

MINUTES OF THE PLAN COMMISSION
March 23, 2009

The regular meeting of the Plan Commission was called to order by Chairman Kurt Hezner at 7:34 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: David Smith, Senior Planner; and Pat Sheeran, Project Engineer.

Commissioner Cotey moved, seconded by Commissioner Oakley, to approve the February 9, 2009, Plan Commission meeting minutes.

Motion carried 7 - 0.

Commissioner Moore moved, seconded by Commissioner Jaffe, to approve the February 23, 2009, Plan Commission meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS:

**PC 08-34 First Presbyterian Church of Libertyville, Applicant
 219 W. Maple Avenue**

Request is for a Map Amendment to the Village of Libertyville Zoning Map to rezone parcels of land from R-7, Single-Family Attached Residential District to IB, Institutional Buildings District.

**PC 08-35 First Presbyterian Church of Libertyville, Applicant
 219 W. Maple Avenue**

Request is for a Special Use Permit for a Planned Development in order to construct building additions to a Place of Worship facility in an IB, Institutional Buildings District.

**PC 08-36 First Presbyterian Church of Libertyville, Applicant
 219 W. Maple Avenue**

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Request is for a Planned Development with Concept Plan and Final Plan in order to construct building additions to a Place of Worship facility in an IB, Institutional Buildings District.

PC 09-02 First Presbyterian Church of Libertyville, Applicant
226 W. Maple Avenue and 212 W. Maple Avenue

Request is for a Special Use Permit for a parking lot that abuts a C-1, Downtown Core Commercial District 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 December 8, 2008 meeting requesting approval for a Map Amendment to the Libertyville Zoning Map to rezone parcels of land from R-7, Single-Family Attached Residential District to IB, Institutional Buildings District, a Special Use Permit for a Planned Development, and a Planned Development with Concept and Final Plan (simultaneous submission) in order to construct a building expansion to a Place of Worship in an IB, Institutional Building District located at 219 W. Maple Street.

Mr. Smith stated that during the course of the December 8, 2008 meeting, the requests were continued to the January 26, 2009 meeting and subsequently to the February 23, 2009 meeting in order to provide the petitioner an opportunity to revise their plans in response to Staff review comments found in the Development Review Committee Staff report and Plan Commission comments provided during the December 8, 2008 meeting.

Mr. Smith stated that the petitioners were heard once again at the February 23, 2009 Plan Commission meeting where they again requested a continuance to the March 23, 2009 meeting in order to have an opportunity to revise their plans in response to Staff review comments found in the Development Review Committee Staff report and Plan Commission comments provided during the February 23, 2009 meeting.

Mr. Smith stated that one of the significant changes include removing the Maple Avenue parking lot from the rezoning request and keeping it R-7, however it would now be subject to a Special Use Permit request as parking lots in the R-7 District that abut the C-1 District are listed as a Special Permitted Use in the R-7 District.

Mr. James Babowice, attorney for petitioner, introduced architect Rich Klein to the Plan Commission.

Mr. Rich Klein, architect for the petitioner, stated that the planned development consist of three areas. He stated that one area includes the parcels which the church is located, another area is the parking lot access from Douglas Avenue, and the third area includes three parcels on the north side of Maple Avenue that include an existing parking lot, an existing house, and the smaller lot that includes a prayer labyrinth.

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Mr. Klein stated that the existing church was built in three phases. He stated that the first phase was the 1929 chapel and social hall, the second phase was the 1960 classroom building, and the third was the 1986 sanctuary and office addition.

Mr. Klein stated that the proposed project includes the tearing down the 1960 Christian Education wing. He stated that the 1929 social hall and chapel, and the 1986 sanctuary will be remodeled. He stated that the Douglas Avenue parking lot will remain as is, the existing parking lot to the south would remain as is, the existing parking lot on the north side of Maple Avenue would be expanded to the east and the prayer labyrinth lot adjacent to the Maple Avenue parking lot would remain.

Mr. Klein stated that the plan revisions completed since their appearance in front of the Plan Commission in December include the removal of the multi-purpose building addition on the east side of the building, and that the house located at 213 West Maple has been removed from the Planned Development. He stated that other changes include the development of a drop-off/pick-up zone along Maple Avenue in front the church. He stated that the parking lot light poles will not exceed 10 feet in height.

Mr. Babowice stated that in response to Staff comments, the church withdrew its request for the Map Amendment for the parking lot on the north side of Maple Avenue so that it will remain as R-7, Single-Family Attached Residential District. He stated that there is one small Map Amendment request and that is for the play lot on the east side of the church building. He stated that the existing play lot area has not been used as residential since 1961. He stated that Village Staff requested that the parking lot improvements on the north side of Maple Avenue be done first in lieu of having it done as a final phase. Mr. Babowice stated that there was a meeting with the neighbors after the December 2008 Plan Commission meeting about the property located at 213 W. Maple Avenue. He stated that the church decided to not demolish 213 W. Maple Avenue and now it will act as a buffer between the church expansion and the adjacent neighborhood to the east.

Mr. David McCallum, project landscape architect for the petitioner, stated that most of the trees in the plan are along the building and consist of Linden, Birch, ground cover and shrubs. He stated that there are 12 trees on site proposed to be removed and 3 trees off-site, within the Maple Avenue right of way, are also proposed to be removed. He stated that all three of the parkway trees are to be relocated, two to Cook Memorial Park and one elsewhere within the Maple Avenue right of way. He stated that for the 12 on-site trees to be removed there will be 64 ornamental or shade trees proposed to be installed as replacement. He stated that the shade trees will be installed at a size ranging between 2-1/2 inches to 6 inches in diameter. He stated that the evergreen trees proposed are going to be between 6 feet to 11 feet in height. He stated that the ornamental trees will be between 6 to 8 feet in height. He stated that there will be thousands of perennials and ground cover plants.

Mr. McCullum stated that the landscape plan for the parking lot area on the north side of Maple Avenue has changed marginally. He stated that the plan now depicts 6 foot high ornamental trees. He stated that beneath the ornamental trees will be deciduous shrubs. He stated that between the parking lot and the labyrinth will be additional landscaping to help to screen the parking lot. He

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stated that in response to a recommendation by the Plan Commission, the center parking lot island will be improved with a bio-swale and is shown in the landscape plan.

Commissioner Howard asked for clarification of the proposed landscaping on the west side of the labyrinth. Mr. McCullum in response presented the landscaping as shown on the labyrinth lot.

Mr. Babowice stated that Village Staff has requested that there be a 30 foot setback for the parking lot on the north side of Maple Avenue from the right of way property line. He stated that the church prefers to not have the 30 foot setback imposed due to the location of handicap parking spaces along the southern perimeter of the parking lot. He stated that the 30 foot setback would cause the handicap spaces to be relocated elsewhere.

Mr. John Jepsen, Member of First Presbyterian Church, 17354 Dartmor Drive, Grayslake, stated that if the 30 foot setback is required then the handicap parking space would have to be moved further away from the church and there would also be a reduction in the number of parking spaces proposed.

Commissioner Howard asked what the proposed setback will be if the 30 foot setback is not required. Mr. Jepsen stated that there would be a 10 foot setback from the property line.

Mr. Babowice stated that the existing church building footprint will not expand much more than what it currently is now. Mr. Babowice stated that the requested Planned Development is within the codes plan and purpose in the IB Institutional Buildings District. He stated that because of the footprint expansion, the petitioner is seeking the approval for the Planned Development. He stated that the church has been in that location since 1929. He stated that the petitioner's proposed improvements are consistent with what the IB District provides. He stated that the north side of Maple Avenue is zoned R-7 District and that district allows parking lots as a Special Permitted Use. He stated that there is no adverse impact on the adjacent properties from the proposed development because it is a modernization of the existing facilities. He stated that the church will not change the character of the area. He stated that there will be no interference with the surrounding development.

Mr. Tom Hill, project engineer for the petitioner, stated that changes to the plans include the use of bio-swale in the Maple Avenue parking lot to help with the storm water drainage and is directed towards the Maple Avenue storm sewer. He stated that there are storm sewers around the perimeter of the building and this will help to direct storm water to the Maple Avenue storm sewer and not impact the residents. Mr. Hill stated that the proposed bio-swale is a method of 'Best Management' practice and will help to remove hydrocarbons. He stated that they are also incorporating a submerged half-trap catch basins in the parking lot area which will encourage hydro-carbons and oils to flow to the top. He stated that this structure will require on-going maintenance by the church but should be an effective hydrocarbon removal feature.

Mr. Hill stated that the plans also show a drop off area along Maple Avenue in front of the church that addresses concerns previously expressed by the Plan Commission.

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Chairman Hezner asked for clarification regarding where the catch-basin would connect or tie into. Mr. Hill stated that there is a catch-basin that will be tied back into the storm sewer.

Mr. Klein stated that they are keeping the original 1929 chapel portion of the facility. He stated that one of the difficulties that the church is experiencing results from that fact that there have been several additions to the structure done over the years that have resulted in a building with many different floor levels. He stated that the improvements will keep the architectural style of the existing facility.

Mr. Babowice stated that a public benefit will be provided because it will be a more accessible worship facility and for other services. He stated that the church will continue to reach out to the community at large with its spiritual educational and social services. He stated that the church is a downtown church not unlike the other downtown churches in Libertyville. He stated that there are not other locations available in the downtown for this church to relocate. He stated that 213 West Maple will not be demolished. He stated that the petitioner has provided a Development Agreement which will go to the Village Board for their review. He stated that with regard to the open space requirement for the Planned Development open space there is the lot adjacent to the Maple Avenue parking lot that contains the prayer labyrinth. He stated that in regards to the deviations from the Zoning Code that the proposal does not violate the purposes and goals of the Village Code and Official Comprehensive Plan. He stated that it will not be detrimental to the community at large. He stated that the church is a good neighbor. He stated that he would like for the Plan Commission to vote for all requested items. He stated that he has a (church) signed copy of Development Agreement.

Ms. Sharon Star, 201 North Stewart Avenue, stated that she lives directly behind church. She stated that she has no problem with the reconfiguring and remodeling of the church. She said that she is strongly opposed to any expansion of the footprint. She stated that the wall of the church located closest to her property is institutional and ugly looking, but the appearance is relieved by the existing trees. She does not support any improvements to the church that would move the wall closer to her property and lose the existing trees. She stated that she objects to the destruction of any more houses in the neighborhood. She stated that there has to come a point where it is said no more expansion. She stated that she does not see why it is necessary to expand their parking lot when they have two services at the same time. She stated that the solution to the parking problem is to add a service at a different time of the day.

Mr. Todd McDonald, 112 Douglas, stated that he lives three houses south of the church. He stated that he objects to the tearing down of any more houses in the neighborhood. He stated that as more houses are torn down that fewer people from the neighborhood will patronize the downtown community.

Mr. Kevin Otte, 1145 Sussex Lane, stated that he is strongly in favor of the renovation plans for the church. He stated that his second son was born with special needs both physically and mentally. He stated that he joined a special needs mentor group at the church in order to learn more about special needs. He stated that his son is in a wheelchair. He stated that the church historically has not been

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accessible for people with special needs. He stated that the requested renovation to the church building is urgent. He stated that great steps have been taken to be as accommodating to the neighbors as possible.

Mr. Jim Engdahl, 234 West Maple Avenue, stated that he is concerned about the 10 foot tall light poles for the parking lot. He stated that the 10 foot setback for the parking lot is too close to the street, and that it is forward of the building line. He stated that the handicap parking spaces could be designated in front of the church instead of the Maple Avenue parking lot.

Chairman Hezner stated that the handicap spaces located as Mr. Engdahl suggests would not comply with Code.

Mr. Engdahl stated that the labyrinth parcel should not be covered by the Special Use Permit. He stated that it is a taxable lot and the church has to pay taxes on it. He stated that he is concerned about installing trees on the west edge of the labyrinth lot because it will block the view of police coming west bound on Maple Avenue. He stated that he is concerned about the storm sewers. He stated that the basin in the parking lot chronically clogs up. He stated that if more water run-off is added then he is concerned about the risk of additional drainage problems including any backup into the residential basements.

Mr. Pat Sheeran, Village Project Engineer, stated that all of the storm sewers are designed for 10 year events.

Mr. Engdahl stated the proposed church improvements do not benefit the community, but only the church itself. He stated that it is not consistent with the Comprehensive Plan which envisions residential housing which would not be possible if the proposed church improvements are approved.

Mr. Smith stated that Staff re-evaluated the Maple Avenue parking lot and encouraged the petitioner to not request the Map Amendment in order to keep its R-7 Residential District Zoning.

Chairman Hezner stated that if any portion of the parking lot were subject to a request for building a residential home, it could put the Planned Development into non-compliance.

Mr. David Pardys, Village Attorney, responded in the affirmative.

Mr. Engdahl stated that the previous supposition that the proposed Planned Development, in particular the parking lot improvements, is consistent with the Comprehensive Plan is fallacious. He stated that it is either a parking lot or residential, it cannot be both. He stated that the church should not have gotten the permit for the original parking lot. He stated that at the time of the original installation of the parking lot would have been an appropriate time to locate their church facility elsewhere that would accommodate their expansion over time. He stated that to approve the current request to expand their parking lot serves to affirm that they are expanding at the expense of the neighborhood. He stated that alternative sites are possible. He stated that as the years go by, more

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houses will come down and more parking lots will have to be installed and he asked when this kind of expansion stops.

Chairman Hezner asked Mr. Engdahl when he moved into his house. Mr. Engdahl responded that he moved into his house in 1967.

Chairman Hezner stated that the church was at its location long before 1967.

Mr. Engdahl stated that he was aware of the church , but that it was a little small chapel at that time.

Chairman Hezner asked Mr. Engdahl if he ever thought that the church would not expand. Mr. Engdahl stated that he didn't think that it would expand like a tumor.

Chairman Hezner stated that the church has rights to its property the same as Mr. Engdahl has rights to his property.

Mr. Engdahl stated that whenever anyone wants something, it is not free. He stated that when the church gets something, someone else has to lose. He stated that he does not want to look out to an expanded parking lot from his house.

Chairman Hezner asked if the church representatives attempted to work with Mr. Engdahl on potential variations of landscape screening between his property and the parking lot.

Mr. Engdahl stated that the landscaping is not sufficient. He stated he is concerned about the impact that the vehicles will have that park at the parking lot. He stated that he objects to the church conducting a food pantry distribution activity during the summertime in the Maple Avenue parking lot as there are a multitude of cars everywhere. He stated that he does not object to the distribution of food if it is contained within the building itself.

Mr. Michael Womack, 320 West Maple Avenue, stated he is concerned about the impact upon the neighboring property values. He stated that Commissioner Moore stated in a previous public hearing that the neighborhood is now at a tipping point.

Commissioner Moore stated that his previous comment regarding property values was in sole reference to Mrs. Dunn's property.

Mr. Womack stated that the proposed church improvements will lessen the character of the neighborhood due to the tearing down of the residential homes. He stated that the church has torn down several homes in the neighborhood. He stated that the neighborhood will be less walkable and more institutional. He stated that he has invested a lot of money into his property while believing in the neighborhood. He stated that he is concerned about the proposed parking lot lighting. He stated that he was told by John Jepsen that the lot next to the Maple Avenue parking lot expansion will be heavily landscaped and look like a park. He stated that he does not want his intelligence insulted.

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He stated that the improvement of the Maple Avenue parking lot will be at the cost of an existing home.

Mr. Vincent Palmieri, 604 Ames, stated that he is an attorney, but is present at tonight's meeting as a neighborhood property owner. He stated that one of the key Standards for a Special Use Permit for this development is Adverse Impact and Interference of Enjoyment of Surrounding Development. He stated that the issue at hand is going to boil down to benefits versus burdens. He stated that the First Presbyterian Church is an outstanding institution and that it serves the community well and helps people with special needs. He stated that some of the services provided by the church might be more appropriate if they were provided by a community center such as the one on Brainerd Avenue rather than from a church. He stated that as the church provides more services, then their requirement for additional space expands. He stated that First Presbyterian Church currently houses a large cooperative day care and nursery service. He stated that in other settings, a day care would be considered a commercial use. He stated that the church's additional uses are in a residential setting. He stated that the church's growth has happened over time. He stated that the neighborhood begins to bear the cost of the church's growth. He stated that there is an increase in use, increase in square footage, increase in parking, and that there is a dominance in the immediate vicinity and an interference in the use and development of the neighboring properties. He stated that the church's dominance of the residential neighborhood is what the neighbors are objecting to. He stated that the dominance happens one lot at a time.

Mr. Palmieri stated that consideration should have been given to the church locating to another site. He stated that consideration should be given to the question as to whether the church has outgrown its current site. He stated that the School Street site could be developed as a church.

Ms. Susan Weller, 126 West Lincoln Avenue, stated that she is a member of First Presbyterian Church. She stated that her neighborhood consists of educational and commercial neighbors. She stated that they all get along because the neighborhood consists of a vibrant mix that defines the community she lives in. She stated that she enjoys being near the bike trail and having the ability to walk to First Presbyterian Church. She stated that the prayer labyrinth offers a lovely open space and the homes in the neighborhood are beautiful. She stated that First Presbyterian sends money and people to other places in the world, not just in the U.S. She stated that they are a vital part of the Village of Libertyville. She stated that the church members spend time discussing the accessibility difficulties for their existing church. She stated that they hope to have a higher standard than the Americans with Disabilities Act for their church improvements. She stated that feeding the poor is not a new activity for the church.

Ms. Nancy Dunn, 205 West Maple, stated that the church and the neighborhood have co-habitated for several years and that they are interested in continuing that process. She asked if there was only going to be one entrance into the parking lot and what the number of added cars for the parking lot would be. Mr. Klein stated that they are keeping the existing driveway for the parking lot. He stated that the parking lot will increase the number of spaces to 60. He stated that they are also keeping the existing parking lot driveway access to the north.

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Ms. Dunn asked for clarification of the previous request to rezone 213 West Maple Avenue. Chairman Hezner stated that the petitioner has withdrawn their request to rezone 213 West Maple.

Ms. Kristen Marsden, 1102 Claridge Drive, stated that she is a member of the First Presbyterian Church and it is a big reason why she and her husband moved to Libertyville. She stated that she is at the church between 3 to 5 times per week. She stated that she has been an active member of the church's Mom's Club. She stated that the church has a strong family ministry. She stated that many of the speakers in the Mom's Club are local business owners and that many of the social activities take place in Libertyville. She stated that her kids go to school with the same kids that they go to church with. She stated that the members of the church are a vital part of the Libertyville community. She stated that the church building needs to be accessible. She stated that although she recognizes the neighbors concerns, the church is a vital part of the congregation.

Mr. Gene Craig, 306 West Lincoln Avenue, stated that he and his wife have been residents in the Libertyville community. He stated that they have been retired for 17 years and have put roots down in the community and do not want to move anywhere else. They have been here and have helped with some of the planning for some of the additions and renovations of the church that have taken place over the years. He stated that the church has not always been accessible, especially for the seniors. He stated that the stairs within the church building make it difficult for the seniors to access various parts of the building. He stated that the church now has three services. He stated that one of the services is now at 11:30 a.m. which helps to alleviate the parking problem.

Ms. Jane Schuett, 130 North Stewart Avenue, stated that she has been a resident of Libertyville for 24 years and has been a member of First Presbyterian Church for 22 years. She stated that she has been on staff at First Presbyterian Church for 11 years, and has been a neighbor on Stewart Avenue for over 4 years. She stated that her primary responsibility has been to nurture children into a relationship with Jesus Christ. She stated in today's society, security concerns for children have been increasing. She stated that the church's proposed improvements will help to facilitate the nurturing and teaching of the children. She stated that the new Christian Life Center will help to improve the safety and security for all.

Mr. Andrew Cowdery, 625 Nordic Court, stated that he has been a resident of Libertyville for about 10 years and a member of First Presbyterian Church for almost 10 years. He stated that he is representing the Scouts that are chartered by First Presbyterian Church. He stated that there about 45 Boy Scouts. He stated that there are about 35 Cub Scouts also chartered by First Presbyterian Church. He stated that the Scouts support the community through volunteerism, cleaning up parks, and marching in parades. He stated that their meetings at the church are easy to get to. He stated that as a member of the church, he is in full support of the church's requests for their improvements.

Mr. Ed Hazelwood, 129 North Stewart Avenue, stated that his property is adjacent to the church's property and that he has lived there for about 4 years. He stated that once he started to attend the church that he realized that it was open more than just on Sundays. He stated that the church is a wonderful support to have. He stated that he is in favor of the church's requests. He stated that the church has been a good neighbor and is part of the fabric of the community.

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Mr. Jim King, 246 Kenloch Avenue, stated that he has been a member of both the community and the church for 36 years. He stated that he serves on the Senior Ministry of the church. He stated that it is difficult to meet the needs of the senior members in the existing facility. He stated that he supports the church's request.

Mr. Erik Cook, 308 Maple Avenue, stated that in December 2008 the Plan Commission was concerned about the Master Plan of the Village and the changing of the zoning for a parking lot. He stated that now that the church is seeking a Special Use Permit in lieu of the zoning district change it seems that the church is only trying to get around the restrictions of the Comprehensive Plan by applying for a Special Use Permit so that they can expand their parking lot and demolish a house. He stated that this process may make it easier for developers to get around the intent of the Comprehensive Plan goals. He stated that the church isn't meeting the parking requirement now and that they still will not meet it with the expanded parking lot.

Commissioner Oakley stated that the church has made a lot of changes since the December meeting and that he is happy with it.

Commissioner Cotey asked the Village Staff why the request for the Special Use Permit for the parking lot was added. Mr. Smith stated that the parking lot is located in an R-7 District. He stated the initial petition included a request to amend the parking lot district to IB. He stated that after further review and discussion with the petitioner that it would be prudent that the parking lot remain R-7 as the Comprehensive Plan identifies the land use to remain residential. He stated that in order for the church to expand the parking lot and not change the zoning district, they would have to request the Special Use Permit.

Commissioner Cotey asked if there is a limitation on the number of parking spaces for the parking lot in an R-7 District. Mr. Smith stated that there is not a limitation. He stated that there is not a minimum or maximum parking space count for a parking lot for itself.

Commissioner Cotey asked Mr. Palmieri to present his views of the Standards for Variations.

Mr. Palmieri stated that he is reading from Section 16-9.5 of the Zoning Code regarding the Standards for Special Use Permits. He stated that the burden is on the applicant to meet the standards. He stated that the proposal must be considered for that potential impact that it would have on the surrounding properties, including Code and Plan purposes, which infers the Comprehensive Plan, adverse impact and interference with surrounding development, adequate public facilities, traffic congestion, destruction of significant features, consideration must be given as to whether it will contribute to the general welfare of the neighborhood or the community. He stated that the standards also contemplate as to whether consideration has been given to locating the facility at another site that may be more appropriate. He stated that the standards also must consider if any adverse impact is taking place with the proposed development.

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Mr. Palmieri stated that the neighborhood may not be concerned with improvements to the building within the existing footprint. He stated that some of the revisions to the plans have been addressed. There is concern that there is some expansion of the existing building footprint.

Mr. Palmieri stated that a more significant concern is the destruction of the single-family residence in order to provide additional parking. He stated that he realizes that the church is trying to deal with their parking problem and he is sympathetic to that effort. He stated that he is concerned that the tearing down of a house has a negative impact upon the neighborhood.

Mr. Palmieri stated that the submission of Tax Assessor valuation of residential properties from Mr. Babowice was from a time period of increasing property values and based upon a 3 year averaging rule and would not be an accurate representation of the church's impact on surrounding property values.

Commissioner Moore stated that the Tax Assessor information was representative of more broad economic factors and wasn't necessarily impacted by the church.

Mr. Palmieri stated that the Tax Assessor data from Mr. Babowice was intended to convey that the property values were not impacted by the church up to the current time period.

Mr. Babowice stated that the records presented tonight covered a time period from 1998 to 2008. He stated that the properties represented in the report include the homes directly across the street from the church and whose property values continued to increase each year which seems to suggest that their property values were not impacted by the church.

Mr. Palmieri stated that the neighboring residents have done extensive investing into their homes with renovations. He stated that the issue at hand is whether the proposed Special Use Permit for the parking lot have an impact on property values.

Commissioner Cotey asked Mr. Babowice to respond to the Standard relative to potential interference with surrounding development. Mr. Babowice stated that the properties surrounding the church are developed. He stated that the improvements to the church will not have any interference with the existing surrounding uses because it is a fully developed area.

Commissioner Cotey asked for clarification of the lighting plan. Mr. Klein stated that a photometric plan was submitted with the plan. He stated that they have reduced the parking lot light poles from 25 feet to 10 feet in height. He stated that they have located the light poles in order to create an evenly distributed light spill in the parking lot but the foot candle illumination would not exceed 0.2 at the property lines of the parking lot.

Commissioner Cotey asked if the parking lot lights will be on all night long. Mr. Klein stated that there currently is no plan to lower the light levels at any particular time.

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Commissioner Cotey stated that he is concerned about light pollution during sleeping hours. He stated that consideration should be given to choosing a more traditional light fixture that would be commensurate with the colonial type of architecture of the church if possible. He stated that if the traditional architectural and design features could be more closely related between the parking lot and the church, it would then be more in line with the character of the neighborhood.

Commissioner Moore stated that the burden is upon the petitioner to show that they have satisfied the Standards. He asked the Village Attorney if the Tax Assessor data submitted is adequate in demonstrating that the church does not have an adverse impact on the neighborhood.

Mr. Pardys stated that the burden is on the petitioner to show that there will be no adverse affect upon adjacent property. He stated that the Standards do not specify property values. He stated that there is no standard for how the petitioner should prove that there has been a negative impact on property values.

Commissioner Moore asked what the church's long term plans are for some of the other residential properties that it owns.

Mr. Jepsen stated that their property located at 123 Stewart has been put up for sale and is not part of the current Planned Development request.

Commissioner Moore asked what options were considered that would maintain the current footprint of the church. Mr. Jepsen stated that in order to construct the accessibility that they were looking for would be difficult and still keep the building within the exiting footprint.

Chairman Hezner asked how many existing levels are there in the church now. Mr. Jepsen stated that there are nine different levels in the church now.

Commissioner Moore asked if the church is considering to acquire the property at 205 West Maple Avenue. Mr. Jepsen stated that they have considered it, but is not part of the church's master plan.

Commissioner Moore asked if any development proposals have been made for the property along the west side of Milwaukee Avenue and south of Maple Avenue. Mr. Smith stated that they have just received an application to develop the site previously known as the Miller-Krueger Dodge site for a commercial development.

Commissioner Jaffe stated that the issue before the Plan Commission tonight is not a referendum on the good that the church does. He stated that the church does a great job of servicing its parishioners and the community. He stated that the debate has to be relative to Planning and Zoning and that will be the basis for the Plan Commission's recommendation to the Village Board for this case. He stated that bringing the church up to compliance with the buildings codes is necessary. He stated that there have been changes to the plan since December and much of the changes have been in response to feedback from the community, especially the elimination of the multi-purpose building addition room from the plans and the keeping of the house at 213 West Maple Avenue. He stated that he was

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not in favor of losing the R-7 zoning on the Maple Avenue parking lot and the petitioner responded to that comment as well.

Commissioner Jaffe asked why this project needs to be a Planned Development and not get separate requests for variations. Mr. Smith stated that when a petition is submitted to the Community Development Department with multiple variations or if it is a petition that includes variations in which the Village Board does not have the authority to grant, that petitioner is often encouraged to request a Planned Development, as is the case with the church. Mr. Smith stated that the church is asking for several deviations from the Zoning Code including an F.A.R. percentage that is too high for the Village Board to approve, but could within a request as a Planned Development in lieu of a request for a variation.

Commissioner Jaffe stated that he did not see any review comments from the Fire Department.

Mr. Smith stated that the previous comments have been addressed with the revised plans. He stated that when the applicant applies for a building permit, the Fire Department will then again do their routine review of the construction documents.

Commissioner Jaffe stated that all Life-Safety issues should have been addressed in both the new portion of the building and the portion of the building that is planned to remain.

Mr. Klein stated that they will bring the entire building up to Code.

Commissioner Howard asked the petitioner if they have had many meetings with the public over this application since their last appearance in front of the Plan Commission in December. Mr. Jepsen stated that they had another meeting with the neighbors in January to discuss the changes that they made to their plans including the removal of the multipurpose room and 213 W. Maple home removed from the Planned Development area. He stated that the issue with parking lot was in response to what Staff was looking for and at the same time trying to meet the needs of the neighborhood. He stated that they are not tearing down two houses that they initially proposed in December, they are only tearing down one now.

Commissioner Howard stated that Condell Medical Center conducted several neighborhood meetings. He asked the petitioner if it is their intention to continue to hold meetings with the neighborhood in order to attempt to improve communications between the church and the neighborhood. Mr. Jepsen stated that even after three meetings with the neighborhood held so far, there has been little acknowledgement of what the church has sacrificed. He stated that he is concerned that very little progress can be made with continued meetings.

Commissioner Howard asked for clarification of the parking space length in the Maple Avenue parking lot. Mr. Klein stated that not all will be 17 feet, only the perimeter spaces will be 17 feet.

Commissioner Howard asked for clarification of the storm water runoff in the parking lot and for clarification of the construction materials and heavy equipment staging during construction. He

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asked how long it will take to complete the parking lot improvements. He asked when the construction of the parking lot will begin. Mr. Klein stated that there will be some construction staging located along the back of the church building. He stated that a specific detailed staging plan has not been completed. He stated that for the demolishing of the home, there is some area behind the home that could be used for staging as well as a portion of the existing parking lot could be used as well. He stated that it may take between 6 to 8 months to complete the parking lot.

Mr. Jepsen stated that the parking lot construction will begin this year, but not until this fall.

Commissioner Howard asked for clarification as to when the landscaping can be installed around the parking. Mr. McCallum stated that installation will be limited until approximately April 2010.

Commissioner Howard asked if there is going to be any tear down of the existing church building. Mr. Klein stated that the existing 1960 Christian Education Wing will be torn down. He stated that the commencement of the work will depend upon the funding.

Commissioner Howard stated that he read the petition and understood that the work for the building expansion was is to commence in 2010 and the renovations for the chapel were to commence when funding becomes available. Mr. Jepsen stated that the church started a capital campaign in summer of 2008, but due to the economic impact, the commencement date is not firm as of yet.

Commissioner Howard stated that he appreciates that the church has agreed to do the Maple Avenue parking lot improvements first. He asked how long will the whole construction schedule take. Mr. Klein stated that it may take up to 12 months.

Commissioner Howard asked where the staging of materials will take place for the church construction and how the flow of materials will take place. Mr. Klein stated that much of the staging may take place in the open space behind the church. He stated that portions of the parking lot behind the building may also be used as a staging area.

Commissioner Howard asked what streets will be used to bring in materials and where the construction crane will be stationed. Mr. Klein stated that they have not established where the crane will be located.

Chairman Hezner stated that the crane will be on site for quite a while.

Mr. Klein stated that the crane will be used for the pre-cast planks. He stated that they will have a general contractor to help decide the location of the crane.

Chairman Hezner stated that the church needs to be mindful of the neighborhood and to not inconvenience the neighborhood as much as possible and to have a better construction and staging plan.

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Commissioner Howard stated that the neighbors have voiced their concern and more attention needs to be given to a construction and staging plan including how construction equipment will access the site.

Chairman Hezner stated that it was important for the petitioner to demonstrate that they have the knowledge base to provide an appropriate construction and staging plan.

Mr. John McGormley, 310 South Stewart Avenue, stated that he is a member of First Presbyterian Church and will be assisting on the construction side of the church's development. He stated that when the church has replaced roof top units in the past, they have had to use large capacity cranes and received the proper permits to do that work in the past.

Chairman Hezner stated that consideration should be given as to how the neighbors may be inconvenienced.

Mr. McGormley stated that they have demonstrated that they have the ability to stage a crane to do construction. He stated that a significant amount of construction material storage can take place on the new parking lot.

Commissioner Howard asked for clarification of the church's sign plan. He stated that he understands that the proposal will include four signs, one on the labyrinth lot, one on the building and two free-standing signs on the church building lot. He asked if one of the freestanding signs previously shown to be within the site distance triangle to be addressed. Mr. Smith stated that the number of signs are to be considered a deviation from the Zoning Code, but wrapped into the Planned Development. He stated that the sign located at the southeast corner of Maple Avenue and Douglas Avenue on the church building lot has had its location adjusted and is no longer in the Site Distance Triangle.

Commissioner Howard asked if there truly is a need to have a sign on the prayer labyrinth. Pastor Brian Paulson, pastor of First Presbyterian Church, stated that the sign in the labyrinth lot is mounted on a post with a placard that describes how to walk through the labyrinth.

Commissioner Howard asked if the labyrinth lot is used as a playground. Pastor Paulson stated that the labyrinth lot is used in a way that is not dissimilar as the intent of a Planned Development, in other words as open space. He stated that when children in the neighborhood see an open space they may run around on it. He stated that there have not been planned or programmed activities intended as a playground for the labyrinth.

Commissioner Howard asked if the parking Lease Agreements with the satellite parking lots on the dentist property and on the funeral home property could be rescinded by them at any time. Mr. Babowice stated that Commissioner Howard is correct that the parking Lease Agreements could be rescinded by the dentist property owner and by the funeral home property owner. Mr. Babowice stated that the proposed parking plan is part of the Planned Development. Mr. Babowice stated that the Lease Agreements are renewable in one year increments.

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Commissioner Howard asked the petitioner what the alternative solution is in case the church loses the shared parking arrangements for the dentist and funeral home parking lots. Pastor Paulson stated that they have had preliminary discussion with the Business Director of Libertyville High School regarding the use of some of their parking spaces and possibly using a shuttle in a similar way they are operating their parking arrangement with the funeral home.

Commissioner Howard asked if the chapel and sanctuary remodeling improvements were taken into account for the required parking. Mr. Smith stated that the entire church is taken into account when calculating the minimum required parking.

Commissioner Robinson asked if the parking lot expansion will maintain the same setback from Maple Avenue as the existing parking lot. Mr. Klein stated that they are maintaining the same setback from one property line, but encroaching closer to another property line.

Commissioner Robinson requested clarification on the parking space count for the Maple Avenue parking lot.

Commissioner Robinson stated that he sees three possibilities for the church. He stated that the church can do their renovations within their existing footprint, do the expansion as presented, or the church can move to another location. He asked what uses are permitted for the church site if the church were to move. Mr. Smith stated that the lot in which the church is located now is zoned IB Institutional Buildings District. He stated that the IB District lists Places of Worship as a Special Permitted Use along with other institutional type uses listed as permitted uses such as schools and other governmental buildings.

Commissioner Robinson asked if multi-family housing would be permitted. Mr. Smith stated that Senior Citizen Housing as a Special Permitted Use is listed in an IB District.

Chairman Hezner asked for clarification of the proposed Maple Avenue parking lot drainage at the north east and west corners. Mr. Hill stated that there are bioswales. He stated that there will be drainage cuts at the parking lot perimeter curbs to allow drainage flow.

Chairman Hezner asked for clarification of the center bioswale and what it would be connected to. Mr. Hill stated that they will rely on natural filtration. He stated that to connect that portion of the drainage to the sewer system would be problematic, but they would change that if necessary.

Chairman Hezner asked for clarification as to which parking spaces are 17 feet in length and which ones are proposed to be 19 feet in length. Mr. Klein stated that all of the spaces are 17 feet except for the spaces along the north edge of the parking lot.

Chairman Hezner stated the parking spaces in the center should be 19 feet in length.

Mr. Klein stated that they could put two additional feet in the center, but stated that because they abut the interior landscaped island that it was the same principal as the perimeter parking spaces that

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about the perimeter landscaping. He stated that they are willing to increase the length of the center parking spaces to 19 feet.

Chairman Hezner stated that there are still some landscape screening deficiencies along the north end of the Maple Avenue parking lot near the two Honey Locust trees.

Mr. McCallum stated that they will revisit the landscape plan to address the screening concern but they do meet the ordinance requirement for the number of plantings. He stated that the trees identified by Chairman Hezner as Honey Locusts are actually Maples.

Chairman Hezner stated that Mr. Engdahl has requested that the proposed landscaping along the west property line of the labyrinth lot be moved back towards the parking lot on the east side of the labyrinth lot.

Mr. McCallum agreed to move the landscaping further east as requested.

Chairman Hezner asked why the plan shows the removal of the large tree at the southwest corner of the church building. Mr. McCallum stated that if the new playground equipment can be installed so that they do not encroach into the critical fall zones of the tree, it may be possible to save it.

Chairman Hezner asked for clarification of the water service entry. He stated that the petitioner may have to install their sprinkler room on the Maple Avenue side of the building with an outside access door to it which may conflict with the classroom space. Mr. Klein stated that they will work with their existing water service line which comes in from Douglas Avenue.

Chairman Hezner questioned the use of the existing water service line.

Mr. Sheeran stated that the engineering plan shows the existing 16" water service line along Douglas Avenue. He stated that it shows their line coming in from Douglas towards their proposed court yard area.

Chairman Hezner stated that the Fire Department will not approve that design.

Mr. Sheeran stated the flow demands and their sprinkler design will determine.

Chairman Hezner asked the petitioner if they agree to relocate the parkway trees proposed to be removed along the new drop off curb cut along Maple Avenue. Mr. McCallum stated that they agree to relocate those the parkway trees.

Chairman Hezner asked for clarification of the other utilities. Mr. Klein stated that they will use one existing sanitary sewer. He stated that there will be one new sanitary line to be installed from the Maple Avenue right of way.

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Chairman Hezner asked if the petitioner can remove the proposed exterior stairway on the east side of the building. He stated that the stairway makes a 5 foot setback, not the 12 foot setback as taken from the church building wall. Mr. Klein stated that he would have to study the feasibility of removing the subject exterior stairway.

Chairman Hezner stated that if the Plan Commission went to a vote tonight for a 12 foot setback then that would mean that the stairway could not exist.

Mr. Smith stated that the Plan Commission can render their recommendation for the Plan Development as presented in the drawings.

Chairman Hezner stated that they are discussing possible changes to the plans and that they don't necessarily have to vote on what is presented.

Chairman Hezner state that the parking plan as proposed is a 13% variation. He stated that the building renovations are not a significant increase in the square footage in comparison with the existing building. He stated that the Planned Development ties all of the properties together. He stated that the density has been there for a significant time period. He asked about the current permit situation of the accessory shed located south of the church. Mr. Smith stated that the accessory structure would also be a deviation from the code due to its existing setback.

Chairman Hezner stated that he does not agree with Staff that the Maple Avenue parking lot should be set back 30 feet from the property line due to the location of the handicap parking spaces.

Commissioner Moore stated that he would prefer to keep the parking spaces at 17 feet in length in the Maple Avenue parking lot as it would allow for more green space for plantings.

Chairman Hezner stated that the concern that he has is the precedence being set for other developments because the Plan Commission has not supported this type of deviation or variation from the Code in the past.

Mr. McCallum concurred with Chairman Hezner and stated that they can keep the same number of proposed plantings within a smaller landscaped island and allow for the 19 feet parking spaces.

Chairman Hezner stated that the Development Agreement submitted by the petitioner's attorney for a 20 year time period for completion of the final plan is too long and the reference to a Recapture Agreement is not appropriate for this type of development and its location in a residential neighborhood.

Chairman Hezner stated that he initially had concerns about the petition being in compliance with the Special Use Permit standards, but since the meeting in December, the church has made changes to the plans and now he supports the project. He believes that this project will not hurt the general welfare of the neighborhood.

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Commissioner Robinson asked the petitioner if the expansion of the church building footprint is absolutely necessary or an unnecessary desire for the improvements. Mr. Jepsen stated that they have gone through an extensive planning process and the initial plan was much larger in scope. He stated that they have cut back on the size since they first started the building planning process. He stated that the plan before the Plan Commission tonight reflects the church's needs and not just wants.

Commissioner Robinson asked if the requests were denied and they had to stay within the footprint, would the church choose to do that. Mr. Klein stated that they did a study of program capacity and they would have to expel approximately 25% of their programming services if they were force to stay within their existing footprint and still bring the building into Code compliant accessibility.

Pastor Paulson stated that as they were going through the planning process they had to consider their core mission and weigh the economical and efficiency factors as they planned their facility improvements. He stated that they had to consider the expense that would be tied to moving to another location, but they may consider moving if they were voted down for their requests.

Mr. Engdahl stated that the Planning Division recommended that the labyrinth lot next to his house be removed from the Special Use Permit for the parking lot improvements.

Mr. Smith stated that the Staff recommendation is to remove the labyrinth lot from the Special Use Permit for the parking lot, but that it still remain as part of the Special Use Permit for the Planned Development.

Mr. Babowice stated that the petitioner does not object to Staff's recommendation for the disposition of the Maple Avenue parking lot.

Chairman Hezner asked the petitioner if they would like for the Plan Commission to vote for the requests and make their recommendation to the Village Board tonight.

Mr. Babowice stated that they would like to have the Plan Commission to render their recommendation in favor to the requests tonight.

In the matter of PC 08-34, Commissioner Jaffe moved, seconded by Commissioner Howard, to recommend the Village Board of Trustees approve a Map Amendment to the Libertyville Zoning Map to a rezone parcel of land from R-7, Single Family Attached Residential District to IB, Institutional Buildings District in order to construct a building expansion to a Place of Worship in an IB, Institutional Building District, in accordance with the plans submitted.

Motion carried 5 - 2.

Ayes: Hezner, Cotey, Jaffe, Moore, Oakley
Nays: Howard, Robinson
Absent: None

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In the matter of PC 08-35, Commissioner Jaffe moved, seconded by Commissioner Moore, to recommend the Village Board of Trustees approve a Special Use Permit for a Planned Development in order to construct a building expansion to a Place of Worship in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 5 - 2.

Ayes: Hezner, Cotey, Jaffe, Moore, Oakley
Nays: Howard, Robinson
Absent: None

In the matter of PC 08-36.1), Commissioner Jaffe moved, seconded by Commissioner Howard, to recommend the Village Board of Trustees approve a Planned Development with Concept and Final Plan in order to construct a building expansion to a Place of Worship in an IB, Institutional Buildings District with the following condition: 1) The exterior stairwell on the east side of the church building be removed in order to maintain a 12.5 foot setback from the east property line.

Motion carried 5 - 2.

Ayes: Hezner, Cotey, Jaffe, Moore, Oakley
Nays: Howard, Robinson
Absent: None

In the matter of PC 08-36.2), Commissioner Moore moved, seconded by Commissioner Howard, to recommend the Village Board of Trustees approve a Planned Development with Concept and Final Plan in order to construct a building expansion to a Place of Worship in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion failed 1 - 6.

Ayes: Moore
Nays: Hezner, Cotey, Jaffe, Howard, Oakley, Robinson
Absent: None

In the matter of PC 09-02, Commissioner Moore moved, seconded by Commissioner Howard, to recommend the Village Board of Trustees approve a parking lot that abuts the C-1, Downtown Core Commercial District in order to expand an existing parking lot that is accessory to a Place of Worship for property located in an R-7 Single Family Attached Residential District, subject to the following condition: 1) Lot addressed as 226 W. Maple with the PIN #11-16-311-020 be removed as part of the Special Use Permit for the Parking Lot.

Motion carried 5 - 2.

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*Ayes: Hezner, Cotey, Jaffe, Moore, Oakley
Nays: Howard, Robinson
Absent: None*

NEW BUSINESS:

**PC 08-18 Village of Libertyville, Applicant
118 W. Cook Avenue**

**Request is for a Text Amendment to the Libertyville Zoning Code in order to regulate
Outdoor Vending Machines in Commercial Zoning Districts.**

The applicant requested that this item be continued to the April 13, 2009, Plan Commission meeting.

*In the matters of PC 08-18, Commissioner Jaffe moved, seconded by Commissioner Howard, to
continue this item to the April 13, 2009, Plan Commission meeting.*

Motion carried 7 - 0.

COMMUNICATIONS AND DISCUSSION:

Commissioner Jaffe moved and Commissioner Howard seconded a motion to adjourn.

Motion carried 7 - 0.

Meeting adjourned at 10:20 p.m.