

MINUTES OF THE PLAN COMMISSION
September 13, 2010

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:03 p.m. at the Village Hall.

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

Members absent: Scott Adams.

A quorum was established.

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

Commissioner Schultz moved, seconded by Commissioner Cotey, to approve the August 9, 2010, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**PC 10-31 StreetScape Development, LLC, Applicant
130-179 School Street**

Request is for an Amendment to the Special Use Permit for a Planned Development in order to construct a 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 10-32 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 10-28 StreetScape Development, LLC, Applicant
130-179 School Street**

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Request is for a Final Plat of Re-Subdivision in order to construct a 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.

Mr. David Smith, Senior Planner, introduced the petitioner and the proposal. Mr. Smith stated that the petitioner was before them at their April 26, 2010 and May 10, 2010 meetings requesting an Amendment to the Special Use Permit for a Planned Development, a Major Adjustment to the Planned Development Final Plan and a Preliminary Plat of Subdivision in order to construct a 26 single-family detached homes on the remaining 26 vacant School Street lots and rehab the existing 2-story Central 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 at 130-179 School Street.

Mr. Smith stated that Staff drafted a motion for approval with conditions for the May 10, 2010 Plan Commission meeting which received a recommendation for approval. Mr. Smith stated that the Plan Commission report was sent to the May 25, 2010 Village Board meeting for approval. Mr. Smith stated that the Village Board concurred with the recommendation of the Plan Commission. Mr. Smith stated that the petitioner was advised that relative Ordinances and Resolution would not be placed on a subsequent Village Board agenda until final civil engineering plans and development agreement were complete. Mr. Smith stated that in the interim the petitioner had made changes to the site plan that were not in substantial conformity with the prior approved plans which shall require that these requests go back to the Plan Commission for public hearing. Mr. Smith stated that these changes include the following:

- The positioning of the homes are proposed to be changed so that the active side of each home faces west for lots 11 through 19.
- The 13 foot wide common area will be eliminated between lots 19 and 20.
- Seven additional parking spaces along the north alley.
- The private alley engineering specifications have been adjusted. Along some points it has become narrower.
- All prior named home models have been removed. The petitioner is now proposing that each home be custom built.

Mr. Smith stated that the petitioner is also proposing that the phasing plan be changed so that the phasing would require that the last eleven (11) homes be tied to the school building construction on any location in the development.

Mr. John McLinden, petitioner, stated that they have eight signed contracts for new single family homes. He stated that he understands that they have a huge responsibility to the Village of Libertyville. He stated that one of the changes to the plan is to have the active sides of the homes face to the west towards Milwaukee Avenue and the quiet sides of the single family homes face east

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for all the units. He stated that the thirteen foot wide common area between lots 19 and 20 has been eliminated. He stated that they have added seven parking spaces along the north alley. He stated that they have re-engineered that alley to include perimeter curbs. He stated that they would like to defer the installation of the private to the Spring of 2011 and allow temporary occupancies in the mean time. He stated that the prior submittal had identified eight different models but now the intent is to name all custom homes. He stated that they will incorporate a consistent architectural style in the Development Agreement. He stated that they are currently submitting to the Village's ARC homes for lots 26, 7, 16 and 10, two of which are for building permit review.

Mr. McLinden stated that the school building is important to them. He stated that the proposed phasing is to tie the last eleven lots to the school building and not forgo its rehabilitation into dwelling units.

Ms. Marie Hertel, 619 North First Street, stated that she is concerned about the drainage and how it will be managed.

Mr. Fred Chung, Village Project Engineer, stated that the project will include a new curb and gutter. He stated that there is a new catch basin under the parking lot and that he expects zero water run-off.

Ms. Hertel stated that before Hummel began their utility work, she had no basement seepage. She stated that after the utility work began she was receiving additional water into her basement.

Mr. Chung stated that Village Staff may have to do a field inspection in order to identify the water problem.

Mr. John Spoden, Director of Community Development, stated that it was never the intent of the Village to ignore any of the residents including Ms. Hertel. He stated that Staff can take another look at the drainage issue.

Ms. Hertel stated that the proposed Planned Development for School Street has created a loop hole to allow narrower lots than what the current Zoning Code permits. She stated that builders cannot buy her lot to build a new home on it. She stated that the School Street project will have narrower lots than her non-conforming lot. She stated that the School Street project has a great product otherwise.

Commissioner Oakley stated that if the utility infrastructure is in place then he is concerned if there is truly a water problem or not. He asked for clarification as to the timing of the improvements of the school building. Mr. McLinden stated that they will start construction of the school building in March. He stated that the timing will not change.

Commissioner Oakley asked if they are selling or leasing any of the new parking spaces along the north alley. Mr. McLinden stated that two of the parking spaces will be deeded and the other five will be dedicated.

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Commissioner Cotey asked for further clarification as to what the prior proposal for the land area where the proposed five additional parking spaces on the west end of the north alley is. Mr. McLinden stated that it was shown to be landscaped before.

Commissioner Cotey asked if a fire truck can access the private alley. Mr. Spoden stated that the Fire Department access will be taken from School Street.

Commissioner Cotey asked if it is feasible to parallel parking behind the garage doors of the single family homes. Mr. McLinden stated that the parallel parking was planned except for a few select homes where there is not enough space. He stated that this is why they added the additional spaces along the north alley.

Commissioner Cotey asked why they changed to custom homes. Mr. McLinden stated that each new home will have its own name to reflect history of Libertyville.

Commissioner Cotey asked if anyone can submit their own personal architectural house plan. Mr. McLinden stated that anyone cannot submit their own personal architectural house plan as there are certain design criteria as part of the Planned Development.

Commissioner Guarnaccio stated that there are no graphic clouds on the engineering plans to depict revisions.

Mr. McLinden stated that the plans before the Plan Commission are a hybrid of sorts that carry over the Hummel plans as needed but incorporate changes that StreetScape have made and now reflect a new set of plans. He stated that Ron Adams has done the final engineering.

Commissioner Guarnaccio asked for clarification of the off-site drainage. Mr. Chung stated that the engineering for the site is planned to accommodate a 100 year rain event. He stated that the catch basin was designed to accommodate some off-site drainage.

Commissioner Guarnaccio asked if the alleys will have curb and gutters. Mr. McLinden stated that that the alleys will have curb and gutters.

Commissioner Guarnaccio stated that the petitioner should consider installing a French drain along the north property line. He asked for further clarification as to the discussed landscape plan changes. Mr. McLinden stated that the south property line will go back to the Hummel plan and be installed with a fence and some of the previous planned trees will have to come out. He stated that the trees along the School Street right of way shall be further clarified.

Commissioner Schultz asked the petitioner if he was in agreement with the Staff recommended conditions. Mr. McLinden stated that he disagrees with the Staff condition as to when the alley must be installed. He stated that he would request that the installation of the alley be deferred to the Spring, 2011.

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Mr. Spoden stated that Staff understands that there may be some logistical concerns with the utilities along the south alley but that there appears to be no valid reason to delay the installation of the north alley as reflected in the DRC Staff report.

Commissioner Guarnaccio asked if sleeves will be installed around the water and sewer pipes. Mr. McLinden stated that he would defer to the engineers for that decision.

Commissioner Robinson asked for further clarification as to the timing of the school building improvements. Mr. McLinden stated that he is proposing to construct the first 15 single family homes first and then condition the last eleven homes on the permit to the school building.

Mr. Spoden stated that Staff does not disagree with the new orientation of the phasing as long as the parking lots on the west end of the site remain open for public parking as long as possible.

Commissioner Robinson asked if the construction start of the school building could be date specific. Mr. McLinden stated that they are obligated to do the school building before the last eleven homes are started.

Commissioner Robinson stated that he is concerned about the open ended nature of the school building construction start. He asked how the Village will monitor compliance with the affordable housing component. Mr. David Pardys, Village Attorney, stated that the regulations for the affordable housing dwelling units is incorporated into the Development Agreement. He stated that there weren't specific restrictions as to income levels for buyers but that priority is given to current Libertyville residents.

Commissioner Robinson stated additional safeguards should be incorporated into the Planned Development regulations to give higher priority to deserving home buyers. He stated that more information should be incorporated to detail how the affordable housing units in the school building will be managed and monitored. He stated that he does not support the open ended criteria for the construction of the school building improvements.

Mr. McLinden stated that he has put the school building condo's or apartments on the market yet. He stated that he is requesting a little flexibility from the Plan Commission on the timing of the school building. He stated the school building dwelling units will be rental in the beginning and eventually converted into condominiums. He stated that they are using the '2-20 D4 Funding Program' and hope to start the school building construction in March of 2011.

Chairman Moore stated that the Plan Commission was very flexible with the prior developer but the project expired before they could they could begin any work on the school building. He stated that he recognizes that the condo market is currently down but the Plan Commission is trying to react to the proposal responsibly.

Mr. McLinden stated that the final commitment from HUD is not in place yet.

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Chairman Moore asked if it is reasonable to require that the developer start construction of the school building not later than the end of 2011. Mr. Spoden stated for clarification that the construction start is the issuance of building permits for the school building.

Chairman Moore stated that the parking space dimensions should be adjusted in response to the Staff comments.

Mr. Spoden stated that the on site parking spaces should not reflect the on street parking spaces in the School Street right of way but should adhere to the Zoning Code requirement for on-site parking space dimensions.

Mr. McLinden stated that he agreed to dimension the two parking spaces along the north alley on the east end nine (9) feet by seventeen (17) feet long which would allow the two foot overhang.

Commissioner Guarnaccio asked how snow removal will be handled during construction. Mr. McLinden stated that the construction trades on site can assist with the snow removal as necessary.

Commissioner Guarnaccio asked for clarification regarding the soil condition. Mr. McLinden stated that the soil conditions were adequate.

Commissioner Guarnaccio stated that he was concerned about the logistics of the alley installation and inquired about the alley's length. Mr. McLinden stated that he would not like to be obligated now to install the alleys.

Chairman Moore stated that the petitioner should be code compliant.

Mr. McLinden stated that he does not want to delay any closings for any of the lots but will follow the code.

Mr. Spoden asked how the petitioner will treat the school building windows as part of securing the school building site while it waits for construction. Mr. McLinden stated that they will replace the broken glass in the front and install plywood boards over the windows in the back.

Chairman Moore stated that the Plan Commission seems to concur that in addition to the Staff report recommendation number three (3) as to when work on the School Building should commence that there is also a date specific requirement to start work not later than December 31, 2011. He stated that the second amendment to the Staff report is to strike Engineering Division comment number 22(8) which provided certain conditions for the installation of the alleys. He stated that the petitioner will then have to comply with the Village Code as to when and how the alley is installed. He stated that a third amendment to the Staff report for conditions of approval is to be applied to comment number 23(1)(i)(1) by adding the following language: "in the front (south) elevation, side (west) elevation and side (east) elevation with glass. The rear (north elevation windows may be boarded with plywood."

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Commissioner Guarnaccio stated that the petitioner should speak to their engineer to consider if installing French drain along the north property line is appropriate.

In the matter of PC 10-31, Commissioner Cotey moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve an Amendment to the Special Use Permit for a Planned Development in order to construct a 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, subject to the following conditions:

1. That six (6) of the school building units shall be rented at an affordable rental rate in accordance with the definitions set forth in the Illinois Affordable Housing Act (310 ILCS 65 *et. al.* and that the term of any lease for units within the school building may not exceed two (2) years. Additionally, upon any of the affordable rental units being converted to condominium units, the price of such affordable units shall not exceed \$230,000.00 and the sale of such units shall be subject to all restrictions of the Redevelopment Agreement including any amendments thereto.
2. The petitioner shall be required to appear before the Appearance Review Commission to seek approval of any revised or new single family detached home plans and any school building plans. Following the receipt of the recommendations of the ARC with respect to such plans, the petitioner may proceed directly to the Village Board for consideration of the ARC recommendation, without seeking any further review or approval by the Plan Commission, provided no change to the Final Plan has been requested. Copies of such plans shall be distributed to members of the Plan Commission, for informational purposes only.
3. No Building Permits will be issued for any construction for the last 11 single family homes until Building Permits have been issued for the School Building renovation. No Occupancy Permits for any of the last 11 single family homes shall be issued until Occupancy Permits are issued for all units in the School Building. **In addition, the construction of the School Building renovation shall commence no later than December 31, 2011.**
4. Maintain a minimum side yard setback of 0.5 feet with an aggregate side yard setback of no less than four (4) feet. This is measured from any part of the single family home structure including eaves, decks or porches.
5. Maintain a minimum distance between buildings of no less than four (4) feet. This is measured from any part of the single family home structure including eaves, decks or porches.
6. Maintain a minimum rear yard setback of 0.5 feet. This is measured from any part of the single family home structure including eaves, decks or porches.

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7. No part of the single family home structure may encroach into the School Street r.o.w. provided, however, that Roof Eaves may encroach into the School Street r.o.w. by no more than two (2) feet.
8. That the maximum height allowed is 32 feet for a 2 1/2 story house and 35 feet for a 3 story house.
9. That the maximum lot coverage allowed not exceed 85% for each single family lot.
10. That the maximum building coverage allowed not exceed 75% for each single family lot.
11. That the units located on Lots 1, 10, 11 and 26 for the single family homes shall have windows and other architectural details consistent with the design of the facade of said homes on the exterior end facades.
12. That the maximum lot coverage for Lot 32, the School Building lot, not exceed 85%.
13. That the maximum building coverage for Lot 32, the School Building lot, not exceed 25%.
14. That the subject site during construction shall be contained by construction fencing as approved by the Building Commissioner.
15. That construction parking shall be done on site.
16. That all construction traffic shall accessed via Newberry Avenue.
17. That the existing townhomes on the east end of School Street shall be depicted on all plan sheets including the Construction Phasing Plan.
18. That the Design, Materials and Colors Criteria for the School Street Single Family Homes dated March 27, 2010 reviewed and recommended approval on August 16, 2010 by the ARC shall be in effect and enforced as required criteria for the Single Family homes.
19. Note that all landscaping proposed in front of the homes and the school building within the School Street public right of way shall be maintained by the private Home Owners Association and so stipulated in the Declaration of Covenants and Restrictions.
20. The proposed six foot high fence along the west property line is located outside the subject property on the landscape plan. A revised landscape plan showing that the fence is within the property shall be required prior to adoption of ordinances.
21. The additional seven (7) parking spaces along the north alley do not meet the minimum parking space dimension requirements per the Zoning Code. The parallel spaces along the west end of the alley encroach into an area that was otherwise promoted as a community

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garden area and are only eight (8') feet wide while the code requires nine (9') feet. The two spaces on the east end of the alley do not appear to meet the minimum width or depth required. The two parking spaces on the east end of the alley shall be a minimum of 9' x 17'.

22. That the following Engineering Division plan review comments be addressed with revised plans satisfactorily prior to the issuance of the first building permit in Phase I one or otherwise noted.

Prior to Ordinances:

1. That the Final Plat include an easement agreement regarding the ingress/egress easement over Village property which is delineated on the re-subdivision plat recorded in 2006. Execution of the easement agreement by both parties should be contemporaneous with plat signatures.
2. The revised Site Plan (dated 08/17/2010) shows the proposed retaining wall along the south property line, but not the several trees which are in close proximity to the line (those trees are shown on Tree Preservation Plan, and should be added to the Landscape Plan). The developer has agreed to amend the Landscape Plan to show the root pruning which will be necessary to minimize the impact of the tree root zones resulting from the retaining wall and alley pavement construction.
3. The developer has agreed to amend the Landscape Plan dated 08/20/2010, to identify each parkway tree within the School Street ROW. Trees shall be selected will be acceptable to the Village.
4. The Landscape Plan also shows planted areas in front of each home, much of which extends into the School Street ROW. The developer has agreed that responsibility for maintenance and replacement of plant material in these areas will rest with the owners, with the homeowner associations (HOA's) stepping in should an individual owner fail to meet that responsibility. Neither the Village nor any of the franchised utility companies will be responsible to replace any plant materials as may need to be removed to facilitated placement, repair or maintenance of public infrastructure or utility lines within the landscaped areas. These conditions shall be incorporated into the HOA DCCR prior to ordinance adoption.

Prior to Permit:

5. At the southeast corner of the development, a short section of sidewalk is proposed to connect the new alley pavement to the Village parking lot. Following discussion with the developer and his Engineer, it is agreed that the exact location of this sidewalk "link" will be worked out in the field to ensure that the sidewalk slope is acceptable, with preservation of the nearby tree being paramount.
6. A new Watershed Development Permit (Site permit) is needed to replace the previous permit issued to Hummel. The Engineer needs to complete and submit the application. This must be corrected prior to issuance of permit.

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Prior to Occupancies:

7. Engineering is agreeable to deferring sidewalk construction, provided the developer provide a signed acknowledgement form prepared by the Village Attorney from each owner that the public sidewalk may not be installed until after occupancy and at such time as all of the homes are constructed adjacent to each other so that the sidewalk will not be damaged during home construction.

Additional Engineering Division Requirements:

8. Prior to Village acceptance of previously installed public improvements, the developer must complete the outstanding punch list items on those previously installed improvements. The proposed completion schedule (exhibit to development agreement) currently has Punch List as Item 4 under Public Improvements, with a Fall 2012 date - This item should be revised to read: Punch List (previously - installed infrastructure) with a December 1, 2010 completion date.
23. That the following Building Division review comments are addressed satisfactorily prior to the issuance of the first building permit in Phase I.
1. The Pearson Brown Grading Plan 3 of 5 dated 8/17/10 shows the top of building foundation elevations to be only 4" in lieu of 6" above the finished grade elevations thus requiring wood siding, sheathing, and wall framing (sill plates and other framing to be preservative treated per 2006 IRC R319.1.

(From 04/21/10 Building Division Review Comments)-The following unresolved items may affect the overall site plan, floor plans, and elevations for the houses in this development.

- a. Revise and verify compliance with exterior wall requirements in 2006 IRC R302. See below.
- b. All walls closer than 5ft to property line shall have a 1-hr fire resistance rating with exposure from both sides (interior and exterior). IRC R302.1.
- c. Any projections located greater than or equal to 2' and less than 5' from lot line shall be rated with 1 hour construction on the underside and around any columns. See decks, pergolas, trellises, porches, etc.
- d. Openings (windows, doors, etc.) are prohibited in exterior walls less than 3ft from property lines, and are limited to 25% of wall when less than 5 ft from property lines. 2006 IRC Table R302.1
- e. Penetrations into rated walls shall be rated per section R317.3 in any walls less than 5' from lot line. See windows, doors, etc.
- f. Roof overhangs projecting over the side lot lines are prohibited. IRC R302.1.1 See all elevations, etc.
- g. Exhaust of any kind is not permitted to discharge onto the neighbor's property. Discharge out the roof or to the rear yard is permitted.
- h. Verify compliance with the Illinois Accessibility Code regarding accessible entrance to the building and adaptable dwelling units in the School Building.
- i. Secure the existing school building and site including, but not limited to:
 - 1) Replace all broken windows **with new glass on the front (south)**

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and side (east and west) elevations; the broken glass windows on the rear (north) elevation may be boarded with plywood.

- 2) Protect all exterior wood work with paint or repair, replace same;
- 3) Remove trees growing through and damaging window wells;
- 4) Protect people from falling off the ± 10 foot precipice to the concrete and gravel below the southeast corner of the school building by installing a 42 inch guardrail along the top;

This work shall be completed, inspected and approved within thirty (30) days of adoption of the Development Agreement and ordinance or a stop work order shall be posted and all work on this development project shall stop.

Motion carried 6 - 0.

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

In the matter of PC 10-32, Commissioner Oakley moved, seconded by Commissioner Guarnaccio, to recommend the Village Board of Trustees approve 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 , subject to the following conditions:

1. That six (6) of the school building units shall be rented at an affordable rental rate in accordance with the definitions set forth in the Illinois Affordable Housing Act (310 ILCS 65 *et. al.* and that the term of any lease for units within the school building may not exceed two (2) years. Additionally, upon any of the affordable rental units being converted to condominium units, the price of such affordable units shall not exceed \$230,000.00 and the sale of such units shall be subject to all restrictions of the Redevelopment Agreement including any amendments thereto.
2. The petitioner shall be required to appear before the Appearance Review Commission to seek approval of any revised or new single family detached home plans and any school building plans. Following the receipt of the recommendations of the ARC with respect to such plans, the petitioner may proceed directly to the Village Board for consideration of the ARC recommendation, without seeking any further review or approval by the Plan Commission, provided no change to the Final Plan has been requested. Copies of such plans shall be distributed to members of the Plan Commission, for informational purposes only.
3. No Building Permits will be issued for any construction for the last 11 single family homes until Building Permits have been issued for the School Building renovation. No Occupancy Permits for any of the last 11 single family homes shall be issued until Occupancy Permits

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are issued for all units in the School Building. **In addition, the construction of the School Building renovation shall commence no later than December 31, 2011.**

4. Maintain a minimum side yard setback of 0.5 feet with an aggregate side yard setback of no less than four (4) feet. This is measured from any part of the single family home structure including eaves, decks or porches.
5. Maintain a minimum distance between buildings of no less than four (4) feet. This is measured from any part of the single family home structure including eaves, decks or porches.
6. Maintain a minimum rear yard setback of 0.5 feet. This is measured from any part of the single family home structure including eaves, decks or porches.
7. No part of the single family home structure may encroach into the School Street r.o.w. provided, however, that Roof Eaves may encroach into the School Street r.o.w. by no more than two (2) feet.
8. That the maximum height allowed is 32 feet for a 2 1/2 story house and 35 feet for a 3 story house.
9. That the maximum lot coverage allowed not exceed 85% for each single family lot.
10. That the maximum building coverage allowed not exceed 75% for each single family lot.
11. That the units located on Lots 1, 10, 11 and 26 for the single family homes shall have windows and other architectural details consistent with the design of the facade of said homes on the exterior end facades.
12. That the maximum lot coverage for Lot 32, the School Building lot, not exceed 85%.
13. That the maximum building coverage for Lot 32, the School Building lot, not exceed 25%.
14. That the subject site during construction shall be contained by construction fencing as approved by the Building Commissioner.
15. That construction parking shall be done on site.
16. That all construction traffic shall accessed via Newberry Avenue.
17. That the existing townhomes on the east end of School Street shall be depicted on all plan sheets including the Construction Phasing Plan.

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18. That the Design, Materials and Colors Criteria for the School Street Single Family Homes dated March 27, 2010 reviewed and recommended approval on August 16, 2010 by the ARC shall be in effect and enforced as required criteria for the Single Family homes.
19. Note that all landscaping proposed in front of the homes and the school building within the School Street public right of way shall be maintained by the private Home Owners Association and so stipulated in the Declaration of Covenants and Restrictions.
20. The proposed six foot high fence along the west property line is located outside the subject property on the landscape plan. A revised landscape plan showing that the fence is within the property shall be required prior to adoption of ordinances.
21. The additional seven (7) parking spaces along the north alley do not meet the minimum parking space dimension requirements per the Zoning Code. The parallel spaces along the west end of the alley encroach into an area that was otherwise promoted as a community garden area and are only eight (8') feet wide while the code requires nine (9') feet. The two spaces on the east end of the alley do not appear to meet the minimum width or depth required. The two parking spaces on the east end of the alley shall be a minimum of 9' x 17'.
22. That the following Engineering Division plan review comments be addressed with revised plans satisfactorily prior to the issuance of the first building permit in Phase I one or otherwise noted.

Prior to Ordinances:

1. That the Final Plat include an easement agreement regarding the ingress/egress easement over Village property which is delineated on the re-subdivision plat recorded in 2006. Execution of the easement agreement by both parties should be contemporaneous with plat signatures.
2. The revised Site Plan (dated 08/17/2010) shows the proposed retaining wall along the south property line, but not the several trees which are in close proximity to the line (those trees are shown on Tree Preservation Plan, and should be added to the Landscape Plan). The developer has agreed to amend the Landscape Plan to show the root pruning which will be necessary to minimize the impact of the tree root zones resulting from the retaining wall and alley pavement construction.
3. The developer has agreed to amend the Landscape Plan dated 08/20/2010, to identify each parkway tree within the School Street ROW. Trees shall be selected will be acceptable to the Village.
4. The Landscape Plan also shows planted areas in front of each home, much of which extends into the School Street ROW. The developer has agreed that responsibility for maintenance and replacement of plant material in these areas will rest with the owners, with the homeowner associations (HOA's) stepping in should an individual

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owner fail to meet that responsibility. Neither the Village nor any of the franchised utility companies will be responsible to replace any plant materials as may need to be removed to facilitated placement, repair or maintenance of public infrastructure or utility lines within the landscaped areas. These conditions shall be incorporated into the HOA DCCR prior to ordinance adoption.

Prior to Permit:

5. At the southeast corner of the development, a short section of sidewalk is proposed to connect the new alley pavement to the Village parking lot. Following discussion with the developer and his Engineer, it is agreed that the exact location of this sidewalk "link" will be worked out in the field to ensure that the sidewalk slope is acceptable, with preservation of the nearby tree being paramount.
6. A new Watershed Development Permit (Site permit) is needed to replace the previous permit issued to Hummel. The Engineer needs to complete and submit the application. This must be corrected prior to issuance of permit.

Prior to Occupancies:

7. Engineering is agreeable to deferring sidewalk construction, provided the developer provide a signed acknowledgement form prepared by the Village Attorney from each owner that the public sidewalk may not be installed until after occupancy and at such time as all of the homes are constructed adjacent to each other so that the sidewalk will not be damaged during home construction.

Additional Engineering Division Requirements:

8. Prior to Village acceptance of previously installed public improvements, the developer must complete the outstanding punch list items on those previously installed improvements. The proposed completion schedule (exhibit to development agreement) currently has Punch List as Item 4 under Public Improvements, with a Fall 2012 date - This item should be revised to read: Punch List (previously - installed infrastructure) with a December 1, 2010 completion date.
23. That the following Building Division review comments are addressed satisfactorily prior to the issuance of the first building permit in Phase I.
1. The Pearson Brown Grading Plan 3 of 5 dated 8/17/10 shows the top of building foundation elevations to be only 4" in lieu of 6" above the finished grade elevations thus requiring wood siding, sheathing, and wall framing (sill plates and other framing to be preservative treated per 2006 IRC R319.1.

(From 04/21/10 Building Division Review Comments)-The following unresolved items may affect the overall site plan, floor plans, and elevations for the houses in this development.

- a. Revise and verify compliance with exterior wall requirements in 2006 IRC R302. See below.
- b. All walls closer than 5ft to property line shall have a 1-hr fire resistance rating with exposure from both sides (interior and exterior). IRC R302.1.

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- c. Any projections located greater than or equal to 2' and less than 5' from lot line shall be rated with 1 hour construction on the underside and around any columns. See decks, pergolas, trellises, porches, etc.
- d. Openings (windows, doors, etc.) are prohibited in exterior walls less than 3ft from property lines, and are limited to 25% of wall when less than 5 ft from property lines. 2006 IRC Table R302.1
- e. Penetrations into rated walls shall be rated per section R317.3 in any walls less than 5' from lot line. See windows, doors, etc.
- f. Roof overhangs projecting over the side lot lines are prohibited. IRC R302.1.1 See all elevations, etc.
- g. Exhaust of any kind is not permitted to discharge onto the neighbor's property. Discharge out the roof or to the rear yard is permitted.
- h. Verify compliance with the Illinois Accessibility Code regarding accessible entrance to the building and adaptable dwelling units in the School Building.
- i. Secure the existing school building and site including, but not limited to:
 - 1) Replace all broken windows **with new glass on the front (south) and side (east and west) elevations; the broken glass windows on the rear (north) elevation may be boarded with plywood.**
 - 2) Protect all exterior wood work with paint or repair, replace same;
 - 3) Remove trees growing through and damaging window wells;
 - 4) Protect people from falling off the ± 10 foot precipice to the concrete and gravel below the southeast corner of the school building by installing a 42 inch guardrail along the top;

This work shall be completed, inspected and approved within thirty (30) days of adoption of the Development Agreement and ordinance or a stop work order shall be posted and all work on this development project shall stop.

Motion carried 6 - 0.

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

Nays: None

Absent: Adams

In the matter of PC 10-28, Commissioner Robinson moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Final Plat of Re-Subdivision in order to construct a 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, subject to the following conditions:

- 1. That six (6) of the school building units shall be rented at an affordable rental rate in accordance with the definitions set forth in the Illinois Affordable Housing Act (310 ILCS 65 *et. al.* and that the term of any lease for units within the school building may not exceed two (2) years. Additionally, upon any of the affordable rental units being converted to

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condominium units, the price of such affordable units shall not exceed \$230,000.00 and the sale of such units shall be subject to all restrictions of the Redevelopment Agreement including any amendments thereto.

2. The petitioner shall be required to appear before the Appearance Review Commission to seek approval of any revised or new single family detached home plans and any school building plans. Following the receipt of the recommendations of the ARC with respect to such plans, the petitioner may proceed directly to the Village Board for consideration of the ARC recommendation, without seeking any further review or approval by the Plan Commission, provided no change to the Final Plan has been requested. Copies of such plans shall be distributed to members of the Plan Commission, for informational purposes only.
3. No Building Permits will be issued for any construction for the last 11 single family homes until Building Permits have been issued for the School Building renovation. No Occupancy Permits for any of the last 11 single family homes shall be issued until Occupancy Permits are issued for all units in the School Building. **In addition, the construction of the School Building renovation shall commence no later than December 31, 2011.**
4. Maintain a minimum side yard setback of 0.5 feet with an aggregate side yard setback of no less than four (4) feet. This is measured from any part of the single family home structure including eaves, decks or porches.
5. Maintain a minimum distance between buildings of no less than four (4) feet. This is measured from any part of the single family home structure including eaves, decks or porches.
6. Maintain a minimum rear yard setback of 0.5 feet. This is measured from any part of the single family home structure including eaves, decks or porches.
7. No part of the single family home structure may encroach into the School Street r.o.w. provided, however, that Roof Eaves may encroach into the School Street r.o.w. by no more than two (2) feet.
8. That the maximum height allowed is 32 feet for a 2 1/2 story house and 35 feet for a 3 story house.
9. That the maximum lot coverage allowed not exceed 85% for each single family lot.
10. That the maximum building coverage allowed not exceed 75% for each single family lot.
11. That the units located on Lots 1, 10, 11 and 26 for the single family homes shall have windows and other architectural details consistent with the design of the facade of said homes on the exterior end facades.

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12. That the maximum lot coverage for Lot 32, the School Building lot, not exceed 85%.
13. That the maximum building coverage for Lot 32, the School Building lot, not exceed 25%.
14. That the subject site during construction shall be contained by construction fencing as approved by the Building Commissioner.
15. That construction parking shall be done on site.
16. That all construction traffic shall accessed via Newberry Avenue.
17. That the existing townhomes on the east end of School Street shall be depicted on all plan sheets including the Construction Phasing Plan.
18. That the Design, Materials and Colors Criteria for the School Street Single Family Homes dated March 27, 2010 reviewed and recommended approval on August 16, 2010 by the ARC shall be in effect and enforced as required criteria for the Single Family homes.
19. Note that all landscaping proposed in front of the homes and the school building within the School Street public right of way shall be maintained by the private Home Owners Association and so stipulated in the Declaration of Covenants and Restrictions.
20. The proposed six foot high fence along the west property line is located outside the subject property on the landscape plan. A revised landscape plan showing that the fence is within the property shall be required prior to adoption of ordinances.
21. The additional seven (7) parking spaces along the north alley do not meet the minimum parking space dimension requirements per the Zoning Code. The parallel spaces along the west end of the alley encroach into an area that was otherwise promoted as a community garden area and are only eight (8') feet wide while the code requires nine (9') feet. The two spaces on the east end of the alley do not appear to meet the minimum width or depth required. The two parking spaces on the east end of the alley shall be a minimum of 9' x 17'.
22. That the following Engineering Division plan review comments be addressed with revised plans satisfactorily prior to the issuance of the first building permit in Phase I one or otherwise noted.

Prior to Ordinances:

1. That the Final Plat include an easement agreement regarding the ingress/egress easement over Village property which is delineated on the re-subdivision plat recorded in 2006. Execution of the easement agreement by both parties should be contemporaneous with plat signatures.

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2. The revised Site Plan (dated 08/17/2010) shows the proposed retaining wall along the south property line, but not the several trees which are in close proximity to the line (those trees are shown on Tree Preservation Plan, and should be added to the Landscape Plan). The developer has agreed to amend the Landscape Plan to show the root pruning which will be necessary to minimize the impact of the tree root zones resulting from the retaining wall and alley pavement construction.
3. The developer has agreed to amend the Landscape Plan dated 08/20/2010, to identify each parkway tree within the School Street ROW. Trees shall be selected will be acceptable to the Village.
4. The Landscape Plan also shows planted areas in front of each home, much of which extends into the School Street ROW. The developer has agreed that responsibility for maintenance and replacement of plant material in these areas will rest with the owners, with the homeowner associations (HOA's) stepping in should an individual owner fail to meet that responsibility. Neither the Village nor any of the franchised utility companies will be responsible to replace any plant materials as may need to be removed to facilitated placement, repair or maintenance of public infrastructure or utility lines within the landscaped areas. These conditions shall be incorporated into the HOA DCCR prior to ordinance adoption.

Prior to Permit:

5. At the southeast corner of the development, a short section of sidewalk is proposed to connect the new alley pavement to the Village parking lot. Following discussion with the developer and his Engineer, it is agreed that the exact location of this sidewalk "link" will be worked out in the field to ensure that the sidewalk slope is acceptable, with preservation of the nearby tree being paramount.
6. A new Watershed Development Permit (Site permit) is needed to replace the previous permit issued to Hummel. The Engineer needs to complete and submit the application. This must be corrected prior to issuance of permit.

Prior to Occupancies:

7. Engineering is agreeable to deferring sidewalk construction, provided the developer provide a signed acknowledgement form prepared by the Village Attorney from each owner that the public sidewalk may not be installed until after occupancy and at such time as all of the homes are constructed adjacent to each other so that the sidewalk will not be damaged during home construction.

Additional Engineering Division Requirements:

8. Prior to Village acceptance of previously installed public improvements, the developer must complete the outstanding punch list items on those previously installed improvements. The proposed completion schedule (exhibit to development agreement) currently has Punch List as Item 4 under Public Improvements, with a

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Fall 2012 date - This item should be revised to read: Punch List (previously - installed infrastructure) with a December 1, 2010 completion date.

23. That the following Building Division review comments are addressed satisfactorily prior to the issuance of the first building permit in Phase I.
1. The Pearson Brown Grading Plan 3 of 5 dated 8/17/10 shows the top of building foundation elevations to be only 4" in lieu of 6" above the finished grade elevations thus requiring wood siding, sheathing, and wall framing (sill plates and other framing to be preservative treated per 2006 IRC R319.1.

(From 04/21/10 Building Division Review Comments)-The following unresolved items may affect the overall site plan, floor plans, and elevations for the houses in this development.

- a. Revise and verify compliance with exterior wall requirements in 2006 IRC R302. See below.
- b. All walls closer than 5ft to property line shall have a 1-hr fire resistance rating with exposure from both sides (interior and exterior). IRC R302.1.
- c. Any projections located greater than or equal to 2' and less than 5' from lot line shall be rated with 1 hour construction on the underside and around any columns. See decks, pergolas, trellises, porches, etc.
- d. Openings (windows, doors, etc.) are prohibited in exterior walls less than 3ft from property lines, and are limited to 25% of wall when less than 5 ft from property lines. 2006 IRC Table R302.1
- e. Penetrations into rated walls shall be rated per section R317.3 in any walls less than 5' from lot line. See windows, doors, etc.
- f. Roof overhangs projecting over the side lot lines are prohibited. IRC R302.1.1 See all elevations, etc.
- g. Exhaust of any kind is not permitted to discharge onto the neighbor's property. Discharge out the roof or to the rear yard is permitted.
- h. Verify compliance with the Illinois Accessibility Code regarding accessible entrance to the building and adaptable dwelling units in the School Building.
- i. Secure the existing school building and site including, but not limited to:
 - 1) Replace all broken windows **with new glass on the front (south) and side (east and west) elevations; the broken glass windows on the rear (north) elevation may be boarded with plywood.**
 - 2) Protect all exterior wood work with paint or repair, replace same;
 - 3) Remove trees growing through and damaging window wells;
 - 4) Protect people from falling off the ± 10 foot precipice to the concrete and gravel below the southeast corner of the school building by installing a 42 inch guardrail along the top;

This work shall be completed, inspected and approved within thirty (30) days of adoption of the Development Agreement and ordinance or a stop work order shall be posted and all work on this development project shall stop.

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Motion carried 6 - 0.

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

Nays: None

Absent: Adams

PC 10-27 Village of Libertyville, Applicant
118 West Cook Avenue

Request is for a Text Amendment to Sections Sections 5-2 and 5-3 of the Libertyville Zoning Code relating to Personal Service Uses in the C-1, Downtown Core Commercial District and C-2, Downtown Community Commercial District.

Mr. David Smith, Senior Planner, stated that on August 10, 2010, the Village Board approved a moratorium on the issuance of Zoning Certificates of Compliance, Zoning Certificates of Occupancy and Building Permits for Personal Service Uses in the C-1 and C-2 Zoning Districts in order to provide the Plan Commission an opportunity to consider and propose amendments to the Zoning Code of the Village in order to address the subject of compatibility of uses with each other, while maintaining the integrity of the character of the community and the central business district.

Mr. Smith stated that the Plan Commission has completed preliminary work on revisions to the overall Zoning Code and is ready to begin public hearings this fall. This work included consideration to the identification of appropriate permitted and special permitted uses in every zoning district in the Village including Personal Service Uses in the C-1 and C-2 districts. Following the Plan Commission's Zoning Code revision work, Staff has been codifying the land use designations by making them relevant to the current North American Industrial Classification System (NAICS) Manual terminology; this manual is a classification system of economic and industrial uses and activities. It's comprehensive and reflects the changes in technology and the growth and diversification of industries and services that have marked recent decades. The NAICS serves as a tool when rendering land use interpretations and as a standard when establishing Zoning Code land use classifications.

Mr. Jeff Silverman, 790 Estate Drive, stated that he is the owner of Liberty Crossings commercial center and he has a barber shop waiting for occupancy at his center but is being held back due to the moratorium.

Commissioner Guarnaccio asked why this text amendment request is before the Plan Commission. Mr. John Spoden, Director of Community Development, stated that there was a recent application by a tattoo parlor business for a tenant space located in the C-1 District. He stated that he Village Board decided that this was an appropriate opportunity to consider clear definition of Personal Service Uses.

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Commissioner Robinson asked where a barber shop falls in a use definition category. He asked what if a questionable Personal Service use occupies the same tenant space as barber shop but occupies lesser floor area. Mr. Spoden stated that if the majority of a use is retail, under the current moratorium, a permit could be issued.

Mr. Pardys stated that an ancillary use must be supportive of the primary use.

Mr. Spoden stated that the Zoning Code does not list prohibited uses but rather will list land uses that are permitted or special permitted.

Mr. Pardys stated that tattoo parlor uses are under a sub-set code number identification of Personal Service uses in the NAICS manual.

Commissioner Shultz asked how Adult Uses are classified in the Zoning Code. Mr. Pardys stated that Adult Uses have been amended to the I-1 District in the revised Zoning Code that does not yet have final Village Board approval.

Mr. Silverman stated that the code should continue to list uses in the affirmative not list out uses that are prohibitive.

Mr. Pardys stated that if there are uses not included now that may be thought to be appropriate at a later date, the Zoning Code can be amended again.

Commissioner Shultz stated that he still believes that the proposed text amendment is not inclusive enough.

Chairman Moore inquired if the proposed amendment is a legally defensible code. Mr. Pardys advised him of such.

Mr. Pardys discussed for further clarification the difference between principal uses and accessory uses.

Ms. Marie Hertel stated that consideration should be given to including event planning as a permitted Personal Service use or combined with wedding or party planning as a permitted Personal Service Use.

Mr. Silverman stated that another moratorium could be enacted if necessary.

Commissioner Shultz the limitations of the proposed text amendment.

Mr. Spoden requested that the Plan Commission render their recommendation for the requested text amendment.

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In the matter of PC 10-27, Commissioner Cotey moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Text Amendments to Sections 5-2 and 5-3 of the Libertyville Zoning Code relating to Personal Service Uses in the C-1, Downtown Core Commercial District and C-2, Downtown Community Commercial District, as follows:

5-2 C-1 DOWNTOWN CORE COMMERCIAL DISTRICT

5-2.2 Permitted Uses.

- i. Services, but limited to:
 - 8) Personal Services, but limited to:
 - i. Laundry and Garment Services
 - ii. Photographic Studios, Portrait
 - iii. Beauty and Barber Shops
 - iv. Shoe Repair Shops and Shoeshine Shops
 - v. Tax Return Preparation Services
 - vi. Miscellaneous Personal Services, but limited to:
 - a. Clothing and/or Costume Rental
 - b. Diet Workshops
 - c. Personal Shopping Services
 - d. Wedding Planning Services
 - e. Personal Fitness Trainers
 - f. Party Planning Services

5-3 C-2 DOWNTOWN COMMUNITY COMMERCIAL DISTRICT

5-3.2 Permitted Uses.

- f. Services, but limited to:
 - 10) Personal Services, but limited to:
 - i. Laundry and Garment Services
 - ii. Photographic Studios, Portrait
 - iii. Beauty and Barber Shops
 - iv. Shoe Repair Shops and Shoeshine Shops
 - v. Tax Return Preparation Services
 - vi. Miscellaneous Personal Services, but limited to:
 - a. Clothing and/or Costume Rental
 - b. Diet Workshops
 - c. Personal Shopping Services
 - d. Wedding Planning Services
 - e. Personal Fitness Trainers
 - f. Party Planning Services

Motion carried 4 - 2.

Ayes: Moore, Cotey, Robinson, Oakley

Nays: Guarnaccio, Schultz

Absent: Adams

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 6 - 0.

Meeting adjourned at 9:25 p.m.