

MINUTES OF THE PLAN COMMISSION
June 28, 2010

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:01 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Scott Adams, William Cotey, Robert Guarnaccio, Andy Robinson, and Kurt Schultz.

Members absent: Walter Oakley.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; and David Smith, Senior Planner.

Commissioner Robinson moved, seconded by Commissioner Cotey, to approve the May 24, 2010, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

PC 10-19 Village of Libertyville, Applicant
118 West Cook Avenue

Request is for a Text Amendment to Sections 11 and 16 of the Libertyville Zoning Code relating to Electronic Message Board Signs.

Mr. John Spoden, Director of Community Development, presented the proposed changes to the Zoning Code regarding Electronic Message Board (EMB) signs. Mr. Spoden presented the proposed EMB overlay district. He stated that in response to the direction given by the Plan Commission last month, Staff has now included Peterson/Buckley Road east of Milwaukee Avenue. He stated that the "Mile of Cars" Libertyville Auto Dealer Association was very clear that they were not interested at this time to include EMB's within their auto zoning districts due to their corporate restrictions on the branding designs of their signs. Mr. Spoden stated that the only commercial properties along East Park Avenue that are large enough to accommodate EMB's are the DAZ Furniture and Culvers restaurant establishments.

Commissioner Robinson asked what would happen to the Libertyville Bank EMB if the Village were to pass the proposed text changes. Mr. Spoden stated that the Libertyville Bank EMB would be grandfathered in.

Commissioner Robinson asked what would happen to the Tranel Financial establishment on North Milwaukee Avenue if the Village were to pass the proposed text changes. Mr. Spoden stated that the

Minutes of the June 28, 2010, Plan Commission Meeting
Page 2 of 5

Tranel EMB was subject to a court-ordered Settlement Agreement and essentially would be unaffected by any proposed Zoning Code text changes for EMB's.

Mr. Spoden stated that the proposal basically encourages future EMB's to be centered on properties due to the proposed setback requirements even on lots that are 200 feet wide. He stated that the proposal also stipulates that EMB's would not be subject to authorized variations and must be submitted as Special Use Permit applications.

Commissioner Robinson stated that he sees no reason to have EMB's on industrial zoned properties. He stated that the EMB's should be eliminated from South Milwaukee Avenue and East Park Avenue and industrial properties from the proposal. He stated that he supports EMB's on Buckley Road, Route 45 and Peterson Road as stated in the proposed text amendment.

Commissioner Guarnaccio stated that there are multiple uses in a zoning district.

Commissioner Shultz asked where there are existing EMB's in the Village and how do they relate in size to the size as outlined in the proposed text amendment. Mr. Spoden stated there are EMB's located at the Sports Complex, Libertyville High School, and Liberty Auto City. He stated that the Sports Complex EMB is roughly the same size as proposed in the text amendment. He stated that the EMB's located at the bank and Liberty Auto City are smaller.

Commissioner Shultz stated that he is opposed to allowing EMB's in the Village, but if a text amendment to allow them is approved, he would support something that is similar that is outlined in the Settlement Agreement for the Tranel Financial site.

Commissioner Guarnaccio stated that he is opposed to a geographical discrimination against certain businesses.

Commissioner Cotey stated that it was good to receive a letter from the Auto Dealers Association that conveyed their opinion about the EMB's in their zoning district. He is surprised that the auto dealers do not want EMB's. He asked if Staff reviewed other communities' codes. Mr. Spoden stated that they did not do a comprehensive review of other communities.

Commissioner Cotey stated that he supports EMB's with only a 24 square foot display area.

Commissioner Adams stated that he supports EMB's with only a 24 square foot display area.

Chairman Moore stated that there seems to be three points of discussion which include whether or not EMB's should be allowed in the industrial zoning districts; whether to define the permitted areas to be zoning district defined or geographical area defined; and whether or not the display area on the EMB's should be reduced from 32 square feet to 24 square feet.

Commissioner Guarnaccio stated that he supports a 32 square feet display area.

Minutes of the June 28, 2010, Plan Commission Meeting
Page 3 of 5

Chairman Moore asked if further discussion is needed regarding the industrial areas. He stated that the consensus appears to be that the Plan Commission supports a 24 square foot display area.

Commissioner Schultz why is the proposal for 24 square feet of EMB display area. Mr. Spoden stated that the proposed display area size is more conducive for a monument-type sign.

Commissioner Guarnaccio stated that the larger Tranel EMB sign was permitted through a Settlement Agreement. He asked if this doesn't present a precedent.

Mr. David Goles, Village Attorney, stated that the Code, up to this point, does not regulate EMB's effectively. He stated that the Tranel Settlement Agreement was difficult for the Village to fight due to the lack of regulation in the Code. He stated that the proposed text amendment will now provide substantial regulations for EMB's that it didn't have before.

Commissioner Schultz asked how the corridors were identified or chosen. Mr. Spoden stated that only Strategic Regional Arterials were chosen due to their high traffic volumes.

Commissioner Guarnaccio stated that he anticipates future legal problems by excluding other businesses.

Mr. Goles stated that by using an overlay district approach is very legally defensible.

Chairman Moore stated that he recommends accepting the proposed text amendment except that the display area on EMB's should be changed from 32 square feet to 24 square feet.

In the matter of PC 10-19, Commissioner Cotey moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Text Amendment to Section 11 and 16 of the Libertyville Zoning Code relating to Electronic Message Board Signs as outlined in the DRC Staff Report dated June 24, 2010, subject to the following change: Section 11-16 a.(3) be changed from 32 square feet to 24 square feet.

Motion carried 4 - 2.

Ayes: Moore, Adams, Cotey, Schultz

Nays: Guarnaccio, Robinson

Absent: Oakley

NEW BUSINESS:

PC 10-20 Village of Libertyville, Applicant
118 West Cook Avenue

Request is for a Text Amendments to Sections 5-3.4, 5-4.4, and 5-5.4 and Section 16-8.5 of the Libertyville Zoning Code relating to Use Limitations and Authorized Variations -

Minutes of the June 28, 2010, Plan Commission Meeting
Page 4 of 5

Board of Trustees for Office Uses in a C-2, Downtown Community Commercial District, C-3, General Commercial District, and C-4, Shopping Center Commercial District.

The applicant requested this item to be continued to the July 26, 2010, Plan Commission meeting.

In the matter of PC 10-20, Commissioner Robinson moved, seconded by Commissioner Adams, to continue this request to the July 26, 2010 Plan Commission meeting.

Motion carried 6 - 0.

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

PC 10-21 Village of Libertyville, Applicant
118 West Cook Avenue

Request is for a Text Amendment to Section 2 of the Libertyville Zoning Code relating to definitions associated with Building Coverage, Lot Coverage and Swimming Pools.

Mr. David Smith, Senior Planner, presented the proposed text amendment to the Plan Commission. Mr. Smith stated that in an effort to bring clarity and further alleviate misinterpretations relative to lot coverage, building coverage and swimming pools, Staff offers text changes to their definitions in the Zoning Code. Mr. Smith stated that the current definition of Lot Coverage states, "The percentage of a lot's area covered by any impermeable surface, other than water bodies." Mr. Smith stated that Staff's recommendation to that text is to remove, "other than water bodies", in order to reduce challenges as to whether swimming pools should be considered as lot coverage or not. Mr. Smith stated that as a practice, Staff has considered swimming pools as lot coverage due to the nature of their construction, having a hard impermeable pool floor.

Mr. John Spoden, Director of Community Development, stated that the concern for the Village is more about smaller residential lots. Mr. Spoden stated that there was a mistake printed in one of the Building Division's permit application guidelines which indicated that swimming pools did not constitute lot coverage. He stated that this brochure was in conflict with the Department practice of counting swimming pools as lot coverage.

Commissioner Robinson stated that ponds may be more of a flooding problem than what swimming pools could cause.

Commissioner Guarnaccio stated that this case appears to be an effort by Staff to bring clarity to an on-going policy.

Minutes of the June 28, 2010, Plan Commission Meeting
Page 5 of 5

In the matter of PC 10-21, Commissioner Schultz moved, seconded by Commissioner Adams, to recommend the Village Board of Trustees approve a Text Amendment to Section 2 of the Libertyville Zoning Code relating to definitions associated with Building Coverage, Lot Coverage and Swimming Pools.

Motion carried 6 - 0.

Ayes: Moore, Adams, Cotey, Guarnaccio, Robinson, Schultz

Nays: None

Absent: Oakley

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 6 - 0.

Meeting adjourned at 8:33 p.m.