

MINUTES OF THE PLAN COMMISSION
November 24, 2014

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:03 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: William Cotey, Dan Donahue, and Amy Flores.

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

Commissioner Semmelman moved, seconded by Commissioner Schultz, to approve the October 13, 2014, Plan Commission meeting minutes.

Motion carried 4 - 0.

Commissioner Semmelman moved, seconded by Commissioner Schultz, to approve the October 27, 2014, Plan Commission meeting minutes.

Motion carried 4 - 0.

NEW BUSINESS:

**PC 14-14 Manchester Square LLC, Applicant
115 Lake Street**

Request is for a Special Use Permit for a Planned Development in order to construct multiple dwelling units on the second and third floor of the Manchester Square building located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1, Downtown Core Commercial District.

**PC 14-15 Manchester Square LLC, Applicant
115 Lake Street**

Request is for a Planned Development Concept Plan in order to construct multiple dwelling units on the second and third floor of the Manchester Square building located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1, Downtown Core Commercial District.

**PC 14-16 Manchester Square LLC, Applicant
115 Lake Street**

Request is for a Planned Development Final Plan in order to construct multiple dwelling units on the second and third floor of the Manchester Square building

located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1, Downtown Core Commercial District.

PC 14-17 Manchester Square LLC, Applicant
115 Lake Street

Request is for a Special Use Permit for Payment in Lieu of providing park spaces in order to construct multiple dwelling units on the second and third floor of the Manchester Square building located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1, Downtown Core Commercial District.

Mr. David Smith, Senior Planner, introduced the petition. Mr. Smith stated that the petitioner, Cedar Street Companies, a.k.a. Manchester Square LLC, was before them at their August 11, 2014 requesting approval for a Special Use Permit for a Planned Development, a Planned Development Concept Plan, a Planned Development Final Plan in order to construct multiple dwelling units on the second and third floor of the Manchester Square building located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1 Downtown Core Commercial District. He stated that in addition, the petitioner sought a Special Use Permit for Payment in Lieu of providing parking spaces in order to build out said multiple dwelling units that being apartments, on the second and third floor of the Manchester Square building located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1 Downtown Core Commercial District.

Mr. Smith stated that the petitioner proposed to build out 40 apartment units, 20 on each of the second and third floors of the Manchester Square building. He stated that at their August 11, 2014 meeting, the Plan Commission recommended denial to the Village Board for the petitioner's requests. He stated that at the October 28, 2014 Village Board meeting the petitioner proposed to reduce the density from 40 to 34 apartment units. He stated that the Village Board reviewed the report of the Plan Commission meeting and referred the petitioner back to the Parking Commission to further review and make recommendations on the density reduction and overall plan.

Mr. Smith stated that the petitioner has revised their proposal by reducing the number of apartments to 34 units. Mr. Smith stated that per the Zoning Code density allowance the petitioner may build out 29 dwelling units by right and that the additional five (5) dwelling units will be marketed at an affordable rate in line with the draft Inclusionary Housing Ordinance.

Mr. Mark Heffron, petitioner's representative, stated that they have changed the parking plan and that the proposal is intended for a one parking space per each dwelling unit and that the T.O.D. market supports that. He stated that the Manchester building underground parking garage has 36 parking spots. He stated that that the court yard or otherwise known as the round-about shall be dedicated for the residents only. He stated that the I-Go car share vehicle would be stationed in the round-about parking spot. He stated that they have agreed to pay the full amount for the pay-in-lieu for required parking for 29 parking spaces. He stated that this is truly a T.O.D. location due to its close proximity to the Metra train station. He stated that the proposed development will include other amenities such as a small gym and the Artist Alley.

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Mr. Heffron stated that they met with the Parking Commission last week and was well received. He stated that this proposal will cater to Libertyville residents very well and addresses the Comprehensive Plan Objectives by cultivating transit oriented development near the Metra Station and by providing an expansion of residential type choices for Village residents.

Mr. Heffron stated that they will finish all outstanding items left on the building permit. He stated that in addition, they will provide roof top improvements included the property mechanical screening. He stated that the other exterior improvements proposed include the Artist alley. He stated that the average floor size for the proposed apartments shall average 1,400 square feet and the interior finishes for the units will be modern.

Mr. Steve Hovany, Strategy Associates, stated that his firm completed a market study regarding the Manchester apartment proposal. He stated there are two basic residential categories relative to the Manchester Square building size and apartment density. He stated that one category would be a three story walk-up residential building the other category would be an elevator building. He stated that in east Lake County there have been no walk-ups constructed in the last ten (10) years and that the market prefers elevator buildings. He stated that these types of residential buildings are better suited for older and smaller families. He stated that a similar development in Deerfield with an average unit size of approximately 1,000 square feet filled very quickly. He stated that there is an economic benefit to filling the second and third floors of the Manchester building with residents. He stated that the anticipated affluent clientele shall contribute to the Libertyville downtown businesses. He stated that the market indicates a need for apartments and the condominiums are not viable. He stated that he proposal will resolve the issue of the vacant second and third floors of the Manchester building.

Mr. Heffron stated that in support of Mr. Hovany's testimony that for the target market of the future residential tenants that there is a science to the determination. He stated that the demographic population most likely to rent these units includes those from corporate America including employees from Abbott and divorced dads with one car. He stated the downtown sales tax revenue impacted from building out the second and third floor of the Manchester building residentially will be substantial.

Mr. Luay Aboona, KLOA and traffic/parking consultant for the petitioner, stated that the subject site is in close proximity to the Metra station. He stated that this type of residential project will attract those potential residents who want to reside in close proximity to the Metra station and will likely lessen their dependency on cars. He stated that based upon Census data, that within ¼ mile of the Metra station, 30% of the existing households own one car or no cars with an average of 1.1 vehicle ownership in the same area. He stated that 29% of those households in that area do not own any vehicles.

Mr. Aboona stated that the proposed project incorporates certain sustainability practices into their scheme include a car sharing program and bike storage. He stated that the proposal to incorporate the Newberry parking lot for overflow parking for the residents is conducive to the overall plan.

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Mr. Heffron stated that the Villages traffic consultant CivilTech has calculated that the parking demand for their revised density is 1.35 parking spaces per residential unit. He stated that studies show that there is a substantial reduction in need for parking for Transit Oriented Developments. He stated that any spill over parking will be inconsequential. He stated that his firm will manage the parking with a sticker program for both the underground garage parking and the Newberry lot parking. He stated that his firm agreed with the Parking Commission that parking regulations will be enforced.

Mr. Heffron stated that his firm will pay the full amount for the pay-in-lieu for required parking for 29 parking spaces which equal \$435,000.

Commissioner Oakley asked for clarification as to who the affordable units will be provided for. Mr. Will Murphy, Cedar Street, stated that they rely on HUD to define the affordability clause in their proposal. He stated that there is a better market for rentals and that condominium units are not plausible. He stated that they do not have any intention to do condo's.

Commissioner Oakley asked if the court yard will prohibit the deliveries of postal or FedEx packages for the residents. Mr. Heffron stated that the court yard will not be gated.

Commissioner Semmelman asked the petitioner if they own the whole building. Mr. Heffron stated that they do own the whole building.

Commissioner Schultz asked for clarification as to the amount that the petitioner is investing into the building. Mr. Heffron stated that Cedar Street is investing approximately \$13,000,000.

Chairman Moore asked the petitioner if they had reviewed the Staff review comments and their recommended conditions for approval. Mr. Heffron stated that they have reviewed the Staff report and concur with the comments and conditions.

Chairman Moore stated that he is concerned as to how the on-site trash will be managed.

Mr. Heffron stated that schedule trash pick-ups are important and the frequency of pick-ups can be increased as needed.

Chairman Moore asked for clarification regarding the other similar residential developments handled their parking needs. Mr. Hovany stated that the other developments typically planned for a one to one (1:1) parking space per dwelling unit ratio.

Chairman Moore stated that he appreciates that the petitioner has reduced the density from the previous proposal. He asked the petitioner how he would like for the Plan Commission to proceed. Mr. Heffron stated that he would like for the Plan Commission to give a recommendation for approval to the Village Board.

In the matter of PC 14-14, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Special Use Permit for a Planned Development in order to construct multiple dwelling units on the second and third floor

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of the Manchester Square building located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1, Downtown Core Commercial District, subject to the following conditions:

- 1) Schedule final inspections for any outstanding building shell permits, complete any/all deficiencies found for the building shell, and pay any/all fees accruing for the building shell and related temporary occupancies at this building prior to the issuance of any occupancy permits whether temporary or final for the proposed apartments.*
- 2) Restore the parkway with new soil and sod located between the north side of the building and Lake Street.*
- 3) Restore the landscaping in the motor courtyard in accordance with the approved landscape plan.*
- 4) A joint parking enforcement agreement between the Village and the property owner, Cedar Street to be executed to allow a maximum of two (2) hour parking for commercial customers on the property owners surface parking lot on the west side of the building.*
- 5) That the Manchester apartment residents spill over parking be allocated for up to 15 parking tags for the Newberry Avenue customer/employee section of parking lot.*
- 6) That the Manchester building's interior court yard area allow for resident vehicles only. This area should restrict or prohibit all other commercial vehicles. No loading, unloading or deliveries of any kind shall be permitted in the court yard area.*
- 7) That Manchester apartment residents shall not be permitted to park in the employee/resident section of the parking deck.*

Mr. Spoden stated for clarification that Condition No. 4 includes both sides of the parking lot aisle.

Motion carried 4 - 0.

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

In the matter of PC 14-15, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Planned Development Concept Plan in order to construct multiple dwelling units on the second and third floor of the Manchester Square building located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1, Downtown Core Commercial District, subject to the following conditions:

- 1) Schedule final inspections for any outstanding building shell permits, complete any/all deficiencies found for the building shell, and pay any/all fees accruing for the building shell and related temporary occupancies at this building prior to the issuance of any occupancy permits whether temporary or final for the proposed apartments.*
- 2) Restore the parkway with new soil and sod located between the north side of the building and Lake Street.*
- 3) Restore the landscaping in the motor courtyard in accordance with the approved landscape plan.*
- 4) A joint parking enforcement agreement between the Village and the property owner, Cedar Street to be executed to allow a maximum of two (2) hour parking for commercial*

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- customers on the property owners surface parking lot on the west side of the building.*
- 5) *That the Manchester apartment residents spill over parking be allocated for up to 15 parking tags for the Newberry Avenue customer/employee section of parking lot.*
 - 6) *That the Manchester building's interior court yard area allow for resident vehicles only. This area should restrict or prohibit all other commercial vehicles. No loading, unloading or deliveries of any kind shall be permitted in the court yard area.*
 - 7) *That Manchester apartment residents shall not be permitted to park in the employee/resident section of the parking deck.*

Motion carried 4 - 0.

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

In the matter of PC 14-16, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Planned Development Final Plan in order to construct multiple dwelling units on the second and third floor of the Manchester Square building located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1, Downtown Core Commercial District, subject to the following conditions:

- 1) *Schedule final inspections for any outstanding building shell permits, complete any/all deficiencies found for the building shell, and pay any/all fees accruing for the building shell and related temporary occupancies at this building prior to the issuance of any occupancy permits whether temporary or final for the proposed apartments.*
- 2) *Restore the parkway with new soil and sod located between the north side of the building and Lake Street.*
- 3) *Restore the landscaping in the motor courtyard in accordance with the approved landscape plan.*
- 4) *A joint parking enforcement agreement between the Village and the property owner, Cedar Street to be executed to allow a maximum of two (2) hour parking for commercial customers on the property owners surface parking lot on the west side of the building.*
- 5) *That the Manchester apartment residents spill over parking be allocated for up to 15 parking tags for the Newberry Avenue customer/employee section of parking lot.*
- 6) *That the Manchester building's interior court yard area allow for resident vehicles only. This area should restrict or prohibit all other commercial vehicles. No loading, unloading or deliveries of any kind shall be permitted in the court yard area.*
- 7) *That Manchester apartment residents shall not be permitted to park in the employee/resident section of the parking deck.*

Motion carried 4 - 0.

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

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In the matter of PC 14-17, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Special Use Permit for Payment in Lieu of providing park spaces in order to construct multiple dwelling units on the second and third floor of the Manchester Square building located at the southwest corner of Lake Street and Milwaukee Avenue in the C-1, Downtown Core Commercial District, subject to the following conditions: 1) That the applicant shall pay a fee in lieu of required parking for not less than twenty-nine (29) parking spaces in the amount of \$15,000 per parking space.

Motion carried 4 - 0.

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

OLD BUSINESS:

PC 12-01 Village of Libertyville, Applicant

Request is for Text Amendments to Sections 2 and 11 of the Libertyville Zoning Code relating to sign regulations.

Mr. John Spoden, Director of Community Development, provided an update to the Sign regulation amendments. He stated that in previous meetings, the Plan Commission reviewed the Sign Code task force recommendations and made some changes to those. He stated that the document before the Plan Commission tonight shows highlighted versions of recent changes to the Sign section of the Zoning Code. He stated that the Village Board will see in the text where the Plan Commission agreed with the Task Force and where they disagreed with the Task Force.

Ms. Johanna Bye, Associate Planner, presented the most recent changes with the Plan Commission. She stated that in Section 11-3.4 regarding illumination for reader boards in the Special Districts, illuminated signs should be lit externally when on property that abuts a residential district.

Mr. Spoden stated that most of the complaints are regarding the internally lit church signs in the IB Districts due to their close proximity to residential districts.

Ms. Bye stated that the next change is located in Section 11-6 regarding prohibited signs. She stated they included inflatable signs, wind wavers, and feather signs as prohibited in all districts.

Commissioner Schultz stated that definitions should be considered for these types of prohibited signs.

Mr. David Pardys, Village Attorney, stated that at a minimum there should be definitions by way of text added to the Code whether illustrations are used or not.

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Ms. Bye stated that in Section 11-8.8, language has been added regarding the regulation of menu box signs to keep them not larger than two (2) square feet with one per entrance permitted.

Ms. Bye stated that in Section 11-10, language has been added regarding allowing freestanding signs in the C-1 District, but not along Milwaukee Avenue, at a maximum 24 square feet in sign area.

Ms. Bye stated that language has been added to reduce the height of multi-tenant signs in the C-1 District to not exceed six (6) feet.

Ms. Bye stated that language has been added to allow freestanding signs in the C-2 District to not exceed 24 square feet. She stated that the intent is to create a smoother transition between the C-1 and C-2 Districts. She stated that the same size applies to multi-tenant signs as well in those districts.

Ms. Bye stated that additional changes to the regulations have been incorporated into the C-3 and C-4 Districts regarding both wall signs and freestanding signs in those districts. She stated that the proposal for wall signs is based upon the size of the facade facing the street. She stated that freestanding business signs in the C-3 District should be limited to 24 square feet for single businesses, not the multi-tenant signs. She stated that the proposed change for multi-tenant signs should be based upon the amount of leasable space. She proposed three tiers of leasable space sizes to be assigned three sign area sizes.

Commissioner Schultz stated that another tier should be considered for smaller leasable floor areas.

Ms. Bye stated that another proposed change is to restrict white plastic portable sidewalk signs.

Ms. Pam Hume, MainStreet Libertyville, asked for clarification as to how the portable sidewalk signs would be permitted and how fees are assessed. Mr. Spoden explained the permitting process proposed for the portable sidewalk signs and stated that the intent is for the business to choose between either the sidewalk sign or a temporary banner, but not allow both at the same time.

In the matter of 12-01, Commissioner Semmelman moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve Text Amendments to Sections 2 and 11 of the Libertyville Zoning Code relating to sign regulations, as outlined in Village Staff's proposed amendments dated November 24, 2014, subject to the following conditions: 1) Adding definitions for inflatable balloons and wind wavers; and 2) Replacing the bottom tier to Section 11-12.d.3 with two tiers, one being zero (0) square feet to 49,999 square feet of leasable area which would allow a freestanding sign area to not exceed 40 square feet, and the next tier to be from 50,000 square feet to 99,999 square feet of leasable area which would allow a freestanding sign area to not exceed 80 square feet.

Motion carried 4 - 0.

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

PC 14-24 Village of Libertyville, Applicant

Request is for Text Amendments to various sections of the Libertyville Zoning Code.

In the matter of PC 14-24(1), Commissioner Schultz moved, seconded by Commissioner Oakley, to continue this item to the December 8, 2014, Plan Commission meeting.

Motion carried 4 - 0.

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

COMMUNICATIONS AND DISCUSSION:

Commissioner Schultz made a motion, seconded by Commissioner Semmelman to approve the 2015 Plan Commission meeting dates.

Motion carried 4 – 0.

Mr. Spoden stated that December 2, 2014, will be the first Historic Preservation Commission meeting.

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

Motion carried 4 - 0.

Meeting adjourned at 8:52 p.m.