MINUTES OF THE PLAN COMMISSION
April 12, 2010

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:06 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: David Smith, Senior Planner; John Heinz, Director of Public Works; and Fred Chung, Project Engineer

Commissioner Robinson moved, seconded by Commissioner Cotey, to approve the March 8, 2010, Plan Commission meeting minutes, as amended.

Motion carried 7 - 0.

OLD BUSINESS:

PC 09-16 Richard W. Burke and Allen L. Kracower, Applicants
Approximately 97 acres generally located west of Butterfield Road, north of Park Avenue and the Conventional Franciscan Friars of Marytown, and east of Pine Meadow Golf Course and Saint Mary of the Lake Seminary

Request is for an Amendment to the Comprehensive Plan in order to change the land use designation from Public/Institutional to Residential for approximately 97 acres currently in an IB, Institutional Buildings District located west of Butterfield Road and north of West Park Avenue.

Mr. David Smith, Senior Planner, stated that there was no mention of a petition submitted by Libertyville residents at the January 25, 2010 Plan Commission meeting and that there should have been. Mr. Smith stated that the petition is in response to the proposed Amendment to the Comprehensive Plan by the Mundelein Seminary, Plan Commission Case No. PC 09-16.

Chairman Moore stated that there have already been a number of individuals who have given public testimony on this case. He asked that the members of the public limit their comments to new testimony for today's public hearing.

Mr. Smith introduced Staff members Mr. Fred Chung, Village Project Manager and Mr. John Heinz, Director of Public Works to the members of the Plan Commission and the public seated in the audience.

Mr. Smith presented an update to the Plan Commission regarding the application to amend the Comprehensive Plan in order to change the land use designation from Public/Institutional to Residential for approximately 97 acres currently located in an IB, Institutional Buildings District located west of Butterfield Road and north of West Park Avenue.

Mr. Smith presented the current Future Land Use Map which is part of the current Comprehensive Plan and subject to the proposed land use amendment and has been distributed to the Plan Commission members. Mr. Smith stated that the petitioner's exhibit illustrating the land area subject to the change is current before them on the easel for reference purposes.

Mr. Smith stated that the petitioner was before the Plan Commission at their October 26, 2009 and January 25, 2010 meetings seeking said action. Mr. Smith stated that the DRC Staff report outlines the Staff recommendations within the body of the report. He stated that the DRC Staff report indicates that the northern 33 acres of the subject site is proposed to change to a Medium Density Residential land use, the southern 65 acres is proposed to change to an Open Space land use.

Mr. Allen Kracower, stated that all of the petitioner's presentations have been given and that they are seeking a recommendation from the Plan Commission tonight. He stated that the petitioner favors the overall Staff recommendation except for two points that they are not in agreement. He stated that they are not in agreement to provide a minimum of 15% of the dwelling units as Affordable Housing per the State of Illinois' definition of affordable. He stated that they are amenable to providing some form or type of affordable housing, but not to the extent that Village Staff is requesting. He stated that his second point of disagreement with Staff is that they do not agree to provide a blanket conservation easement to preserve trees on the subject site. He stated that the Comprehensive Plan is not the place to discuss conservation easements. He stated that it is impractical to identify all the six inch in diameter trees in the forest for preservation and preserve them. He stated that when a future developer comes to the Village and applies to develop the subject site, there will be some trees that must come down. He stated that at that time of development, they or the developer will do a tree survey and look at doing a development that makes sense and shows some consideration to the trees that area on site. He stated that he would anticipate that a development plan will include a tree replacement program as needed.

Mr. Kracower stated that the Staff recommended restrictions regarding the Affordable Housing that the conservation easement are too restrictive and do not belong in a request to amend the Comprehensive Plan Land Use Map. He stated that these issues should be addressed when a developer comes in to develop the property.

Mr. Smith stated that at this time it is not known to an appropriate degree what is on the property in terms of trees that should be saved without having a comprehensive tree inventory done. He stated that the Comprehensive Plan land use change is a starting point. He stated that another alternative could be considered to condition the approval of the Comprehensive Plan land use change with a separate ordinance that regulates the preservation of the trees on the subject site.

Mr. Smith stated that in lieu of any condition tied to the Comprehensive Plan land use change that the Village would seek a comprehensive tree inventory from a future developer making application to develop the property.

Mr. Smith stated that the Village does not currently have in place an Affordable Housing Ordinance approved of as of yet. He stated that there is a draft ordinance to regulate inclusionary housing, which is an implementation tool to increase the affordable housing stock in the Village of Libertyville. He stated that there is an expectation that the Libertyville affordable housing stock will decrease after the 2010 Census results come in. He stated that Village Staff have informed developers from time to time that the Village will request that a minimum of 15% of future residential developments be affordable in accordance to the State's definition of affordable.

Chairman Moore asked if the request for 15% affordable units in a residential development depend upon the characteristic of the development.

Mr. Smith stated that the current draft ordinance stated that any new development with five (5) or more dwelling units triggers the 15% requirement. He stated that the subject site is of a size that provides an opportunity to include up to 15% of the dwelling units to be affordable units.

Ms. Mora Breen, 139 Woodland Road, stated that it is her request that only Planning Area One (1) be subject to residential development and that Planning Areas Two (2) and Three (3) remain untouched.

Ms. Mary Ann Zemla, 163 Woodland Road, asked for clarification as to what Affordable Housing means and she stated that she is concerned about the future increase of traffic if the subject site is developed.

Mr. Smith stated that Affordable Housing is those dwelling units that are sold or rented at a price point or rental rate that are at or less than what the State defines as affordable. He stated that Libertyville, per the 2000 Census has approximately 12% of their overall housing stock dwelling units that meet the affordable rates. He stated that the Village has drafted an ordinance to address the anticipated trend that the affordable housing stock will decrease. He stated that the ordinance is an Affordable Housing Plan that is intended to be incorporated into the Municipal Code and will require future residential home builders to provide up to 15% of the number of future residential developments to be affordable.

Ms. Zemla stated that she is also concerned about the traffic that is anticipated to come in and out of the subject site if it were to be developed.

Commissioner Adams stated that he is concerned about the safety and traffic impact of any future development. He stated that an affordable housing component should be included.

Chairman Moore stated that the petitioner seems willing to do some level of affordable housing but is not willing to commit to a certain minimum percentage.

Commissioner Cotey asked if some of the language was changed in the conditions of the Staff report would it be more acceptable to the petitioner. Mr. Kracower stated that it might be more acceptable if the affordable housing condition was less restrictive and if the there was not a blanket statement regarding a conservation easement.

Commissioner Cotey stated that he is concerned about the compensatory water storage.

Mr. Kracower stated that the existing pond area can be expanded.

Commissioner Cotey asked for clarification as to Planning Area Two (2). Mr. Kracower stated that it is intended to remain as open space.

Commissioner Cotey asked if this is a good area for a wild life refuge. Mr. Kracower stated that the is parcel is too small for a refuge. He stated that it has been well preserved by the Mundelein Seminary. He stated that Planning Area Three (3) should remain as an Institutional land use area.

Commissioner Cotey asked if the Franciscan Friars would be interested in Planning Area Three (3). He stated that he would like to see greater protection for Planning Area Two(2). Mr. Kracower stated that when a developer comes in to develop Planning Area One (1), then many of the additional protections that the Village may desire for Planning Area Two (2) could be instituted.

Commissioner Cotey stated that he would like to see a more developed tree preservation program for the subject site. He stated that he is in favor of at least 15% of the dwelling units developed for this site to be at an affordable rate.

Mr. Kracower stated that it wouldn't be fair to lock in a minimum number of affordable housing units prior to the change of the Comprehensive Plan land use designation.

Commissioner Guarnaccio asked for clarification if the subject site would be developed as a Planned Development after the approval of the comp plan land use change. Mr. Kracower stated that a Planned Development would be anticipated. He stated that if he were the developer then he would have the tree survey completed and then design a site plan whereby structures would be clustered in their design in order to save as many trees as they could.

Commissioner Guarnaccio asked for clarification as to how much of the land a future purchaser/developer would acquire. Mr. Kracower stated that Planning Area Two (2) is not available, only Area One (1) is available for sale and development.

Commissioner Guarnaccio asked if a future developer could acquire Area One (1), but utilize Area Two (2) as open space while allowing the current owner to retain title of Area Two (2). Mr. Kracower stated that any new land owner for Area One (1) would not be permitted to use Area Two (2).

Commissioner Guarnaccio stated that consideration could be given to allowing some or all of Area Two (2) as providing open space credit towards the Planned Development requirement in conjunction with and part of the development of Area One (1).

Mr. Kracower stated that even if Area Two (2) is counted as part of Area One (1)'s open space Planned Development credit, anyone living in Area One (1) cannot access Area Two (2).

Chairman Moore stated that he was not anticipating that part of a future proposal would include the use of Area Two (2) as the open space requirement for Area One (1).

Commissioner Guarnaccio asked if any of the drainage in Area One (1) will go into Area Two (2).

Mr. John Heinz, Director of Public Works, stated that drainage will have to be retained on Area One (1) before it would be permitted to drain into the lake in Area Two (2).

Commissioner Guarnaccio stated that he foresees Area One (1) and Two (2) as one area. He stated that covenants could be created that would control where development starts and stops.

Mr. Heinz stated that it would be more advantageous for the two areas to be combined in terms of storm water management.

Mr. Kracower stated that certain drainage easements could be considered to drain into Area Two (2), but not ownership.

Commissioner Guarnaccio stated that it seems to make more sense to combine Areas One (1) and Two (2).

Commissioner Howard asked where else in the Village are there undeveloped IB Districts in the Village. Mr. Smith stated that the largest swath of IB District land that is undeveloped is the Lake County Farm. He stated that the Village is currently in discussions with the Lake County Government regarding the development of a Master Plan for that property.

Commissioner Howard stated that if the subject site were to remain zoned IB District even after changing the Comprehensive Plan land use to residential, then if there were a need to develop additional IB uses, there would be a need to go elsewhere in a commercial zoned district and rezone other land as IB. He stated that he is concerned about the removal of a currently zoned IB area and changing it to residential and creating a shortage of IB zoned land.

Commissioner Howard stated that the petitioner stated in previous meetings that they would fence in the Area Two (2) property.

Mr. Kracower stated that when Area One (1) is developed then the land owner would consider installing a fence between Area One and Two.

Commissioner Howard asked for clarification as to the definition of Open Space and its accessibility. Mr. Smith stated that there is a definition of Open Space in the Zoning Code and an additional definition of Open Space in the Comprehensive Plan.

Commissioner Howard stated that Area Two (2) is intended to be Private Open Space.

Mr. Kracower agreed with Commissioner Howard. He stated that the owner has no intention of making Area Two (2) as Public Open Space.

Commissioner Howard stated that he does not intend to convey any message that the Seminary has to defend how it wants to use its land. He stated that he was told that Libertyville was totally built out in 1995 with a population of 17,500. He stated that now it appears that it is not built out with a substantial increase in population. He stated that in the past 10 to 15 years there appears to be more and more infill development, creating higher densities.

Mr. Kracower stated that Planning Area Three (3) is proposed to remain Institutional Use.

Commissioner Howard stated that he wouldn't want to see a school built in that area.

Mr. Kracower stated that it is zoned for a school. He stated that it could be Senior Housing.

Commissioner Howard stated that the Comprehensive Plan land use change to residential does not yet change it to a Residential zoning district. He stated that the next step would be for a Planned Development. He requested clarification as to why a land use change is necessary now if a developer has to request a map amendment and a Planned Development anyway.

Mr. Kracower stated that the land use change in the Comprehensive Plan helps to prepare the process for a future developer. He stated that Staff suggested to him that the first step would be to amend the Comprehensive Plan and to get feed back from the Plan Commission and that is what he is doing.

Commissioner Robinson stated that they are not dealing with anything concrete without a development proposal. He asked Staff what the potential number of dwelling units might be if developed residentially. Mr. Smith stated that for 33 gross acres, not considering public rights of way, topography or natural vegetation, an R-7 type of density would equal about 400 dwelling units. He stated that if it were developed with a density that reflected an R-8 zoning, it could be as much as 625 dwelling units. He stated that if the property remained an IB zoning, Senior Citizen housing, as a Special Permitted Use, could be as high as 700 dwelling units. He stated that if it reflected an R-6 Single Family density level, then it would be around 180 or 190 dwelling units.

Mr. Kracower stated that currently a Senior Housing developer could request a Special Use Permit for a substantially higher density. He stated that if the developer met the Standards for the Special Use Permit, the Village would be hard pressed to deny it.

Commissioner Robinson stated that even a development with a lower density single family development there would be an impact on schools.

Mr. Kracower stated that he cannot predict what will happen. He stated that every subdivision has an impact on a community and its schools.

Commissioner Robinson stated that the petitioner is asking for a Comprehensive Plan land use change and since he hasn't heard from the school district, he is not ready to support this change.

Mr. Kracower stated that he is ready for the vote now.

Chairman Moore stated that if it were to be developed as Senior Housing at the maximum density allowed that it would not be reasonable for the anticipated traffic to be funneled onto Butterfield Road. He asked if the Affordable Housing issues and density issue in a Planned Development could be addressed at a later time when a developer comes into the picture. He stated that he wants to have put in place some level of guidance for the petitioner as to what the Plan Commission may support and make a recommendation upon.

Mr. David Pardys, Village Attorney, stated that the Affordable Housing ordinance is only in draft form and the 15% number is the number in the draft, not yet approved by the Village Board. He stated that this issue can be addressed at a later point when a developer is ready to develop the property. He stated that the land use will have already been changed to residential in the Comprehensive Plan.

Mr. Smith stated that if the Affordable Housing Ordinance is not codified prior to a developer making application to develop the land, then Staff at that point can negotiate within the parameters of a Planned Development an acceptable percentage level of Affordable Housing units.

Chairman Moore asked Mr. Kracower if he had consulted with developers with Affordable Housing development experience relative to the subject site. Mr. Kracower stated that he has consulted with such developers.

Chairman Moore stated that an Affordable Housing component can be included, it can be done.

Mr. Kracower stated that there are numerous nuances to a development that would make in adaptive for Affordable Housing units, but reaching the number of units that the Village may want may not be attainable due to the economics. He stated that he is agreeable to conditioning the proposed Comprehensive Plan land use change with current or future Affordable Housing ordinances.

Mr. Pardys stated that the Affordable Housing issue can be addressed later when a developer makes application for development.

Commissioner Howard stated that he does not object to the petitioner's position to conditioning the proposed Comprehensive Plan land use change with current or future Affordable Housing ordinances.

Mr. Kracower stated that consideration be given to keeping the subject property Institutional with a variety of conditions and use allowance for a medium residential aspect.

Mr. Smith stated that there is in place the Comprehensive Plan with established land use categories and instead of creating a new land use category, the Plan Commission should consider making use of the established land use categories. He stated that there are three residential land use categories in the Comprehensive Plan which are identified by color as yellow for single family residential, orange for medium density residential and brown for multi-family residential. He stated that when changing the Comprehensive Plan land use category from one to another that the replacing land use category be taken from the Comprehensive Plan land use map. He stated that the request for mixed use medium density residential for Planning Area One (1) requested by the petitioner most closely corresponds to the orange medium density residential already established as one of the land use categories on the Comprehensive Plan land use map.

Chairman Moore stated that within the realm of the existing Comprehensive Plan land use map, the most appropriate choice would be orange, which is the medium density residential land use on the Comprehensive Plan land use map.

Commissioner Cotey stated that the medium density residential land use reflects the petitioner's request.

Mr. Smith stated for clarification purposes that the petitioner is seeking a land use change for Area Two (2) to become Open Space and for Area Three (3) to remain Public/Institutional.

(A 10 minute recess was taken in order for the Chairman and Village Attorney an opportunity to draft the motion.)

Chairman Moore requested feedback from the Plan Commission members as to their opinion regarding the Staff proposed condition to incorporate a conservancy easement to preserve the trees on Planning Area One (1).

Commissioner Robinson stated that he would like to see some form of protection for the trees. He asked what form the motion will be in. Mr. Pardys stated the upcoming motion will be one motion to capture all three Planning Areas.

Commissioner Howard stated that he is agreeable to having the tree survey done later in the future in conjunction with a Planned Development.

Commissioner Guarnaccio stated that he concurs and is agreeable to having a tree survey done and incorporate certain protections for tree species as part of a Planned Development.

Commissioner Cotey stated that a future Planned Development would be the proper implementation mechanism to incorporate certain tree protection regulations and that the trees that are identified on the subject site that belong to the Village's list of desirable species and for those that are identified by the Village as Historical Trees, be protected.

In the matter of PC 09-16, Commissioner Guarnaccio moved, seconded by Commissioner Adams, a motion to recommend approval of an amendment to the Village Comprehensive Plan in order to change the land use designation with respect to approximately 97 acres located west of Butterfield Road and north of West Park Avenue, in an IB, Institutional Buildings District, as follows:
1. With respect to the proposed Comprehensive Plan Amendment for Planning Area One (1) prepared by AK and Associates from Public/Institutional to Mixed Low-Density Residential.
2. With respect to the proposed Comprehensive Plan Amendment for Planning Area Two (2) prepared by AK and Associates from Public/Institutional to Open Space.
3. With respect to the proposed Comprehensive Plan Amendment for Planning Area Three (3) prepared by AK and Associates, no change would be made and will remain Public Institutional.

Each of the aforementioned land use changes are subject to the following conditions:
1) The site only be developed as a Planned Development in order to allow for a creative design that reflects this environmentally sensitive area.
2) Any future residential housing development contains such Affordable Housing as may be required by Village ordinances which are in effect at time of development.
3) Any future development include a tree preservation plan that will protect and preserve trees that belong to the Village of Libertyville's list of desirable tree species and any historical tree as defined in the Village's Ordinance.

Motion carried 5 - 2.

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

NEW BUSINESS:

PC 10-09 StreetScape Development, LLC, Applicant
130-179 School Street

Request is for Amendment to the Special Use Permit for a Planned Development in order to construct 26 single-family detached homes and rehab an existing 2-story public school building to be re-used as a multiple family structure proposed to contain 15 dwelling units for property located in an R-8, Multiple Family Residential District.

PC 10-10 StreetScape Development, LLC, Applicant
130-179 School Street

Request is for a Major Adjustment to the Planned Development Final Plan in order to construct 26 single-family detached homes and rehab an existing 2-story public school building to be re-used as a multiple family structure proposed to contain 15 dwelling units for property located in an R-8, Multiple Family Residential District.

PC 10-11 StreetScape Development, LLC, Applicant
130-179 School Street

Request is for a Preliminary Plat of Resubdivision in order to construct 26 single-family detached homes and rehab an existing 2-story public school building to be re-used as a multiple family structure proposed to contain 15 dwelling units for property located in an R-8, Multiple Family Residential District.

Due to improper notification by the applicant, these items will be re-noticed for the April 26, 2010, Plan Commission meeting.

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 7 - 0.

Meeting adjourned at 9:30 p.m.