

MINUTES OF THE PLAN COMMISSION
May 23, 2016

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:01 p.m. at the Village Hall.

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

Members absent: Matthew Krummick.

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

Commissioner Schultz moved, seconded by Commissioner Cotey, to approve the April 25, 2016, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

PC 15-27 Village of Libertyville, Applicant

Request is for a Text Amendment to the Libertyville Zoning Code in order to further regulate lot coverage in residential zoning districts.

Mr. John Spoden, Director of Community Development, presented the request for the text amendment. Mr. Spoden stated that the Village Board had requested that Staff and the Plan Commission review the lot coverage requirements as it relates to the front yards. He stated that there has been a recent trend, especially with tear downs, for an increase in lot coverage in the front yard. He stated that the Zoning Code currently regulates the lot coverage requirement as it applies to the lot as a whole, but not in the front yard separately.

Mr. Spoden stated that recent applications for new single family development have included excessive front yard lot coverage due to circular driveways, double curb cuts, etc. He stated that this trend has had an impact on the character in the older neighborhoods.

Mr. Spoden stated that after further review by Staff, they have decided to make a recommendation to the Plan Commission by using a percentage requirement. He stated that the proposal is that if the overall lot coverage is 40%, then that same percentage is applied towards the front yard.

Mr. Spoden stated that the area of focus as part of the proposed text amendment is proposed to be between the front building line and the front property line.

Mr. David Pardys, Village Attorney, stated that there has been further modification to the proposed text amendment since the distribution of the Staff report. He stated that this was done

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in order to help alleviate any confusion. Mr. Pardys read his amended version of the proposed text amendment as follows:

“The maximum percentage of lot coverage allowed with respect to area located between the front building line of a zoning lot and the front property line of such zoning lot shall be the same maximum percentage of lot coverage set forth in this Code which is applicable to the overall zoning lot.”

Commissioner Semmelman asked how this amendment is applied to the corner side yard. Mr. Spoden stated that the language would be applied in a similar fashion for the corner side yard lot area. He stated that consideration could be given to the front yard area only at this time.

Commissioner Semmelman stated that it is confusing to include both front and corner side yard areas and that it might be better to only have one paragraph not two.

Chairman Moore asked why Staff gave consideration to the corner side yard area.

Commissioner Semmelman stated that there could be driveways in the corner side yard area. He stated that the Plan Commission can revisit this aspect if the corner side yard becomes an issue. He stated that he is concerned about how both the front and corner yards would be impacted.

Chairman Moore stated that there is still the maximum permitted lot coverage that is applied to the overall lot.

Commissioner Semmelman stated that he concurs with the new text amendment being applied to both the front and corner yards, but cautions that it could be confusing without some sort of diagram in the Zoning Code Appendix to depict the Code amendment.

Commissioner Schultz asked for clarification as to what the front building line means. Mr. Spoden stated that it is measured from the structure.

Commissioner Flores asked for clarification regarding how this amendment might apply to the houses built on Appley in the case where the garage is closer to the front property line than the house. Mr. Spoden stated that if the garage is attached to the house then the measurement is taken from the point of the structure that is closest to the front property line.

Commissioner Flores stated that she thought that 40% was too low.

Commissioner Schultz stated that when this was discussed last time that it was conveyed that the 40% mark was an acceptable amount.

Mr. Spoden stated that Staff reviewed over 18 properties and all but the property on Appley that has been discussed fell well below the proposed percentage. He stated that the average appears to be in the 30% range.

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Commissioner Schultz stated that going to 40% or above is extreme. He stated that that is a lot of concrete.

Commissioner Flores stated that she is concerned about those lots that are short and narrow.

Commissioner Cotey stated that he is uncertain as to where the proposed text amendment would fit into the Zoning Code.

Mr. Spoden stated that this amendment would be inserted into each residential zoning district section of the Code.

Chairman Moore stated that the proposed percentage should match what the percentage required for the entire zoning lot for both the front and corner yards with both separate from each other in format. He requested that the Village Attorney and Village Staff finalize the draft language for the text amendment, as discussed.

In the matter of PC 15-27, Commissioner Semmelman moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code for bulk, space, and yard regulation sections for Zoning Districts R-1 through R-8 to be applied to single family detached dwelling units to include the following:

- 1. The maximum percentage of lot coverage allowed with respect to area located between the front building line of a zoning lot and the front property line of such zoning lot shall be the same maximum percentage of lot coverage set forth in this Code which is applicable to the overall zoning lot.*
- 2. The maximum percentage of lot coverage allowed with respect to area located between the corner building line of a zoning lot and the corner property line of such zoning lot shall be the same maximum percentage of lot coverage set forth in this Code which is applicable to the overall zoning lot.*

Motion carried 6 – 0.

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

PC 15-25 Village of Libertyville, Applicant

Request is for a Text Amendment to the Libertyville Zoning Code in order to regulate tobacco stores, vape stores, and e-cigarette stores in the Village of Libertyville.

In the matter of PC 15-25, Commissioner Schultz moved, seconded by Commissioner Flores, to continue this item to the June 13, 2016, Plan Commission meeting.

Motion carried 6 - 0.

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

PC 16-06 DRH Cambridge Homes, Inc., Applicant
127, 131, and 201 S. Stewart Avenue

Request is for a Preliminary Plat of Resubdivision in order to resubdivide three (3) residential lots into two (2) residential lots in order construct six (6) single family attached dwelling units, three (3) per lot, for property located in an R-7, Single Family Attached Residential District.

In the matter of PC 16-06, Commissioner Schultz moved, seconded by Commissioner Flores, to continue this item to the June 13, 2016, Plan Commission meeting.

Motion carried 6 - 0.

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

NEW BUSINESS:

PC 16-13 Pearson, Brown & Associates, Inc., Applicant
844 E. Rockland Road

Request is for a Site Plan Permit in order to construct a parking lot expansion for property located in the O-2, Office, Manufacturing and Distribution Park District.

Mr. David Smith, Senior Planner, introduced the requested Site Plan Permit to the Plan Commission. Mr. Smith stated that the petitioner, Angelo Zografos of Pearson, Brown & Associates, Inc. is requesting a Site Plan Permit in order to construct a parking lot expansion for property located in an O-2, Office, Manufacturing and Distribution Park District at Aldridge Electric Inc. at 844 East Rockland Road. Mr. Smith stated that the subject site is located on 11.8 acres of land and that the size of the land, being more than 10 acres, is what requires a Site Plan Permit to be reviewed and approved by the Plan Commission and Village Board of Trustees. Mr. Smith stated that that the proposed 52 parking space parking lot expansion is proposed along the west side of the building and that all other zoning regulations are being complied with.

Ms. Amy Olson, Olson Landscape Architecture, presented the petitioner's landscape plan. She stated that the scope of work will require the relocation of one existing tree in addition to the other additional landscaping they are proposing to install.

Mr. Angelo Zografos, applicant and civil engineer for the parking lot project, stated the proposed parking lot improvement picks up the overland drainage to the west and will improve drainage for the residential properties to the west of the Aldridge Electric facility.

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Commissioner Oakley stated that he is concerned about the additional traffic that will be pushed out to Route 176 via the Bridge 94 development parking lot and that a traffic study should be considered.

Mr. Zografos stated that the intent is to keep the additional traffic off of Rockland Road which is a more residential area.

Commissioner Cotey asked about the round-about at the end of the proposed parking lot. Mr. Zografos stated that as this parking lot is needed to address an interior tenant build-out and increase in staff, the round-about is intended to provide a more fluid traffic movement route on site and reduce the need of a three-point turn around.

Commissioner Schultz asked for additional detail about the exterior lighting. Mr. Zografos stated that the light pole standards will not exceed (10') ten feet in height.

Mr. John Spoden, Director of Community Development, stated that Staff will look for the light fixtures to have flat lenses with the lighting element recessed into the fixture in order to prohibit glare onto the adjacent properties.

Commissioner Schultz stated that he likes how the treatment of stormwater uses an infiltration system.

Mr. Zografos stated that the grading will channel the overland storm water away from the west property line and utilize an infiltration through stone system.

Chairman Moore asked the petitioner what he would like for the Plan Commission to do tonight. Mr. Zografos that he would like for the Plan Commission to render a positive recommendation to the Village Board of Trustees for their Site Plan Permit request.

In the matter of PC 16-13, Commissioner Schultz moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Site Plan Permit in order to construct a parking lot expansion for property located in the O-2, Office, Manufacturing and Distribution Park District, subject to the following conditions:

- 1. A Plat of Drainage Easement shall be submitted for review and approval by the Village of Libertyville Engineering Division and the Village WDO Enforcement Officer prior to the issuance of a Site Development Permit.*
- 2. A Request for Letter of Map Amendment and Elevation Certificate for the existing building adjacent to the parking lot shall be submitted for review and approval by the Village of Libertyville WDO Enforcement Officer prior to the issuance of a Site Development Permit, and that the Request for Letter of Map Amendment shall be submitted to the Federal Emergency Management Agency upon review and approval by the Enforcement Officer.*

Motion carried 6 - 0.

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

PC 16-14 Village of Libertyville, Applicant

Request is for Text Amendments to the Libertyville Zoning Code in order to correct errors and clarify certain discrepancies within the Code.

Mr. David Smith, Senior Planner, introduced the proposed zoning code text amendments. He stated that Staff is proposing various Text Amendments to the Libertyville Zoning Code in order to correct errors and clarify certain discrepancies. Mr. Smith stated that the following amendments are proposed:

- Insurance Carriers and Related Activities (NAICS Code 524) shall be added to the O-1 Professional Services Office District as Permitted Uses.
- Cut and Sew Apparel Contractors (NAICS Code 31521) shall be added to the C-1 Downtown Core Commercial District as Permitted Uses. This would accommodate such uses as Steve's Tailor Shop, Christine Anne Couture, or other types of tailoring and seamstress type services that do more than repair, but custom tailor whole garments such as dresses and suits.
- Corporate, Subsidiary, and Regional Managing Offices (NAICS Code 551114) shall be added to the C-1 Downtown Core Commercial District as Permitted Uses.
- Fitness and Recreational Sports Centers (NAICS Code 713940), but limited to Physical Fitness Studios, as a Special Permitted Use in the C-3 General Commercial District.
- Physical Fitness Studios shall be defined in the Libertyville Zoning Code Definition Section as a space specifically designated for exercise, fitness training, and physical wellness activities. Also included are toilets, office, and general storage normally found in a Physical Fitness (Exercise Room) space to meet codes and regulations. Physical Fitness Studios do not include: high bay court games (basketball, racquetball), saunas, hot tubs, steam rooms, swimming pools, food preparation, and service or sporting goods retail.
- Sporting Goods, Hobby, Book and Music Stores (NAICS Code 451) as Permitted Uses in the C-1, C-2, C-3, and C-4 commercial districts, but excluding Gun Shops (NAICS Code 451110) either as the principal or accessory use. Gun Shops (451110) currently listed as Special Permitted Use in the C-3 Commercial District will remain.
- Food Manufacturing (NAICS Code 311) as a Permitted Use in the I-3 General Industrial District. Exclude Animal Processing (3116).
- In Zoning Code Section 13-6, change the word "device" to "facility".

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- Sports and Recreation Instruction (NAICS Code 611620) as a Special Permitted Use in the C-2 Commercial District.

In the matter of PC 16-14, Commissioner Semmelman moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve Text Amendments to the Libertyville Zoning Code in order to correct errors and clarify certain discrepancies within the Code.

Motion carried 6 - 0.

Ayes: Moore, Cotey, Flores, Oakley, Schultz, Semmelman

Nays: None

Absent: Krummick

PC 16-15 Village of Libertyville, Applicant

Request is for a Text Amendment to Section 10 of the Libertyville Zoning Code as it relates to certain exemptions from required parking in the C-1, Downtown Core Commercial District.

Mr. John Spoden, Director of Community Development, introduced the proposed text amendment regarding exemptions to required parking for the C-1 Downtown Core Commercial District. He stated within the Zoning Code there are two types of economic incentives included. He stated that as it is currently written there is an allowance for small additions to buildings in the C-1 downtown and change land uses without the requirement for additional parking. He stated that the Village Board has asked Staff to look at these allowances, one of which is a proposed text amendment being introduced to the Plan Commission tonight. He stated that the item before the Plan Commission tonight is a proposal to change the Zoning Code text that allows up to the first one thousand five hundred (1,500) square feet of floor area within any new building and the first one thousand five hundred (1,500) square feet of any new floor area added to any separately owned portion of any existing building in the C-1 Downtown Core Commercial District to be exempt from the requirements for parking spaces. Mr. Spoden stated that the removal of this exemption is the proposed text amendment. He stated that if anyone is doing a building addition then they either need to provide the parking for it or pay a fee in lieu of the required parking.

Commissioner Schultz stated that he is concerned that the removal of this exemption would make it too onerous. He stated that perhaps the 1,500 square foot exemption could be changed to 500 square feet. He stated that consideration should be given to allowing a little room for appropriate architectural features for building remodeling or rehabs.

Commissioner Semmelman concurs with Commissioner Schultz and stated that some amount of square footage should remain.

Commissioner Oakley stated that he would support a 500 square foot exemption.

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Commissioner Schultz stated that he is concerned about the property owner getting penalized when they are trying to upgrade their building. He stated that the Village should encourage facade improvements in the downtown.

Chairman Moore suggested that a modification to 100 square feet for the exemption could be considered and perhaps this would allow enough to incorporate certain changes to architectural features without giving too much interior floor area for additional dining room area in a restaurant.

In the matter of PC 16-15, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code Section 10-1.2.d to change the 1,500 square foot exemption to a 100 square foot exemption, as follows:

- d. Exception for the C-1 Downtown Core Commercial District. Notwithstanding any other provision of this Part A, and except as limited herein, the first **one hundred (100)** square feet of floor area within any new building and the first **one hundred (100)** square feet of any new floor area added to any separately owned portion of any existing building in the C-1 Downtown Core Commercial District, shall be exempt from the requirements for parking spaces and stacking spaces, unless otherwise specifically required by the Board of Trustees as a condition to the issuance of a special use permit. Only one such exemption will be allowed, within any calendar year, with respect to any new building under a single ownership or with respect to new floor area added to any separately owned portion of any existing building.*

Motion carried 6 - 0.

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

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, stated that the agenda items for Ice Mobility and the proposal by Auto Expo to construct a new car wash at the Park Avenue Corporate Center are on the Village Board agenda for tomorrow, May 24, 2016.

Mr. Spoden stated that Mr. Rick Swanson, architect, presented his proposal for a residential development for the Trimm property next to the Metra trains station to the Committee of the Whole last week. Mr. Spoden stated that the Village Board discussed downtown parking issues and sent it to committee for further review.

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

Motion carried 6 - 0.

Meeting adjourned at 8:25 p.m.