

MINUTES OF THE PLAN COMMISSION
April 28, 2008

The regular meeting of the Plan Commission was called to order by Chairman Kurt Hezner at 7:06 p.m. at the Village Hall.

Members present: Chairman Kurt Hezner, William Cotey, Terry Howard, Howard Jaffe, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: None.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; Karen Marren, Associate Planner; and Pat Sheeran, Project Engineer.

Commissioner Robinson moved, seconded by Commissioner Howard, to approve the March 17, 2008, Plan Commission meeting minutes.

Motion carried 7 - 0.

NEW BUSINESS:

**PC 08-06 Village of Libertyville, Applicant
616 Brainerd Avenue**

Request is for a Special Use Permit for a Parking Structure in order to construct a two-story, three (3) tier parking structure in the C-1, Downtown Core Commercial District located at the southeast corner of Brainerd Avenue and Lake Street.

**PC 08-07 Village of Libertyville, Applicant
616 Brainerd Avenue and 118 W. Cook Avenue**

Request is for a Special Use Permit for a Planned Development in order to construct a parking structure and surface parking lot improvements for property located in both a C-1, Downtown Core Commercial District and IB, Institutional Buildings District located at the southeast corner of Brainerd Avenue and Lake Street and a portion fronting Cook Avenue.

**PC 08-08 Village of Libertyville, Applicant
616 Brainerd Avenue and 118 W. Cook Avenue**

Request is for a Planned Development with Concept and Final Plan (Phase 1) in order to construct a parking structure and abutting surface improvements for property

located in both a C-1, Downtown Core Commercial District and an IB, Institutional Buildings District.

PC 08-09 Village of Libertyville, Applicant
616 Brainerd Avenue and 118 W. Cook Avenue

Request is for a Planned Development with Concept Plan (Phase 2) in order to construct surface parking lot improvements for property located in both a C-1, Downtown Core Commercial District and an IB, Institutional Buildings District.

Mr. John Spoden, Director of Community Development, introduced the proposed parking deck. He stated that the objective is to provide additional parking for the downtown and to construct a deck that is inline with the established design standards.

Mr. Spoden stated that the proposed parking deck plan is in two phases. He stated that Phase One includes a request to approve a Planned Development with both Concept and Final Plan for the parking deck itself and approval for a Concept Plan for the adjacent surface level parking lot improvements. He stated that Phase Two includes a Final Plan for the surface level parking lot with final design to come back to the Plan Commission at a later date.

Mr. Spoden stated that the parking structure includes 364 parking spaces at three tier levels at the southeast corner of Lake Street and Brainerd Avenue. He stated that one story will be built into grade, one story will be at grade, and the third tier will be above grade.

Mr. Spoden stated that the proposal is to construct the deck this year with the bidding process beginning in May or June with an 8 month construction schedule for the deck itself.

Mr. Spoden stated that the parking deck proposal is a direct result of the 2005 Comprehensive Plan. He stated that funds were secured from the sale of properties on School Street and used to purchase the bank property for the deck. He stated that the 2005 Comprehensive Plan showed the deck further south as the bank had previously proposed at that time to relocate to the southeast corner. He stated that when the bank ownership changed, the new owner decided to retain the existing building which ultimately pushed the deck further north.

Mr. Spoden stated that the Village Board studied the site and chose the current proposal due to the timing. He stated that the pre-cast structure can be constructed faster. He stated that a previous concept to include a residential component was eliminated so that additional time and expense could be saved. He stated that a residential component would have forced the deck to go higher in order to obtain the same net gain of parking spaces.

Mr. Spoden stated that the need for the parking deck was confirmed in a 2006 parking study by Rich and Associates. He stated that there is a greater need for parking on the east side of Milwaukee

Minutes of the April 28, 2008, Plan Commission Meeting
Page 3 of 13

Avenue in the downtown area, but the Village is a minority property owner thus requiring a longer process of negotiating with the other property owners.

Mr. Spoden stated that there is current funding in place for the parking structure itself, but that funding needed for the adjacent surface improvements will depend upon the extension of the TIF.

Mr. Spoden reviewed the Standards for the Special Use Permit for the parking structure. He stated that the Comprehensive Plan outlined the need for and location of the proposed deck and parking lot improvements. He stated that the proposed deck and parking lot will have a beneficial impact on the adjacent property. He stated that it will provide for improved traffic circulation, improved design, and a desired effect to provide additional parking while articulating the edge of the urban downtown along Brainerd Avenue. He stated that the proposal will not interfere with surrounding development and it is planned to be cohesive with the existing construction efforts and any future proposals. He stated that as an element of the Development Agreement for the property at the southwest corner of Lake Street and Milwaukee Avenue, the Village negotiated an ingress and egress easement to allow for full access from Lake Street to the redeveloped parking lot and parking deck. He stated that the proposed use and development will be served adequately by the central public facilities as the proposal has been coordinated with the Police, Fire, and Parks and Recreation Department of the Village. He stated that the proposed redevelopment will meet the requirements of the International Building Code, requirements of the Engineering Division of the Public Works Department, including retaining an existing underground detention facility, and provide a security system for Police monitoring of the site. He stated that the proposal has been carefully laid out as to not cause undue traffic congestion on local streets. He stated that the parking deck allows for an ingress only access point off of Lake Street with ingress and egress provided at the south end of the facility. He stated that the proposed development will not result in the destruction of any significant natural features at the site. He stated that the proposed development will comply with any additional standards imposed upon it through the development process.

Mr. Spoden stated that the facilities proposed are in the interest of the public and will contribute to the general welfare of the neighborhood and area by providing additional parking consistent with the Village of Libertyville Comprehensive Plan. He stated that the Village is also seeking to construct a parking deck east of Milwaukee Avenue. However, as a minority land owner in that area, the Village has not been able to move forward with construction of said deck at this time. He stated that the Village has carefully studied any adverse impacts that the construction and land use may cause and stated that the Village recognizes that the current view for the property owners along Brainerd Avenue is open parking. He stated that the construction of the deck has been mitigated through the proposed landscaping and streetscape improvements along Brainerd Avenue. He stated that through the advise of the Appearance Review Commission, this area is being treated as the edge of the urban feel for the downtown with streetscape improvements such as pavers, tree grates, and planter boxes being incorporated to improve the view, improve the pedestrian experience, and to soften the edge of the proposed deck elevations. He stated that the proposal includes the use of brick to incorporate the design of the deck into the neighborhood, the use of internal ramps for the deck, and adequately-sized parapet walls to shield headlights from view. He stated that the Village recognizes the impact

Minutes of the April 28, 2008, Plan Commission Meeting
Page 4 of 13

that construction will have on parking in the downtown. He stated that through the guidance of the Village of Libertyville's Parking Commission, Village Staff is proposing that the existing daily fee commuter lot located along Newberry Avenue be converted to customer and employee parking. He stated that the commuter parkers will be relocated to the Harris Road station. He stated that in addition, the Legion Hall lot will be converted to employee and customer parking and the Civic Center lot will be promoted for use by customers and employees. He stated that if necessary, the number of employee spaces in the Civic Center lot will be increased. He stated that employees of the Village Hall will be required to use the employee spaces in the Civic Center lot.

Mr. Spoden stated that the Village of Libertyville is the sole property owner for the property in question with the exception of necessary pedestrian easements for construction of the parking lot improvement. He stated that the proposal meets the minimum lot area for a Planned Development in the C-1, Downtown Core Commercial District. He stated that as this is a public improvement project, any necessary deed restrictions and/or easements may not be modified, removed, or released without the express consent of the Village Board of Trustees. He stated that the entire site in question will be used for public purposes. He stated that the Village secured the properties through the use of the Tax Increment Financing District and finds that the redevelopment is consistent with the Comprehensive Plan. He stated that the proposal meets the 15% requirement of common open space for a Planned Development in a C-1, Downtown Core Commercial District. He stated that full pedestrian connections for the storefronts with connection to the parking deck and eventually Brainerd Avenue, are consistent with the Comprehensive Plan. He stated that the Village will preserve the improvements and maintain the deck and surface lot consistent with these requirements. He stated that as these are public improvements, a Property Owner's Association will not be required. The landscaping and perimeter treatment will be a marked improvement from the current situation. The perimeter of the Planned Development is being designed to ensure compatibility with surrounding uses through improved streetscape design. No private streets will be included in this proposal and sidewalks will be included throughout the site. All utility lines will be installed underground. He stated that although the site is proposed to be developed as a parking deck and surface lot improvements, pedestrian connections and bike rack facilities are included in the proposal.

Mr. Brad Navarro, Walker Consultants, stated that there will be a two phase approach to the project. He stated that Phase Two will begin after occupancy is granted for the parking structure. He stated that there will be one entrance on the north from Lake Street and there will be an entrance and exit on the south adjacent to a driveway that accesses Brainerd Avenue. He stated that studies have shown that one exit for a parking structure of this size is more than sufficient. He stated that they typically do not worry about a second exit unit the parking spaces number up around 700 parking spaces. He stated that users are coming and going throughout the day and typically won't mass exit like one might observe at a movie theater. Mr. Navarro stated that the proposed parking structure has been designed so that a fourth tier could be added if the Village should ever decide to construct it. Mr. Navarro stated that the wall to wall widths for aisles with 90 degree angled parking are 61.5 feet and for aisles with 60 degree angled parking is 53 feet. He stated that there will be directional

Minutes of the April 28, 2008, Plan Commission Meeting
Page 5 of 13

signage throughout the structure. He stated that there will be bumper walls and the entrances and exit will be 16 feet wide.

Mr. Navarro stated that construction will be expedited with pre-cast concrete and is expected to have a 40 year structural life. He stated that a sprinkler system will be installed in the below grade and at grade tier levels. He stated that a water proof protection system will be incorporated into the retaining walls.

Mr. Jib Chapman, 233 North Michigan Avenue, Architect for the parking structure, stated that the parking structure is constructed with a masonry clad structure. He stated that architecture elements are included at the entrances and exit with lettering etched into the stone above. He stated that automatic doors will be installed at the ground level for pedestrians.

Mr. Jeff Leesman, KJWW Engineering, electrical and mechanical engineering consultant, stated that there will be four light standards on top of the structure for the third tier level of parking. He stated the fixtures on the light pole standards will have full cut off light shields at a 90 degree angle pointing straight downward. He stated that the poles will be in the center of the deck and not adjacent to the roof edges. He stated that light from the roof top standards will not be thrown beyond the parapet wall. He stated that no light will spill beyond the deck along the west facade wall. He stated that the average foot candle illumination is approximately 4.4 and will be predominately uniform throughout the inside of the structure. He stated that there will be wall mounted light fixtures on the east and south facade walls.

Mr. Leesman stated that there will be two locations for below grade exhaust fans within window wells. He stated that the fans will operate when triggered by certain level of carbon monoxide produced by the vehicles from within the parking structure. He stated that the exhaust fans have been sound treated to not exceed 43 decibels at the west side of Brainerd Avenue and 55 decibels on the east side of Brainerd Avenue. He stated that there are a total of four exhaust fans, each 7.5 horse power motors, split into separate locations.

Mr. Dan Dalziel, 3D Design Studio, landscape architect for petitioner, stated that they designed the standard Libertyville streetscape along Brainerd Avenue. He stated that the refuse enclosures will be constructed with material compatible with the parking structure facade. He stated that decorative cross walks are planned to compliment the streetscape. He stated that a pedestrian link leading to the library is planned.

Mr. Steve Magnusen, Gewalt Hamilton Associates, engineering consultant for the petitioner, stated that the surface level parking lot improvements indicate a north-south traffic parking lot aisle to ease traffic flow on the site. He stated that the site plan also indicates an enhanced pedestrian walk along the rear of the Milwaukee Avenue businesses. He stated that the site plan includes a raised mountable brick paved separator between the parking lot aisle and a drop-off/delivery area. He stated that the driveway access point at Brainerd directs vehicular traffic towards a focal point with a visual line of sight through the pedestrian ally that reaches the Milwaukee Avenue right-of-way. He

Minutes of the April 28, 2008, Plan Commission Meeting
Page 6 of 13

stated that his firm has been working with the utility companies to bury the utility lines. He stated that construction easements shall be established north of the Chase bank property as well as other locations as necessary.

Mr. Drake Van Beek, 603 Brainerd Avenue, Libertyville resident, stated that he has concerns about vehicles exiting onto Brainerd Avenue from the parking structure.

Ms. Diane Vehlow, 1009 Windhaven, Libertyville resident, stated that she has concerns about the operating costs of the structure and that it will be safe 24 hours a day.

Mr. Pat Carey, Libertyville Police Chief, stated that he has met with a security consultant and received a proposal that includes video monitoring, securing lighting and painting to brighten up the interior of the parking structure. He stated that 24 Code Blue security devices are planned to be installed through-out the facility.

Mr. Van Beek stated that he is concerned about how the parking structure and the vehicles will impact air quality.

Mr. Navarro stated that the impact on the air quality will be negligible.

Commissioner Oakley asked how the construction staging will take place. Mr. Navarro described the construction staging plan.

Chairman Hezner asked if the public sidewalks will remain open during construction. Mr. Spoden explained the interim plan for the existing sidewalks.

Commissioner Oakley asked for clarification as to what the sidewalk on the Brainerd Avenue side of the parking structure will be improved. Mr. Dalziel stated that at the south end of the structure, there will be approximately 11 feet between the building and the street curb. He stated that at the north end of the parking structure, there will be approximately 14 feet between the building and the street curb. He stated that tree grates are proposed along this portion of the sidewalk and that the trees will be approximately two feet from the street curb.

Commissioner Cotey stated that he is concerned about the structure obstructing the site distance triangle at the corner of Brainerd Avenue and Lake Street.

Mr. Magnusen stated that there is a four-way stop sign controlled intersection at Brainerd and Lake and that there should not be a safety issue for the site distance triangle.

Commissioner Cotey asked for additional information regarding the signs to be incorporated into the parking structure. Mr. Navarro stated that for every decision point for vehicle drivers, there will be signage installed to guide vehicles throughout the facility.

Minutes of the April 28, 2008, Plan Commission Meeting
Page 7 of 13

Commissioner Cotey asked what the separation is between the underground parking of the Tremont building and the below grade tier of the proposed parking structure. Mr. Navarro stated that the underground separation of the two structures is approximately 20 feet.

Commissioner Cotey asked if the police will patrol on foot in and around the parking structure. Police Chief Carey stated that the police will not patrol on foot, but will drive through the facility in police cars. He stated that there will also be 24 hour camera surveillance as well.

Commissioner Moore stated that he is concerned about the construction vehicle traffic circulation during construction. He stated that he is concerned about the water drainage.

Mr. Magnusen stated that storm water runoff will be reduced once the project is complete.

Commissioner Moore stated that he is concerned about the vehicle headlights glaring off-site from the parking structure.

Mr. Navarro stated that the parking structure bumper walls will be high enough to block most of the headlight spilling over onto adjacent properties.

Commissioner Moore stated he is concerned about pedestrian traffic traversing from the site and crossing Lake Street to go towards the train station.

Mr. Spoden stated that Staff is not proposing to install a crosswalk on Lake Street in the middle of the block between Milwaukee Avenue and Brainerd Avenue.

Commissioner Jaffe asked when the fourth tier, (third story) could be constructed. Mr. Spoden stated that it may be 10 years out before the future tier would be constructed.

Commissioner Jaffe stated that consideration should be given to widening Lake Street to help facilitate traffic movement entering from Lake Street into the parking structure. He stated that he is concerned about possible traffic conflicts between the parking structure and Mr. Tremont's building along Lake Street. He stated that he is concerned about the surface parking lot improvements not being completed if the TIF is not extended as anticipated.

Mr. Spoden stated every effort will be made to assure that the TIF district is extended.

Commissioner Howard asked what more needed to be negotiated with Chase Bank. Mr. Spoden stated that during Phase Two there will be pedestrian ways that encroach into the Chase Bank property that are proposed as part of the Site Plan.

Commissioner Howard asked what kinds of trees are proposed in the landscape plan. Mr. Dalziel stated that Skyline Honey Locust trees are proposed as part of the landscape plan.

Minutes of the April 28, 2008, Plan Commission Meeting
Page 8 of 13

Commissioner Howard asked if there will be zero footcandles at the property lines. Mr. Leesman stated that there should be no light spillover the property line.

Commissioner Howard asked what the distance is between parking structure entrance along Lake Street and the driveway entrance onto Mr. Tremont's parking lot. Mr. Magnusen stated that the distance is approximately 65 feet between center line and center line of each driveway.

Commissioner Howard asked what the distance is between the parking structure and the library. Chairman Hezner stated that it may be approximately 300 feet.

Mr. Magnusen stated that the distance may be between 400 and 450 feet.

Commissioner Robinson asked what the height of the parking structure clearance bars are. Mr. Navarro stated that the bars are 8'2".

Commission Jaffe asked if an ambulance can enter into the parking structure. Mr. Spoden stated that an ambulance will be too large to enter the parking structure.

Mr. Navarro stated that the structure will be constructed to meet all accessibility requirements. He stated that there will be a dry stand pipe system as well as a sprinkler system.

Commissioner Robinson asked if there will be any lights that shine onto the houses on the north side of Lake Street from the north end of the parking structure. Mr. Leesman stated that there will be an illuminated glow from the parking structure, but there will be no direct glare from the light sources.

Commissioner Robinson stated that he is concerned about the traffic flow on the site. He stated that consideration should be given to providing additional crosswalk improvements at the Lake Street and Milwaukee Avenue intersection.

Mr. Spoden stated that Staff can review those crosswalk conditions, but coordination would be required with IDOT.

Commissioner Moore asked if there will be vehicle headlight spill over onto the houses on the north side of Lake Street caused by vehicles coming up and over the ramp as they access the third tier (roof top) of the parking structure.

Chairman Hezner stated that due to the close proximity between the north entrance of the parking structure and Mr. Tremont's entrance into his proposed parking lot, that wider depressed curb cuts should be considered at the parking structure entrance. He stated that only one exit from the structure is problematic. He stated that the visual line of site distance triangles at the south entrance and exit should be widened.

Minutes of the April 28, 2008, Plan Commission Meeting
Page 9 of 13

In the matter of PC 08-06, Commissioner Robinson moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Special Use Permit for a Parking Structure in order to construct a two-story, three (3) tier parking structure in the C-1, Downtown Core Commercial District located at the southeast corner of Brainerd Avenue and Lake Street, subject to the following conditions: 1) The petitioner explores containment of the automobile lights towards the residences on Lake Street; 2) The petitioner provides the appropriate site triangles at the access egress points of the parking structure; and 3) The petitioner provide two points of egress from the parking structure.

Motion carried 7 - 0.

In the matter of PC 08-07, Commissioner Robinson moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Special Use Permit for a Planned Development in order to construct a parking structure and surface parking lot improvements for property located in both a C-1, Downtown Core Commercial District and IB, Institutional Buildings District located at the southeast corner of Brainerd Avenue and Lake Street and a portion fronting Cook Avenue, subject to the following conditions: 1) The petitioner explores containment of the automobile lights towards the residences on Lake Street; 2) The petitioner provides the appropriate site triangles at the access egress points of the parking structure; and 3) The petitioner provide two points of egress from the parking structure.

Motion carried 7 - 0.

In the matter of PC 08-08, Commissioner Oakley moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Planned Development with Concept and Final Plan (Phase 1) in order to construct a parking structure and abutting surface improvements for property located in both a C-1, Downtown Core Commercial District and an IB, Institutional Buildings District, subject to the following conditions: 1) The petitioner explores containment of the automobile lights towards the residences on Lake Street; 2) The petitioner provides the appropriate site triangles at the access egress points of the parking structure; and 3) The petitioner provide two points of egress from the parking structure.

Motion carried 7 - 0.

In the matter of PC 08-08, Commissioner Oakley moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Planned Development with Concept and Final Plan (Phase 1) in order to construct a parking structure and abutting surface improvements for property located in both a C-1, Downtown Core Commercial District and an IB, Institutional Buildings District, subject to the following conditions: 1) The petitioner explores containment of the automobile lights towards the residences on Lake Street; 2) The petitioner provides the appropriate site triangles at the access egress points of the parking structure; and 3) The petitioner provide two points of egress from the parking structure.

Minutes of the April 28, 2008, Plan Commission Meeting
Page 10 of 13

Motion carried 7 - 0.

Pursuant to Illinois 65 ILCS 511-71-1 of the Illinois Municipal Code, Commissioner Oakley made a motion, seconded by Commissioner Jaffe to approve the general plans for surface parking improvements and parking deck as set forth in the application materials submitted in conjunction with PC 08-06, PC 08-07, PC 08-08 and PC 08-09 subject to the following conditions: 1) The petitioner explores containment of the automobile lights towards the residences on Lake Street; 2) The petitioner provides the appropriate site triangles at the access egress points of the parking structure; and 3) The petitioner provide two points of egress from the parking structure.

Commissioner Jaffe requested clarification as to what the Plan Commission is being asked to make a recommendation on.

Mr. David Pardys, Village Attorney, stated that in addition to the zoning relief that the Plan Commission is making a recommendation on, State Statute requires that when the Village is in the process of approving and constructing a parking lot, that the general plans for the parking lot and structure need to be approved by the Plan Commission. He stated that it does not require a public hearing but that now would be a good time to comply with the State requirement.

Motion carried 7 – 0.

(Commissioner Jaffe excused himself for the remainder of the meeting.)

OLD BUSINESS:

PC 07-04 Village of Libertyville, Applicant
118 W. Cook Avenue

Request is for amendments to Chapter 26 of the Libertyville Municipal Code.

Mr. John Spoden, Director of Community Development, presented the proposed final draft of the Zoning Code in its red-lined version.

Commissioner Robinson asked why Places of Worship are proposed to be Special Permit Uses in the R-1 Residential District. Mr. Spoden stated that one of the reasons to list Places of Worship in the Residential Districts as Special Permitted Uses is to alleviate potential future law suits against the Village for not accommodating Places of Worship in the Village. He stated that they are currently listed in the IB District, but these areas are limited in size and number. He stated that it would not be conducive for good land planning to permit Places of Worship in the Commercial Districts. He stated that a church's parking impact can be carefully controlled through the Special Use Permit process in Residential Districts and they can better serve the residential neighborhoods as well.

Minutes of the April 28, 2008, Plan Commission Meeting
Page 11 of 13

Mr. Nick Lazzaretto, 513 Meadow Lane, stated that he is concerned about the size of homes forced to be reduced in size from the proposed F.A.R. regulation. He stated that if an F.A.R. regulation becomes part of the Zoning Code, then basements should not be included in the calculation. He stated that it would be better to have single family homes subject to an Appearance Review Commission review.

Commissioner Moore stated that he is concerned that an F.A.R. would not be consistent with the current Zoning Code and that he is concerned about the economic viability of an F.A.R.

Mr. Spoden stated that the progress and impact of an F.A.R. regulation should be reviewed on an annual basis.

Chairman Hezner stated that he supports the proposal as currently presented by Staff. He stated that he acknowledges the concern expressed by Mr. Lazzaretto.

Mr. Ron Paul, 406 East Broadway, stated that he admires homes built by Mr. Lazzaretto and Mr. Atkinson. He stated that he supports the idea that single family homes be subject to Appearance Review Commission review instead of implementing an F.A.R. regulation.

Mr. Spoden stated that the Village Board will ultimately decide to approve the proposed F.A.R. regulation or not. He stated that until the Village Board decides on the Zoning Code text changes, the current code will continue to be applied.

In the matter of PC 07-04, Commissioner Robinson moved, seconded by Commissioner Howard, to recommend the Village Board of Trustees approve amendments to Chapter 26 of the Libertyville Municipal Code, subject to the following conditions: 1) The revision to the Zoning Code would take effect six (6) months after passage of the ordinance; 2) The proposed Floor Area Ratio would not apply to the construction of any new residential dwelling unit located within a subdivision for which the resolution approving the subdivision plat was passed between January 1, 2005, and six (6) months after passage of the ordinance. This exception shall not apply to the construction of any new residential dwelling unit or to the addition to an existing residential dwelling unit located within said subdivision pursuant to an application for a building permit applied for after January 1, 2012; 3) Licensed Sexually Oriented Businesses be listed as a Special Permitted Use in the I-1, Limited Industrial District; 4) Warehouse and Storage be listed as a Special Permitted Use in the I-3, General Industrial District; and 5) Coin Operated Laundry Service be eliminated from the C-1, Downtown Core Commercial District.

Ayes: Hezner, Cotey, Howard, Moore, Oakley, Robinson

Nays: None

Absent: Jaffe

Motion carried 6 - 0.

Minutes of the April 28, 2008, Plan Commission Meeting
Page 12 of 13

Mr. David Pardys, Village Attorney, stated that the proposed Adult Use Ordinance shall be part of the Municipal Code and not part of the Zoning Code. He stated that there will be regulations to control for licensing and separation of uses. He stated that the only reference in the Zoning Code is to list Adult Uses as Special Permitted Uses in the I-1 District.

Mr. Spoden stated that a formal motion by the Plan Commission to the Village Board is appropriate at this time.

Commissioner Oakley moved and Commissioner Robinson seconded a motion to recommend to the Village Board to approve the Adult Use Ordinance as written.

Motion carried 6 - 0.

Ayes: Hezner, Cotey, Howard, Moore, Oakley, Robinson

Nays: None

Absent: Jaffe

Chairman Hezner stated that consideration should be given to requiring contractors to provide an affordable single family home for every fourth or fifth dwelling unit they construct because of the on-going trend of teardowns of single family homes in the Village of Libertyville.

Mr. Pardys stated that there will be inherit problems with this requirement. He stated that contractors can change LLC's with each new home they construct.

Chairman Hezner stated that building permits can be tied to the general contractor's license.

Commissioner Oakley stated that this was another unfunded mandate from the State.

Commissioner Howard stated that the \$130,000 dollar amount as a pay-in-lieu fee for each Affordable Housing Unit they do not want to build seems to be too low of a fee amount. He also stated that he was very concerned that developers of individual teardowns would be exempt from the Ordinance. He stated that the Village should study this issue. He stated that he supported the Plan, but that he could not vote for the Ordinance as it was his opinion that it was not in final form.

Mr. Spoden stated that he appreciated that opinion, but that Staff will ask for the vote this evening to move the item to the Village Board of Trustees for their direction. Mr. Spoden stated that the true issue is whether the Village Board is in favor of creating another commission to oversee the Ordinance.

Commissioner Robinson stated that consideration should be given to establishing a requirement for contractors to pay for two affordable units for each market rate one they construct.

Minutes of the April 28, 2008, Plan Commission Meeting
Page 13 of 13

Commissioner Oakley moved and Commissioner Robinson seconded a motion to approve the Affordable Housing Plan as written.

Motion failed 3 - 3.

Ayes: Hezner, Moore, Robinson
Nays: Cotey, Howard, Oakley
Absent: Jaffe

Commissioner Robinson moved and Commissioner Howard seconded a motion to approve the Affordable Housing Ordinance as written.

Motion failed 3 - 3.

Ayes: Hezner, Moore, Robinson
Nays: Cotey, Howard, Oakley
Absent: Jaffe

COMMUNICATIONS AND DISCUSSION:

Commissioner Cotey stated that he is interested in exploring the development of a “Green Code” for the Village of Libertyville. He stated that there is a workshop coming that he will inform the Commission and Staff once he knows more details.

Commissioner Oakley moved and Commissioner Cotey seconded a motion to adjourn.

Motion carried 6 - 0.

Meeting adjourned at 11:33 p.m.