

MINUTES OF THE PLAN COMMISSION
June 13, 2016

The regular meeting of the Plan Commission was called to order by Vice Chairman William Cotey at 7:25 p.m. at the Village Hall.

Members present: Vice Chairman William Cotey, Amy Flores, Walter Oakley, and David Semmelman.

Members absent: Chairman Mark Moore, Matthew Krummick, and Kurt Schultz

Village Staff present: David Smith, Senior Planner, and Fred Chung, Senior Project Engineer.

Commissioner Oakley moved, seconded by Commissioner Flores, to approve the May 9, 2016, Plan Commission meeting minutes.

Motion carried 4 - 0.

OLD BUSINESS:

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 Semmelman moved, seconded by Commissioner Oakley, to continue this item to the July 11, 2016, Plan Commission meeting.

Motion carried 4 - 0.

Ayes: Cotey, Oakley, Flores, Semmelman

Nays: None

Absent: Moore, Krummick, Schultz

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.

Mr. David Smith, Senior Planner, stated that the petitioner was before the Plan Commission at their April 25, 2016, meeting requesting approval of 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

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Family Attached Residential District at 127, 131, and 201 S. Stewart Avenue. Mr. Smith stated that during the course of the April 25, 2016 Plan Commission public hearing, discussion focused on location of refuse container locations for trash pick-up, the disposition of the public alley, storm water management, access easements, traffic movement on site, and traffic trips generated by the proposed development. Mr. Smith stated that the Plan Commission continued this request to the May 23, 2016 Plan Commission agenda, but was continued once again to the June 13, 2016 Plan Commission meeting agenda in order to provide the applicant an opportunity to revise the petition materials.

Mr. David Munaretto, petitioner from DRHorton, stated that they have reviewed the traffic study and have widened the propose driveway in order to accommodate two-way traffic. He stated that they will require the future homeowners to keep their garbage cans inside their garage during the week. He stated that their snow removal can be accommodated.

Mr. Munaretto stated that in response to the concerns expressed at the last meeting regarding the massing of the future buildings, they are planning a design in which the homes would be 20 inches less in height than previously planned by designing a lowered roof pitch. He stated that the future Covenants and Restrictions administered by an H.O.A. can restrict parking in the access driveway. He stated that they are still reviewing other Village Staff comments.

Ms. Beth Miller, attorney representing the neighbor to the west of the subject site, stated that they are very concerned about how trash cans will be placed on the property for garbage pick-up. She stated that she is concerned about excessive number of cars parked outside. She stated that they are concerned about the excessive removal of trees from the property. She stated that they are concerned about the prospective change to the Heritage area that this project would bring. She stated that she is concerned about the impact on storm water management and drainage. She stated that this proposal is not consistent with the rest of the neighborhood. She stated that consideration should be given to reducing the number of units. She stated that she wants to see proof that the neighbors to the west will have right of access to the new driveway.

Ms. Debra Galvin, 155 Sunnyside Place, stated that her home is near the subject site. She stated that her home has never flooded and is concerned that the proposed development may cause storm water management problems. She stated that the proposed townhomes seem monolithic and overpower the character of the neighborhood. She stated that six (6) townhomes may produce an additional 18 to 20 cars. She stated that she is concerned that there will not be enough parking places if any one of the townhomes has a party. She stated that this development needs to be thoughtful and sensitive to the neighborhood.

Commissioner Oakley stated that he is concerned about the proposed lot coverage for the site and how the Watershed Development Ordinance would respond to this proposal. Mr. Fred Chung, Senior Project Engineer, stated that it would have to be engineered in order to be compliant with the WDO regulations.

Mr. Douglas White, Green Garden, Inc. engineer for the petitioner, stated that they will look the storm water runoff calculations and engineer the appropriate plan for the storm water

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management. He stated that they are familiar with the WDO Appendix P requirement and will comply with that.

Commissioner Flores stated that it does not seem possible that the residents of the proposed townhomes will be able to park outside of their garages without blocking the path of other vehicles attempting to gain access to their garages.

Mr. Munaretto stated that the driveway layout can be tweaked to accommodate unobstructed on-site vehicular movement.

Commissioner Flores stated that consideration should be given to reducing the number of dwelling units for this project and possibly designing the units to incorporate first floor master bedrooms.

Mr. Munaretto stated that their Pro-Forma is based upon what they believe they can sell on a given lot. He stated that they had looked at doing single family homes on the subject site, but determined that the townhome plan was a better option for them.

Commissioner Semmelman asked about the Village's Tree Preservation Ordinance. Mr. Smith stated that a tree survey is required and that any proposal to remove trees shall be subject to review and recommendation by the Appearance Review Commission.

Vice Chairman Cotey asked for clarification regarding the vacation of the alley and how it affects title to the vacated property. Mr. Smith stated that Staff has requested that the alley be vacated and that rights of access be provided to the property owner to the west.

Vice Chairman Cotey asked for clarification regarding the location of the garbage cans. Mr. Smith stated that the Village will require that the garbage cans remain inside the homeowner's garage or fully screened.

Vice Chairman Cotey stated that the Plan Commission is charged with providing a recommendation on the Preliminary Plat of Subdivision at this time. He asked the petitioner if he would like for the Plan Commission to move forward with a recommendation to the Village Board of Trustees for the request for a Preliminary Plat of Subdivision. Mr. Munaretto stated that he is ready for the Plan Commission to make a recommendation.

In the matter of PC 16-06, Commissioner Semmelman moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve 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, subject to the following conditions that must be complied with prior to Village Board approval of the Preliminary Plat and therefore just be addressed prior to placing the Preliminary Plat on the Village Board Agenda:

- 1. Provide a Preliminary Plat of Subdivision document for review and approval that is in*

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compliance with the Village and County Recording Standard Requirements and addresses the following items 2 through 4.

2. *The proposed property line configuration accounting for the alley vacation shall be shown on the proposed Plat. Also, provide a revised proposed site plan showing the proposed property line and revised overall impervious surface coverage calculations.*
3. *Indicate all the necessary easements for access and stormwater/drainage on the Plat, including the appropriate provisions.*
4. *The Plat of Subdivision shall not depict the contours, driveways, trees, and service walks.*
5. *Plat of Vacation should be submitted.*
6. *If any easement is required from the adjacent property owner to the west, provide such recorded easement or written confirmation that this property owner intends to grant such easement.*

Motion carried 3 - 1.

Ayes: Oakley, Flores, Semmelman

Nays: Cotey

Absent: Moore, Krummick, Schultz

NEW BUSINESS:

**PC 16-16 Joseph Massarelli, Mass Properties, Applicant
1000 E. Park Avenue**

Request is for a Site Plan Permit in order to construct a building addition for property located in an I-3, General Industrial District.

Mr. David Smith, Senior Planner, introduced the petitioner's request for a Site Plan Permit. Mr. Smith stated that the applicant is requesting approval for a Site Plan Permit in order to construct a building addition for property located in an I-3, General Industrial District at 1000 E. Park Avenue. Mr. Smith stated that if approved, the applicant will construct a 13,700 square foot service area building addition to the existing facility in order to serve the Liberty Subaru vehicle dealership at Liberty Auto City. Mr. Smith stated that when complete the entire structure will be approximately 92,075 square feet.

Mr. Joe Massarelli, petitioner, stated that the building addition will provide up to 20 service stalls. He stated that a future phase will incorporate re-engineering the front portion of the property.

Mr. Rodrigo Gutierrez, architect for the petitioner, stated that the intent is to consolidate services into one area. He stated that the building addition is proposed to be constructed where an existing parking area is located so then additional storm water compensation should not be required.

Mr. Massarelli presented the Site Plan to the Plan Commission.

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Mr. Gutierrez stated that the building addition facade colors represent the Subaru requirements.

Commissioner Schultz asked if the proposed scope of work will not increase the existing impervious surface. Mr. Gutierrez stated that the addition will not increase the lot coverage.

Vice Chairman Cotey asked the petitioner if they can comply with the Fire Department and Building Division Staff comments found in the DRC Staff report. Mr. Gutierrez stated that they can comply, but that there will be a slight increase in building height due to the compensation in response to the flood plain.

Vice Chairman Cotey asked the petitioner what they would like for the Plan Commission to do tonight. Mr. Massarelli asked that he would like for the Plan Commission to render a positive recommendation to the Village Board for their Site Plan Permit.

In the matter of PC 16-16, Commissioner Semmelman moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Site Plan Permit in order to construct a building addition for property located in an I-3, General Industrial District, subject to the following conditions:

After construction of the proposed building compliance with condition number eleven (11) is required prior to issuance of an occupancy permit of any kind. Prior to issuance of a Site Development Permit or a Building Permit the following is required:

- 1. That a Watershed Development Permit Application shall be submitted.*
- 2. That no activity shall take place inside the Floodway limitation without submitting the required application through IDNR/DOWR/LCSMC. Appropriate soil erosion and sediment control practices shall be placed along the floodway line.*
- 3. That a project narrative should be submitted.*
- 4. That no materials should be stored within the floodplain area except the proposed building foundation.*
- 5. That the building protection should be in full compliance with Article 7 – Section 706.02.*
- 6. That a Bench Mark location shall be shown and shall be based on NAVD 88.*
- 7. That the proposed compensatory storage area shall comply with all applicable Floodplain / flood protection requirements.*
- 8. That a cross-section of the compensatory storage area be provided and it shall indicate the existing and proposed elevation and retaining wall. Timber retaining wall shall not be permitted.*
- 9. That a CLOMR shall be submitted to FEMA and LCSMC after the Watershed Development Permit is issued.*
- 10. That a LOMR shall be submitted to FEMA to amend the floodplain limit boundary.*
- 11. That an Elevation Certificate is required after the building is constructed and grading is complete and prior to occupancy.*
- 12. That all existing underground utilities should be relocated outside the proposed building foundation and shall be shown on the civil engineering plans.*
- 13. That the Sanitary sewer flow calculations should be submitted; if determined that the sewer discharge is 1500 gallon/day or greater, a sanitary sewer permit shall be required from the IEPA.*
- 14. That an NPDES permit is required from the IEPA, and SWPPP shall be submitted.*

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15. *That the concrete washout should be located away from any storm sewer inlets and shall be shown on the civil engineering plans.*
16. *That inlet baskets on all the storm inlets shall be provided and locations and details shown on the civil engineering plans.*
17. *That the stock pile location and construction staging shall be shown on the civil engineering plans.*
18. *That a Plat of Easement shall be submitted for review and approval prior to execution and recording.*
19. *That the Engineering cost estimate shall be submitted.*

Motion carried 4 - 0.

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

PC 16-17 Angie Miller, Blue Sky Yoga, Applicant
700 First Street

Request is for a Special Use Permit for Fitness Instruction in order to operate a Yoga Instruction Studio for property located in an I-2, East Downtown Transitional District.

Mr. David Smith, Senior Planner, introduced the request for the Special Use Permit. He stated that the petitioner, Blue Sky Yoga, is seeking approval for a Special Use Permit for Fitness Instruction in order to operate a Yoga Instruction Studio for property located in an I-2, East Downtown Transitional District at 700 N. First Street. Mr. Smith stated that Blue Sky Yoga is currently located at 117 E. Cook Avenue and offers yoga classes with an average class size of 3 to 6 members and between 3 to 5 classes per day conducted by one instructor per class at a time.

Mr. Smith stated that the proposed new location at 700 N. First Street would share the building with two other occupants who are not currently permitted with occupancy permits. Mr. Smith stated that there is a paved area along the west side of the building with the north side covered with a gravel drive. He stated that the required parking for the proposed Blue Sky Yoga facility would be a minimum of 6 parking spaces, one of which would need to be a handicapped parking space.

Ms. Angie Miller, petitioner, stated that the location at 700 N. First Street is safer and quieter than where she is currently located on Cook Avenue. She stated that the new location would provide a parking lot. She stated that she will have small class sizes and that it will not adversely impact the surrounding land uses.

Ms. Melissa Burnett, 441 Appley Avenue, stated that this is a great community and that the Village should do everything they can to keep Blue Sky Yoga in the Village. She stated that the Village is lucky to have Blue Sky Yoga and Angie Miller.

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Commissioner Semmelman stated that he supports the request as long as the Village is able to work out the existing issues with the building owner.

Commissioner Oakley stated that he supports the request for the Special Use Permit for Blue Sky Yoga.

Vice Chairman Cotey asked the petitioner what she would like the Plan Commission to do this evening. Ms. Miller stated that she would like the Plan Commission to render a positive recommendation to the Village Board for her request for a Special Use Permit.

In the matter of PC 16-17, Commissioner Semmelman moved, seconded by Commissioner Flores, to recommend the Village Board of Trustees approve a Special Use Permit for Fitness Instruction in order to operate a Yoga Instruction Studio for property located in an I-2, East Downtown Transitional District, subject to the following conditions:

- 1. That a Site Plan showing code compliant parking lot striping within the existing paved portion of the site be submitted and reviewed by Staff prior to issuance of an Occupancy Permit to the applicant Blue Sky Yoga.*
- 2. That the illegal occupancies for the "landlord storage" and the "Eye Lash Business" or any other tenants in the building at 700 North First Street without occupancy permits shall vacate the premises or application for Occupancy Permits shall be submitted prior to the Village issuing an Occupancy Permit the Blue Sky Yoga.*
- 3. That in order to demonstrate that the proposed prospective tenant Blue Sky Yoga will not trigger the need to install fire-sprinklers in this building, the applicant or the building owner is required to demonstrate that this building's use category or building occupancy group will not change from the last approved Business Occupancy Group category prior to an issuance of an Occupancy Permit to the applicant Blue Sky Yoga.*
- 4. That a current detailed floor plan architecturally drawn to scale of the entire building shall be submitted for review prior to the issuance of an Occupancy Permit to the applicant Blue Sky Yoga.*
- 5. That the building and all tenant spaces meet the bathroom and exit requirements for the occupant load by including all bathrooms and exits on the current floor plan to be submitted.*
- 6. That a pre-occupancy walk through of the building shall be required and requested by and scheduled with the building owner in order to determine if any substantial changes were made since the last approved work in 1995 that may have affected life safety, handicapped accessibility, state plumbing codes prior to the issuance of an Occupancy Permit to the Blue Sky Yoga.*

Motion carried 4 - 0.

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

COMMUNICATIONS AND DISCUSSION: None.

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

Motion carried 4 - 0.

Meeting adjourned at 8:45 p.m.