr. Matt Pagoria, petitioner, presented the revised plan materials to the Plan Commission. Mr. Pagoria stated that they have revised the architectural elevations to include covered front entries. He stated that they will include more brick with stone accents. He stated that the siding material will be composed of a composite wood siding. He stated that the proposed townhome units that front Lake Street shall have reduced heights in order to be more in line with the neighboring single family homes. He stated that they intend to use vinyl soffit and aluminum fascia.

Mr. Pagoria stated that they have increased in size an outdoor recreational area by reducing one of the two detention ponds and enlarging the other. He stated that safety fencing is proposed around the smaller pond. He stated that the storm water management has been revised.

Mr. Pagoria stated that their environmental consultant, Pioneer, will do more testing on the site. He stated that all of the Village's traffic consultant's comments have been addressed. He stated that all of the remaining unanswered Civil Engineering and Water Shed Development comments shall be answered upon the Final Plan submission. He stated that he is requesting that the Plan Commission make a recommendation to go forward to the Village Board with the outstanding review comments to be stipulated as conditions for approval.

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Mr. Bill Connall, 314 West Lake Street, stated that he would like to see a copy of the traffic report.

Mr. Pagoria stated that he understands that the plans must comply with the WDO.

Mr. John Spoden, Director of Community Development Department, stated that for past projects it has been the practice of the Village to require preliminary storm water calculations to be submitted and reviewed prior to the Plan Commission giving a recommendation to the Village Board for preliminary plans.

Mr. Pagoria stated that he believes that the Plan Commission should make their recommendation for approval to the Village Board with conditions that the plans will comply with the WDO. He stated that he needs to know how the Village Board will react to the proposal as they do not yet know how the particulars will be negotiated for the land swap and the development agreement.

Commissioner Oakley asked for clarification of the report from the Village's environmental consultant, Huff and Huff Environmental Services.

Mr. Pagoria stated that the intent is to develop without any impact on the off-site ground water.

Commissioner Oakley stated that every precaution should be taken in order to protect the neighboring residents.

Chairman Moore stated that when the potential impacts can be identified, then the appropriate plan of action can be determined to either eliminate or mitigate them. He stated that then at that point in time, the Village's environmental consultant will review the petitioner's proposed recommendation to address the environmental contamination.

Ms. Megan Wells-Paske, Pioneer Environmental Services, stated that they have recently had a conference with Jim Huff to discuss the status of the environmental site testing. She stated that the regulations would require them to have restrictions on off-site buildings. She stated that their modeling has not shown evidence of potential impact of indoor vapor intrusion on adjacent properties. She stated that there are different standards applied toward indoor vapor intrusion versus ground water contamination. She stated that they meet the standard for vapor intrusion at the property line. She stated that there was never a threat to indoor vapor intrusion for buildings off-site. She stated that the ground water issue will be assessed. She stated that there does not need to be a restriction on adjacent properties that would restrict buildings to being built on slab, but there will be a slab on grade requirement for the subject site because there is a greater risk for vapor intrusions for development on the subject site, but no risk for off-site vapor intrusion. She stated that they have done calculations and have determined that the site meets the vapor intrusion standards at the property line. She stated that it does not meet the Class-One Standard for drinking water at the property line therefore, there may be a need for a ground water ordinance.

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Commissioner Oakley asked how the neighboring property values will be impacted. Ms. Wells-Paske stated that it shouldn't have any impact on the neighboring property values. She stated that there will be restrictions incorporated into the IEPA NFR letter including not allowed to use the drinking water from the subject property.

Commissioner Adams asked how large the proposed recreational area is on the site. Mr. Pagoria stated that it is approximately 16,000 square feet in area.

Commissioner Adams stated that the recreational area size is not sufficient. He stated that the project is too dense. He stated that there are too many unanswered questions at this time. He stated that he is concerned that we don't have a contract. He stated that a continuance is the best thing at this point and time.

Commissioner Adams asked the Village Attorney what the status of the proposed land swap between the developer and the Village is. Mr. David Pardys, Village Attorney, stated that until other issues are addressed, such as how the environmental contamination will be addressed, it is premature to know the details of the resolution of the land swap. He stated that the land swap contract is a separate issue.

Chairman Moore stated that the plan is based upon an approval for the land swap.

Commissioner Semmelman stated that he supports a continuance.

Commissioner Donahue stated that he is concerned about Village liability relative to the environmental contamination.

Mr. Pardys stated that the Village can make certain through the outcome of the environmental contamination study and it would be remediated before understanding what if any liability the Village would be responsible for.

Chairman Moore stated that the petitioner should address the Staff review comments from the Development Review Committee Staff report and indicate which comments he would not agree to.

Mr. Pagoria stated that they have reviewed all of the Water Shed Development requirements.

Chairman Moore stated that he wants the petitioner to respond to the Planning Division comments and the petitioner should state as to which comments he will not agree with.

Mr. Pagoria stated that he agrees to provide provisions to address monotony of the buildings. Mr. Pagoria stated that he prefers to not to provide further separation of the front doors between

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each other as his architects felt that this would look odd and that his current proposal provides more proportion.

Mr. Pagoria stated that in response to Staff's concern that the proposed materials would include vinyl siding, he instead will use brick, Smart siding which is a natural composite, and stone accents. He stated that he will use vinyl soffits and aluminum wrapped fascia.

Mr. Pagoria stated that he will include the Site Plan with the next submittal.

Mr. Pagoria stated that he agreed to narrow the new road at the point where it meets the commuter parking lot at the north end. He stated that his preference would be to note where he agrees with the Staff comments and propose to show the changes at time of Final Plat and Final Plan submission.

Mr. Spoden stated that Staff has been anticipating a number of development conditions.

Mr. Pagoria stated that they agree to install a number of bump outs to accommodate on street parking. He stated that at this time they do not know where they can be located, but will provide that change on the Final Plan.

Mr. Spoden stated that they would like to see the street bump outs worked out now, not at Final Plan. He stated that it should be shown on the preliminary engineering plan.

Mr. Pagoria stated that they would agree to put in the bump outs located where there isn't a conflict with the street turning radii.

Mr. Pagoria stated that they agree to provide a pedestrian walkway on the north side of the parking lot to join the walk-way next to building four.

Mr. Pagoria stated that they agree to widen the sidewalk to seven feet along the north side of the parking lot.

Mr. Pagoria stated that the parking lot light standards will be the Sternberg model.

Mr. Pagoria stated that the foot-candle illuminations will not exceed 0.5 at the perimeter property lines.

Mr. Pagoria stated that they will keep driveways at 24 feet for those currently shown at 24 feet, but if they are not 24 feet, they are proposing to keep them at the proposed width.

Mr. Pagoria agreed to submit a detailed exhibit of the outdoor sitting area.

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Mr. Pagoria stated that he is willing to do whatever the Village wants for the parking lot improvements. He stated that he can meet with Staff to discuss the Metra drop-off design and make those changes prior to submission of Final Plan.

Mr. Pagoria stated that they are proposing parking stalls at 8.5 feet wide by 17.5 feet long. He stated that these dimensions are proposed in order to maximize the parking lot area and is therefore, requesting a variance for the smaller parking space dimensions.

Mr. Pagoria stated that regarding the Staff comment about the buffer between buildings 7, 8, and 9, and the south property line, they have added additional buffering material. He stated that they are proposing a six foot high board on board fence.

Mr. Pagoria stated that they understand Staff's comment for the parking lot landscape screening.

Mr. Pagoria stated that they will revise the Tree Survey exhibit by enlarging them so that they can be adequately read.

Mr. Pagoria stated that they will work with Staff at the time of final engineering plans are submitted to determine the most appropriate construction phasing. He stated that he is concerned that any proposed phasing plan provided at this time will change once the construction begins.

Mr. Spoden stated that typically there is at least a preliminary phasing plan submitted with the preliminary engineering plans.

Mr. Pagoria stated that he will have a preliminary phasing plan drafted.

Mr. Pagoria stated that he understands what Village Staff is looking for regarding the affordable housing component of the project. He stated that they will continue to propose townhomes as the only housing type.

Mr. Spoden stated that regarding the Engineering comments, Staff provided an email memorandum last Friday that is a summary list of comments for those items that are needed at a minimum at the preliminary stage of the process.

Mr. Pagoria stated that for those comments that indicate non-compliance with the Village Code, they will request that variations are granted for those items.

Mr. Spoden mentioned that there are many residential streets in the Village that do not have 60 foot wide right-of-ways. He stated that Staff is concerned that the site layout works while accommodating the utilities. He stated that it may require the use of front yards for the utilities with the use of easements. He stated that these are the types of issues that can be worked out at Final Plan. He stated that from a planning standpoint it is important that sidewalks and parking

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are adequately accommodated. He stated that the Planning Staff isn't objecting to a tighter development as the Heritage Area, most of which was developed before the first Village of Libertyville Zoning Code from 1925, is also configured with smaller right-of-way widths and shorter front yard setbacks.

Mr. Pagoria stated that the name of the subdivision will be 'Liberty Station'.

Mr. Pardys stated that the Subdivision Code has provisions for variations.

Mr. Smith stated that a list of Subdivision Code variations should be provided so that the Village Board can take action on those variations.

Chairman Moore asked for clarification regarding the north end of the property and how a commuter, after parking on the far west end of the commuter parking lot, gets to the Metra train station.

Mr. Spoden stated that it would be a long walk. He stated that Staff should review the elevations in order to determine what, if any, pedestrian improvements can be made to help facilitate an appropriate pedestrian path to the train station and the station platforms. He stated that as one of the Staff proposed conditions for approval should include the sidewalk along the north side of the commuter parking lot. He stated that as a recommended example to follow is the seven foot sidewalk that was constructed in the Village surface parking lot located on block to the south. He stated that the parking spaces abutting that sidewalk are seventeen (17) feet long to allow a two foot overhang and still provide for a five feet of unencumbered sidewalk.

Chairman Moore stated that he is concerned about the entrance into the subdivision from Brainerd and how vehicles would navigate through the development.

Mr. Pagoria stated that each of the driveways along the new street would be landscaped in order to make them distinguishable from the street and to soften them aesthetically.

Chairman Moore stated that there has been a recommendation from Staff to continue these requests to February 24, 2014.

In the matters of PC 13-22 thru PC 13-25, Commissioner Oakley moved, seconded by Commissioner Adams, to continue these items to the February 24, 2014, Plan Commission meeting.

Motion carried 6 - 0.

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

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NEW BUSINESS: None.

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 6 - 0.

Meeting adjourned at 8:17 p.m.