

MINUTES OF THE PLAN COMMISSION
May 18, 2009

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:30 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Scott Adams, William Cotey, Robert Guarnaccio, Terry Howard, 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; and Pat Sheeran, Project Engineer.

Commissioner Robinson moved, seconded by Commissioner Howard, to approve the April 27, 2009, Plan Commission meeting minutes, as amended.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**PC 09-03 T-Mobile, Applicant
 800 Garfield Avenue**

Request is for a Special Use Permit for Personal Wireless Services Antennas and related electronic equipment in order to install wireless antennas on the Village of Libertyville Garfield Avenue water tower and related ground equipment in an IB, Institutional Buildings District.

**PC 09-04 T-Mobile, Applicant
 800 Garfield Avenue**

Request is for a Site Plan Permit in order to install Personal Wireless Services Antennas on the Village of Libertyville Garfield Avenue water tower and related ground equipment in an IB, Institutional Buildings District.

The applicant requested that these items be continued to the June 8, 2008, Plan Commission meeting.

In the matters of PC 09-03 and PC 09-04, Commissioner Oakley moved, seconded by Commissioner Robinson, to continue these items to the June 8, 2009, Plan Commission meeting.

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Motion carried 7 - 0.

PC 09-09 Village of Libertyville, Applicant
118 W. Cook Avenue

Request is for Text Amendments to Section 16, Table 16-1, and Section 5-3.3 of the Libertyville Zoning Code to reduce the Minimum Lot Area Requirements for a Planned Development in a C-2, Downtown Community Commercial District.

Mr. John Spoden, Director of Community Development, introduced the proposed Zoning Code text amendment. Mr. Spoden stated that the amendment to reduce the minimum area for Planned Developments in a C-2 District will help to influence a site's ability to be redesigned. He stated that this amendment has already been to the Village Board, but the subsequent adoption of the ordinance has not taken place yet.

Commissioner Howard asked why Staff has chosen 40,000 square feet as the minimum area. Mr. Spoden stated that the proposed area amount makes the most sense after reviewing several other C-2 properties in the Village.

Chairman Moore asked if Staff could offer additional rationale for the proposed amendment. Mr. Spoden stated that the C-2 District is an extension of the downtown C-1 District. He stated that appropriate downtown site design often has an impact on Perimeter Landscaped Open Space, setbacks, building design, and location. He stated that this amendment will help new downtown proposals to fit in better.

In the matter of PC 09-09, Commissioner Howard moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve Text Amendments to Section 16, Table 16-1, and Section 5-3.3 of the Libertyville Zoning Code to reduce the Minimum Lot Area Requirements for a Planned Development in a C-2, Downtown Community Commercial District.

Motion carried 7 - 0.

Ayes: Moore, Adams, Cotey, Guarnaccio, Howard, Oakley, Robinson

Nays: None

Absent: None

PC 09-10 MJK Real Estate Holdings/Libertyville LLC, Applicant
119 N. Milwaukee Avenue

Request is for a Special Use Permit for a Planned Development in order to construct a commercial facility in a C-2, Downtown Community Commercial District.

PC 09-11 MJK Real Estate Holdings/Libertyville LLC, Applicant
119 N. Milwaukee Avenue

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Request is for a Planned Development with Concept Plan and Final Plan in order to construct a commercial facility in a C-2, Downtown Community Commercial District.

PC 09-12 MJK Real Estate Holdings/Libertyville LLC, Applicant
119 N. Milwaukee Avenue

Request is for a Special Use Permit for a Drive-In Establishment accessory to an Eating Place in a C-2, Downtown Community Commercial District.

PC 09-13 MJK Real Estate Holdings/Libertyville LLC, Applicant
119 N. Milwaukee Avenue

Request is for a Site Plan Permit for a Drive-In Establishment accessory to an Eating Place in a C-2, Downtown Community Commercial District.

Chairman Moore recused himself due to conflict of interest with the petitioner. Via the adopted Rules of Procedure for the Plan Commission, the Chairman of the Zoning Board of Appeals was named Vice Chairman for this item.

Mr. David Smith, Senior Planner, stated that the petitioner, MJK Real Estate Holdings/Libertyville LLC, was before them at their April 27, 2009 meeting requesting approval for a Special Use Permit for a Drive-In Establishment accessory to an Eating Place, a Site Plan Permit, variations to reduce the minimum required Perimeter Landscaped Open Space and variations for signs in order to construct a commercial facility in a C-2, Downtown Community Commercial District located at 119 N. Milwaukee Avenue.

During the course of the April 27, 2009 Plan Commission public hearing, the petitioner requested a continuance to the May 18, 2009 Plan Commission agenda in order to revise the plans in response to Staff review comments and direction provided by the Plan Commission. In addition, the petitioner has agreed to amend their petition to be a request for a Planned Development.

Mr. Walter Hainsfurther, petitioner's agent, stated that the project may be constructed in two phases. He stated that the south building would be constructed first in a two phase scenario. He stated that he has met with Dr. Arpino who owns the adjacent property to the north. He stated that in their effort to address Dr. Arpino's concerns, they have moved the northern trash enclosure, but that they left the option open of coming back before the Plan Commission if they want to move the trash enclosure back along the northern property line. He stated that they will install ample landscaping along the perimeter of the site. He stated that the water drainage currently drains to the north and south, but that their engineering plans will correct the excessive offsite drainage. He stated that they have not been able to come to an agreement with Dr. Arpino to date so they may take their drainage connection to Milwaukee Avenue in lieu of going through Dr. Arpino's property. Mr. Hainsfurther stated that they have met with Dr. Ernest Tolli, the property owner at 115 W. Maple Avenue, and they have agreed to replace his rail tie wall with stone.

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Mr. Hainsfurther stated that they have added more architectural features to the proposed buildings including more windows facing Milwaukee Avenue. He stated that they are requesting more signs because it is a two-sided building. He stated that the letters will be three (3') feet tall. He stated that the additional sign area is needed to display at the chamfered corners. He stated that he understands that future tenants who request signs shall need to go before the Appearance Review Commission. He stated that in response to Staff's comments, they will redesign the north patio on the south building to improve the line of sight obstructions in order to alleviate traffic movement conflicts. He stated that they will comply with all screening requirements for the ground mounted equipment. He stated that they will remove one of the landscape plan comments as requested by Staff. He stated that they will comply with all of the Building Division comments and that all Engineering Division comments have been addressed.

Mr. Hainsfurther stated that the proposal is a good plan for the community. He stated that it is a positive storm water management system. He stated that the hard surface has been reduced to 85% whereas before it was 100% hard surface. He stated that retail is difficult to make work in the current economic situation. He stated that the land design is a good transition between the downtown and the strip center designed commercial properties to the south.

Dr. Vince Arpino, 109 West Maple Avenue, stated that he is concerned about the proposed development controlling their water drainage. He stated that he does not want to hear that the dumpster may be moved back to the northern property line again. He stated that over \$30,000 has been spent on the retaining wall along the northern portion of the subject site and he does not want it to be removed. He stated that the developer for the subject site has threatened that they might have to remove the wall.

Dr. Ernest Tolli, 115 W. Maple Avenue, stated that he is concerned about the drainage.

Mr. Curtis Smithson, engineer for petitioner, stated that the grade changes from the north side of the property to Milwaukee Avenue.

Ms. Jan Schuett, 130 North Stewart Avenue, stated that she is concerned about the car headlights because they are residents on the west side of the property. She stated that she is concerned about the excessive signs and the increase in traffic. She stated that she is concerned about the lights on the property.

Mr. Hainsfurther stated that the proposed pole light fixtures will be different than what the dealership has used. He stated that they plan to use shoebox type fixtures for the light poles and they will plant evergreens along the west property line to help screen the headlights from vehicles entering the site. He stated that they are keeping two existing trees as requested by the Appearance Review Commission. He stated that he could not confirm the hours of operation by the tenants, but Dunkin Donuts could be a 24 hour operation. He stated that the parking lot lights will face downward and not throw glare on the adjacent residential properties.

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Commissioner Robinson expressed a concern regarding the 25 foot tall light poles. He asked for clarification as to why Dunkin Donut needed all of the signs they were asking for. Mr. Hainsfurther described the directional signs located in the parking lot and along the parking lot aisles.

Commissioner Robinson stated that the sign plans appear to show six (6) directional signs for Dunkin Donuts.

Mr. Hainsfurther stated that Dunkin Donuts is requesting three wall signs and three directional signs.

Commissioner Robinson stated that the sign requests by the petitioner are very excessive.

Mr. Hainsfurther stated that if the proposed buildings had a parking lot in front of them, then the public perception would be the same. He stated that by putting the buildings up next to Milwaukee Avenue, the hardship has been created.

Commissioner Howard asked why the building and patio design on the north end of the north building needs to encroach into the north Perimeter Landscaped Open Space requirement. Mr. Hainsfurther stated that the tenant requires a patio.

Commissioner Howard asked why the site design shows that there will be an encroachment into the Perimeter Landscaped Open Space at the southwest property line. Mr. Hainsfurther stated that this encroachment allows for a by-pass lane for the Dunkin Donuts drive-thru.

Commissioner Howard asked if the petitioner has received the necessary IDOT approvals. Mr. Hainsfurther stated that they have met with IDOT and have received verbal approvals.

Commissioner Howard asked if all utilities will be underground. Mr. Spoden, Director of Community Development, stated that the rear utility poles along the west property line will remain in place, but that any additional utility improvements will be underground.

Commissioner Howard asked for clarification as to where the drainage collection points will be in the parking lot. Mr. Smithson stated that the collection points for drainage will be located in the middle of the parking lot.

Commissioner Howard asked if the surface drainage will function like a stadium effect. Mr. Hainsfurther stated that there will be a three-sided funnel effect for the parking lot surface drainage at the collection points.

Commissioner Howard stated that he is concerned about the parking lot lighting. He stated that the landscaping is good. He asked if the petitioner is willing to install an eight (8') foot fence along the west, north, and south property lines. He stated that he would like the petitioner to lay out a sign theme that reflects the downtown motif with its color scheme.

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Mr. Hainsfurther stated that the tenant wall signs will be channel cut letters and that they cannot commit to colors and font styles.

Commissioner Howard stated that he cannot support the final plan without sign changes. He stated his preference that the lights be turned off by 11:00 p.m. on site.

Commissioner Guarnaccio asked Staff if the alternate route for the utilities to Milwaukee Avenue will work. He asked what the storm sewer depth is. Mr. Pat Sheeran, Project Engineer, stated that the alternate route for the utilities to Milwaukee Avenue in lieu of going through Mr. Arpino's property can work.

Mr. Smithson stated that the storm sewer depth is four feet.

Commissioner Guarnaccio stated that consideration should be given when installing the underground utilities and their approximation to the existing retaining wall to the north end of the site. He stated that the wall light fixtures shouldn't exceed ten (10') feet above the ground floor. He asked what the sign band height is proposed to be. Mr. Hainsfurther stated that the wall height is 19 feet.

Commissioner Guarnaccio asked if the channel letters on the wall signs facing west are illuminated. Mr. Hainsfurther stated that the letters are internally illuminated.

Commissioner Guarnaccio stated that the west wall signs can be seen by the residents and that consideration should be given to not illuminating these signs.

Mr. Hainsfurther stated that they could use external illumination by using goose neck wall light fixtures. He stated that he will talk to his client about this method of lighting.

Commissioner Guarnaccio asked why this plan needs to have a by-pass lane in the drive-thru. He asked what the stacking number is in the drive-thru lane. He asked what the height of the parapet walls are.

Mr. Hainsfurther stated that the drive-thru by-pass lane was a design request by his client so that vehicles stacked in the drive-thru queue have an opportunity to exit the site if they no longer wish to wait in the drive-thru lane. He stated that there are 6 vehicle stacking spaces from the menu board. He stated that the parapet roof line is at the full height of the roof top mechanical equipment.

Commissioner Adams asked if commercial uses can operate 24 hours in a C-2 District. Mr. Spoden stated that there are no hours of operation restrictions in a C-2 District.

Commissioner Adams stated that he agrees that the west wall signs should be externally illuminated and not internally illuminated. He stated that he would like to see an eight (8') foot high fence at the perimeter of the property.

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Commissioner Oakley asked if the petitioner has received approvals from IDOT for the proposed driveway curb cuts. Mr. Hainsfurther stated that they have verbal IDOT approval.

Commissioner Oakley stated that he is concerned about the drainage on the site.

Mr. Sheeran stated that the proposal shall improve the site drainage.

Commissioner Oakley stated that he has no problem with the proposed signs.

Vice Chairman Cotey asked for clarification of the utility pipe size and its location in the public right of way. Mr. Sheeran stated that along Milwaukee Avenue north of Maple Avenue the pipe size is 15”.

Vice Chairman Cotey stated that consideration be given to adding a third dumpster on site as they are over-parked. He stated that he is concerned that the existing retaining wall is a point of contention between Dr. Arpino and the petitioner and may prohibit the execution of a utility easement to Maple Avenue. He stated that he agrees that the petitioner should use external illumination for the west wall lights. He stated that the Chipotle signs exceed maximum permitted sign area by 104%, Dunkin Donuts signs exceed maximum permitted sign area by 226%, the retail spaces signs each exceed the maximum permitted sign area by 51%, the Five Guys signs exceed the maximum permitted sign area by 132%, the cleaners signs exceed maximum permitted sign area by 91%, and the un-named restaurant signs exceed the maximum permitted sign area by 122%. He stated that the commercial development across the street is regulated by sign criterion that limits the letter heights to 30 inches. He stated that there is no need for wall signs on the north and south elevation walls, but he supports signs on the east and west elevations. He stated that he prefers an eight (8’) foot fence along the north, west, and south perimeter. He stated that the west wall signs should be externally illuminated and not internally illuminated.

Mr. Hainsfurther stated that he cannot remove any of the proposed signs.

Vice Chairman Cotey asked what the petitioner would they like for the Plan Commission to do tonight. Mr. Hainsfurther stated that he would like for the Plan Commission to give their recommendation for approval for their requests.

In the matter of PC 09-10, Commissioner Robinson moved, seconded by Commissioner Howard, to recommend the Village Board of Trustees approve a Special Use Permit for a Planned Development in order to construct a commercial facility in a C-2, Downtown Community Commercial District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Adams, Guarnaccio, Howard, Oakley, Robinson
Nays: None
Absent: None

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In the matter of PC 09-11, Commissioner Howard moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Planned Development with Concept Plan and Final Plan in order to construct a commercial facility in a C-2, Downtown Community Commercial District, subject to the following conditions:

- 1. The design of the northeast corner of the outdoor patio wall on the north side of the proposed Chipotle Restaurant and outdoor steps be revised in order to alleviate any visual line of site obstruction for northbound vehicles traveling on Milwaukee Avenue.*
- 2. All ground mounted mechanical equipment shall be screened by an opaque fence, wall, or densely planted landscaping material of a height sufficient to completely screen such equipment from view from all properties and all streets.*
- 3. Landscape Plan note #1, indicated on sheet L-1, be removed from the submitted documents.*
- 4. All new signs applied for after the Village Board approval of the Planned Development shall adhere to the proposed sign criteria and be subject to ARC review and recommendation to the Village Board for their approval.*
- 5. An eight (8") foot high fence be installed along the west property line its full length and along the north and south property lines to a point that meets the rear building line.*
- 6. The west building elevation wall signs be externally illuminated and not internally illuminated.*
- 7. All wall signs on the north and south wall elevations be eliminated.*

Motion carried 4 - 2.

Ayes: Cotey, Adams, Guarnaccio, Howard
Nays: Oakley, Robinson
Absent: None

In the matter of PC 09-12, Commissioner Robinson moved, seconded by Commissioner Howard, to recommend the Village Board of Trustees approve a Special Use Permit for a Drive-In Establishment accessory to an Eating Place in a C-2, Downtown Community Commercial District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Adams, Guarnaccio, Howard, Oakley, Robinson
Nays: None
Absent: None

In the matter of PC 09-13, Commissioner Howard moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Site Plan Permit for a Drive-In Establishment accessory to an Eating Place in a C-2, Downtown Community Commercial District, in accordance with the plans submitted.

Motion carried 5 - 1.

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Ayes: Cotey, Adams, Guarnaccio, Howard, Oakley

Nays: Robinson

Absent: None

COMMUNICATIONS AND DISCUSSION:

Mayor Terry Wepler addressed the Plan Commission and welcomed the new Commissioners. Mayor Wepler stated that standards shall not be lowered, but consideration shall be given to adjusting the approval process in order to improve expedition. He stated that he is open to feedback from Board Members and Commissioners. He stated that he wants to improve communication between the Village Board and the Plan Commission.

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

Motion carried 7 - 0.

Meeting adjourned at 8:48 p.m.