MINUTES OF THE PLAN COMMISSION
November 22, 2010
(Revised 01.24.11)

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:02 p.m. at the Village Hall.

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

Members absent: Scott Adams and Kurt Schultz.

A quorum was established.

Village Staff present: David Smith, Senior Planner; and Fred Chung, Project Engineer.

Commissioner Cotey moved, seconded by Commissioner Guarnaccio, to approve the October 25, 2010, Plan Commission meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS:

PC 10-37 Life Storage Centers, LLC, Applicant
700-998 East Park Avenue

Request is for an Amendment to the Special Use Permit for a Planned Development in order to develop a 17.3 acres parcel of land in an I-3 General Industrial District.

PC 10-38 Life Storage Centers, LLC, Applicant
700-998 East Park Avenue

Request is for a Planned Development Concept Plan (Phase 3 and 4) in order to develop a 17.3 acres parcel of land in an I-3 General Industrial District.

PC 10-39 Life Storage Centers, LLC, Applicant
700-998 East Park Avenue

Request is for a Planned Development Final Plan (Phase 3) in order to develop a 17.3 acres parcel of land in an I-3 General Industrial District.

Mr. David Smith, Senior Planner, stated that the petitioner was before the Plan Commission seeking approval for a Planned Development Final Plan for Phase 3 on November 8, 2010 for property commonly known as the Life Storage Centers property, but subsequently named Park Avenue Corporate Center located on Park Avenue. He stated that the petitioner was seeking the Final Plan approval in order to re-hab the existing buildings located to the north and rear of the building which

the Life Storage facility is located. He stated that additional Phase 3 improvements include the east driveway entrance from Park Avenue located adjacent to the Green Tree Animal Hospital now under construction. He stated that in addition to the Final Plan Phase 3 request, the petitioner was also seeking approval for Concept Plan Phase 4 which incorporated the larger area of land located south of the Phase 3 area, east of the Life Storage building and west of the Green Tree Animal Hospital. He stated that the Phase 4 Concept Plan area showed parking lot improvements, a new building footprint, and further improvements to the east driveway entrance. The Plan Commission continued these requests to the November 22, 2010 Plan Commission meeting in order to provide Staff an opportunity to draft a motion for the Plan Commission. He stated that Staff met with the petitioner after the November 8, 2010 in order to determine specifically what the petitioner is seeking to have done in the short term and in the long term on the property. He stated that Staff requested assistance of the petitioner in drafting the Plan Commission motion which they had provided. He stated that Staff reviewed this information and included additional conditions for approval. He stated that the DRC Staff Report has very little changes to it as compared to what was distributed to the Plan Commission prior to the November 8, 2010 Plan Commission meeting. He stated that the DRC Staff review comments were left unchanged and were incorporated into the Staff recommendation along with the petitioner's proposed conditions for approval as part of the Staff recommendation. He stated that Staff withdrew from the petitioner's request the Plan Development Concept Plan for Phase 4. He stated that when the petitioner is ready to develop Phase 4, they can make an application for both Concept and Final combined if they choose. He stated that the previous land use category request for the Specialty Car Care Service has also been withdrawn at this time and can be reconsidered again when the petitioner submits an application for Phase 4. He stated that for any of those conditions that in the Staff Report that are required to be completed prior to the 'issuance of any Occupancy Permit of any kind', is requested by the petitioner to be changed to 'prior to Final Occupancy for any tenant space located in Phase 3'. He stated that this language change allows the property owner to work with a prospective tenant to obtain occupancy initially under a Temporary Occupancy Permit. He stated that obtaining a Final Occupancy Permit will still be required per the Building Codes and Regulations. He stated that for those proposed conditions for approval that had come from the Engineering Division which are number two (2), five (5), nine (9) and fifteen (15) shall have the following language added that isn't already in the DRC Staff report, 'prior to final occupancy subject to the Director of Public Works'. He stated that the public hearing was continued from November 8th to tonight which should allow the petitioner to speak to the Plan Commission about the DRC Staff report prior to the Plan Commission making their motion and concluding the public hearing on this case.

Mr. Scott Hezner, agent for petitioner, stated that they can give a presentation that would be identical to the one they gave at the last meeting for the benefit of Commissioners Guarnaccio and Robinson who were not at that last meeting. He stated that otherwise, he is prepared to discuss only the proposed conditions to the motions for the Plan Commission recommendation to the Village Board.

Commissioner Robinson stated that he is agreeable to discussing the motion and forgoing a complete presentation.

Commission Guarnaccio stated that he is agreeable to discussing the motion and forgoing a complete presentation.

Mr. Hezner stated that he doesn't have any problems with the Staff drafted items, one (1) through eighteen (18) for the proposed motion. He stated that item number 17, regarding the removal of the parking spaces along the front side of Building C, is odd because they don't know what tenants will occupy any of the other back buildings.

Chairman Moore stated that the intent as presented by the petitioner at the last meeting was to provide some sort of drop off lane at that location.

Mr. Hezner stated that they had shown a much smaller drop off lane, but the removal of the other parking spaces would be along the whole frontage of Building C, which is an odd aspect to the Site Plan. He stated that there are no proposed uses for Building B and a drop off lane that is 180 feet long in front of Building C doesn't make sense, but he is willing to accept it at this point and time.

He stated that his client is anxious to move forward and is prepared to accept the 18 items within the proposed conditions of the draft motion with the modifications given by Village Staff.

Commissioner Robinson asked for clarification as to what the proposed plans encompass. Mr. Hezner stated that the plans include the B and C buildings, and the northern portion of Building A.

Commissioner Robinson asked what Concept Plan Phase 4 included. Mr. Hezner stated that Phase 4 included a future planning concept for the remainder of the site. He stated that it included new parking and circulation paths and the developable area along Rt. 176. He stated that Phase 4 has been taken out and that they are only looking at Phase 3.

Commissioner Guarnaccio asked what the time line is for the implementation of the Temporary Occupancy. Mr. Smith stated that the petitioner will have to take out bonds for the project. He stated that once a building permit is issued, construction is required to begin within a certain time period. He stated that the time line between temporary and permanent occupancy was not discussed in detail with the petitioner.

Mr. Hezner stated that his clients would like to complete the Phase 3 improvements within the next year. He stated that due to the winter months, his clients might seek some relief from the Village to complete the work towards the end of the year.

Commissioner Guarnaccio stated that he supports the use of temporary occupancies, but that it is advisable to incorporate time lines.

Mr. David Pardys, Village Attorney, stated that the Temporary Certificate of Occupancy is regulated by the Building Code.

Commissioner Guarnaccio stated that the Building Commissioner usually evaluates a construction project and makes a determination as to when certain aspects of the job can be completed.

Mr. Hezner stated that the Building Code allows twelve (12) months for a Temporary Occupancy Permit time line.

Mr. Smith stated that the applicant can request to have the temporary occupancy extended.

Mr. Pardys stated that absent of what the Plan Commission recommends to the Village Board, it would default to the Building Code in terms of regulating the Temporary Occupancy Permit and its time line. He stated that the Plan Commission could modify this aspect of they choose to.

Commissioner Cotey asked for clarification of the park's name and asked if the name is reflected in the sign program. Mr. Hezner stated that the named changed to Park Avenue Corporate Center at the beginning of Phase 2 and is reflected in their sign program.

Chairman Moore stated the way the drop off area (lane), in front of Building C was presented at the last public hearing was to allow people to access Building B.

Mr. Hezner stated that the initial reason for asking for the drop-off lane in front of Building C was because the owner was pursuing tenants and still pursuing tenants that could use a drop off lane. He stated Commissioner Schultz thought that it would be better to be the entire length of Building C.

Chairman Moore asked how Mr. Hezner would like to proceed. Mr. Hezner stated that he is ready for the Plan Commission to make a motion and move forward.

In the matter of PC 10-37, Commissioner Robinson moved, seconded by Commissioner Guarnaccio, to recommend the Village Board of Trustees approve an Amendment to the Special Use Permit for a Planned Development in order to further develop a 17.3 acre parcel of land in an I-3 General Industrial District at 700~998 East Park Avenue in accordance with the plans submitted subject to the eighteen (18) conditions outlined in the November 18, 2010 DRC Staff report with the following modifications: (1) For Conditions 1, 2, 3, 4, 5, 6, 7, 9, 15 and 17, the words, "prior to Occupancy Permit of any kind for Phase 3.", shall be removed and replaced with, "prior to issuing Final Occupancy for any tenant space located within Phase 3." And further modified, conditions 2, 5, 9, and 15, shall include the language, "subject to approval by the Director of Public Works.", at the end of the condition.

Motion carried 4 - 1.

Ayes:	*Cotey, Guarnaccio, Oakley, Schultz*
Nays:	*Moore*
Absent:	*Adams, Schultz*

In the matter of PC 10-38, Commissioner Oakley moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Planned Development Concept Plan (Phase 3) in order to further develop a 17.3 acre parcel of land in an I-3 General Industrial District at 700~998 East Park Avenue in accordance with the plans submitted subject to the eighteen (18) conditions outlined in the November 18, 2010 DRC Staff report with the following modifications: (1) For Conditions 1, 2, 3, 4, 5, 6, 7, 9, 15 and 17, the words, "prior to Occupancy Permit of any kind for Phase 3.", shall be removed and replaced with, "prior to issuing Final Occupancy for any tenant space located within Phase 3." And further modified, conditions 2, 5, 9, and 15, shall include the language, "subject to approval by the Director of Public Works.", at the end of the condition.

Motion carried 4 - 1.

Ayes: Cotey, Guarnaccio, Oakley, Schultz
Nays: Moore
Absent: Adams, Schultz

In the matter of PC 10-39, Commissioner Oakley moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Planned Development Final Plan (Phase 3) in order to further develop a 17.3 acre parcel of land in an I-3 General Industrial District at 700~998 East Park Avenue in accordance with the plans submitted subject to the eighteen (18) conditions outlined in the November 18, 2010 DRC Staff report with the following modifications: (1) For Conditions 1, 2, 3, 4, 5, 6, 7, 9, 15 and 17, the words, "prior to Occupancy Permit of any kind for Phase 3.", shall be removed and replaced with, "prior to issuing Final Occupancy for any tenant space located within Phase 3." And further modified, conditions 2, 5, 9, and 15, shall include the language, "subject to approval by the Director of Public Works.", at the end of the condition.

Motion carried 4 - 1.

Ayes: Cotey, Guarnaccio, Oakley, Schultz
Nays: Moore
Absent: Adams, Schultz

Mr. Hezner stated that he would like to extend a big 'thank you' to Staff. He stated that Staff has gone over and above to sit down with his client and to accommodate himself. He stated that he truly appreciates their efforts. He stated that the time that Staff has extended has been a lot. He stated that Staff has done a great job in trying to protect the Village as well as trying to get his client to move forward in the right way.

NEW BUSINESS:

PC 10-43 Mark Khayat, Austin's Saloon & Eatery, Applicant
481 Peterson Road

Request is for a Text Amendment to Section 11-16 of the Libertyville Zoning Code regarding Electronic Message Board signs.

PC 10-33 Mark Khayat, Austin's Saloon & Eatery, Applicant
481 Peterson Road

Request is for a Special Use Permit in order to install an Electronic Message Board sign in a C-3, General Commercial District.

PC 10-34 Mark Khayat, Austin's Saloon & Eatery, Applicant
481 Peterson Road

Request is for a Site Plan Permit in order to install an Electronic Message Board sign in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, introduced the petitioner and their request to the Plan Commission. He stated that there was a previous submittal for a Zoning Code text amendment to allow Electronic Message Board (EMB) signs as Special Use Permits within certain defined areas in the Village. He stated that those areas have been defined by an Overlay District along portion of Peterson Road and certain portions of Hwy Rt. 45. He stated that within the Overlay District there are certain limitations placed upon the installation of EMB's including lot size and adjacency to the rights of ways. He stated that the petitioner before the Plan Commission tonight is seeking approval of a Special Use Permit in order to install an EMB on his property in addition to further amending the ordinance approving the text amendment. He stated that the previously approved text amendment for EMB's requires a setback from side yard property lines to be not less than 100 feet. He stated that tonight's proposed amendment to the Zoning Code is to change the 100 foot setback requirement to be the underlying zoning district setback requirement from side property line, to only be applied for those properties that are adjacent to lots that would not qualify for an EMB due to having a substandard size or linear lot frontage.

Mr. Smith stated that the subject property is Austin's Restaurant which is located in the C-3, General Commercial District. He stated that the petitioner is also asking for a Site Plan Permit.

Mr. Mark Eiden, 611 South Milwaukee Avenue, Ste. 4, Libertyville, Attorney for the Petitioner, stated that the subject property is within the Overlay District. He stated that the purpose of the Overlay District is to promote business. He stated that the ordinance for an EMB states that the minimum required side yard setback is not less than 100 feet. He stated that they want to add at that point in the text, "except for where the abutting lot does not meet the minimum requirements for an EMB". He stated that the proposed EMB for Austin's is approximately 45 feet from the abutting lot to the east. He stated that the lot next door to the east is only 152 feet wide and does not qualify for an EMB as the code is written. He stated that this would push possible future EMB's further to the east away from the subject site.

Mr. Eiden stated that the other text amendment that the current text states that EMB's be allowed to remain operating/lit until the close of business to which the EMB relates but that they are requesting to amend the text by striking all EMB's must be extinguished from 11:00 p.m. to 5:00 a.m. He stated that Austin's is open until 2:00 a.m. He stated that the arbitrary cut off of 11:00 a.m. would give the impression that the business is closed.

Mr. Eiden offered to present the proposed standards for the proposed text amendments or they could be incorporated by reference in order to not have to go through each one.

Mr. David Pardys, Village Attorney, asked for clarification if the petitioner has provided a written response to the Standards for Text Amendment.

Mr. Eiden stated that they have incorporated their responses into the submittal.

Mr. Pardys stated that it would be up to the Plan Commission as to whether they would prefer to hear any testimony regarding the petitioner's response to the Standards for the Text Amendment.

Chairman Moore stated that he would suggest that the petitioner's response to the standards be accepted by reference at this point in time and that if any of the Commissioners have questions about those standards may ask the petitioner at that time.

Mr. Eiden stated that part of the requested text amendment includes allowing the EMB to stay lit until the close of business in order to stay helpful to the businesses that are operating the EMB signs within the Overlay District along Peterson Road.

Mr. Duane Laska, North Shore Sign Company, presented the design details of the EMB sign proposed to be installed on the Austin's Restaurant property.

Mr. Eiden stated that a Special Use Permit is required for an EMB sign per the ordinance. Mr. Eiden presented the petitioner's response to the Zoning Code standards for the Special Use Permit. He stated that the EMB ordinance was passed to encourage business activity in the Overlay District. He stated that there is no impact to adjacent land or interference with development with adjacent properties because all the neighboring properties are fully developed. He stated that the frequency of message changes and the brightness of illumination will be regulated by ordinance. He stated that there will not be a requirement for additional public facilities as EMB's will be along a major thoroughfare. He stated that all that the only utility needed is electricity.

Mr. Eiden stated that there is no documented study that EMB's pose a safety hazard. He stated that they believe that there is nothing about the EMB that will cause traffic congestion. He stated that the proposed EMB for Austin's restaurant will make use of the existing sign structure so there will be no destruction of existing structures or facilities. He stated that the petitioner believes that the Standards of the Special Use Permit will be complied with.

Mr. Eiden stated that the other request by the petitioner is for a Site Plan Permit. He stated that a Site Plan Permit is required when there is development on a site subject to a Special Use Permit.

Mr. Eiden stated that the Appearance Review Commission rejected the proposed EMB sign for the Austin's restaurant property. He stated that the ARC meeting minutes indicate that the ARC had no specific problem with EMB itself but that it was troubling for them. He stated that the ordinance allowing EMB's in the Overlay District was passed by the Village Board.

Commissioner Oakley asked if there is a process in place to coordinate emergency messages on EMB's.

Mr. Smith stated that this aspect was not incorporated into the EMB ordinance.

Mr. Pardys stated that he does not recall this aspect being incorporated into the EMB ordinance. He stated that when the Village settled the Tranel litigation there might have been some type of regulation incorporated into that agreement relative to broadcasting emergency information messages.

Mr. Eiden stated that the petitioner application addresses the possibility of incorporating amber alerts, should they be needed.

Mr. Smith stated that there isn't any regulation to prohibit the amber alert messages.

Commissioner Oakley stated that he was looking for the Village to facilitate that endeavor.

Mr. Laska stated that the Overlay District ordinance does state that EMB's should allow for amber alerts. He stated that the Police Chief agreed to coordinate the implementation of displaying amber alerts with each EMB as they are approved in the Overlay District.

Commissioner Cotey asked for clarification about the proposed EMB setbacks. He asked if there are any other conditions within the Overlay District that would be replicated as it is for the Austin's EMB sign proposal.

Mr. Smith stated that a survey was done of the other parcels within the Overlay District but that data was not incorporated into the DRC Staff report regarding the petitioner's request.

Mr. Eiden stated that any abutting lot with less than 200 linear feet of street frontage would not qualify for an EMB within the Overlay District and hence would provide the separation that is necessary between EMB signs.

Commissioner Cotey stated that it is important to now what other parcels will be impacted by the proposed amendments. He asked what other business exist within the Overlay District that operate on a 24 hour basis that might be impacted by the proposed text amendments. He asked if the hotel located within the Overlay District be permitted to operate an EMB all night long.

Mr. Smith stated that it would be subject to all other requirements of the EMB ordinance.

Mr. Pardys stated that the EMB/Overlay District ordinance stipulates that no variations would be allowed so therefore owner's of any abutting properties that are undersized or lack the minimum frontage to qualify for an EMB could not apply for a variation for an EMB. He stated that if there were to be a business that operates 24 hours, it would still be subject to the regulations of the EMB/Overlay District ordinance.

Commissioner Robinson asked if certain stipulations could be applied to an approval for an EMB sign that was otherwise included in the ordinance.

Mr. Pardys stated that conditions can be added to an approval for a Special Use Permit but the conditions cannot be deviations from the Zoning Code. He stated that the amendment being sought now by the petitioner is to remove the restriction to turn off the EMB overnight. The EMB ordinance was born from the settlement agreement with Tranel and many of the limitations in the EMB ordinance were first drafted from the Tranel case.

Mr. Mark Khayat, petitioner, stated that he understands that EMB signs are controversial but that he needs to have his due to the high rate of speed that traffic flows along Peterson Road and that there are no stop lights near his restaurant. He stated that the advantage to allowing the EMB to remain lit late at night is due the sign location not being near residential properties.

Mr. Pardys stated that one consideration for the Plan Commission is that the time limitation currently imposed on EMB signs may not make sense given that there is substantive restrictions as to where the signs may be installed but this is an issue for the Plan Commission to consider and make a recommendation on. He stated that other property owners who qualify for an EMB sign may want to be able to have it lit all night but the Plan Commission can impose certain restrictions on a case by case basis as part of the approval of a Special Use Permit.

Mr. Khayat stated that he is looking for a little help with the Plan Commission. He stated that the EMB ordinance regulations were drafted under some duress due to the Settlement Agreement subject to the other property. He stated that his property would be one of just few along Peterson Road that really merit the use of an EMB due to high speed traffic and not being near a traffic signal. He stated that the regulations within the Overlay District ordinance will help to keep the EMB signs in check. He stated that he will control his EMB the correct way.

Mr. Eiden questioned if the majority of hotels within the Overlay District are along Rt. 45. He stated that it may not matter so much that EMB signs are on all night along Rt. 45 due to its lower density development and fewer residents in that area that would be offended.

Chairman Moore stated that he knows that there are two hotels on Rt. 137 including Days Inn and the Holiday Inn Express.

Mr. Smith stated that he believes that the Days Inn is within the Overlay District but wasn't certain that that lot met the minimum requirements to qualify for an EMB sign.

Commissioner Cotey asked for clarification as to whether the proposed Austin's EMB sign meets the maximum allowed size as permitted by the ordinance.

Mr. Smith stated that the sign meets the maximum permitted overall sign area and height.

Commissioner Cotey asked for clarification as to whether the proposed Austin's EMB sign area meets the maximum 32 square feet for the EMB lit area by the ordinance.

Mr. Smith stated that the petitioner has described the area that lights up as being the permitted 32 square feet sign area and that the cabinet itself is not part of the 32 square feet in sign area. He stated that the Tranel EMB sign component was installed within a much larger cabinet and therefore made it easier to make a distinction between EMB sign area and cabinet area. He stated that at this point and time, Staff acknowledges that the 32 square feet EMB area is within the cabinet frame.

Commissioner Cotey stated that the area inclusive of the cabinet is larger than 32 square feet sign area.

Mr. Smith stated that Commissioner Cotey is correct if the cabinet facade is included with the EMB light up area, it is larger than 32 square feet.

Mr. Eiden stated that within the petitioner's submittal materials information about the facility size being over 11,000 square feet which would permit total sign area of up to 192 square feet. He stated that the EMB sign area calculated to be over 99 square feet and a wall sign of over 17 square feet making the total sign area a little over 117 square feet, well below the maximum permitted sign area for the property.

Commissioner Cotey asked for clarification as to how bright the EMB sign will be.

Mr. Laska stated that the illuminated portion is not more than 32 square feet. He stated that the night time brightness cannot exceed the 50% of the brightness when it's lit during the day. He stated that it gradually dims itself as the natural day light dims over time.

Commissioner Cotey asked for clarification as to how the LED elements function in the sign.

Mr. Laska described the LED components of the EMB sign and how they function.

Commissioner Cotey asked for clarification regarding the content of the sign.

Mr. Khayat stated that the EMB sign content will include food specials, entertainment programs, there will be some graphics but he was not certain as to what the detail of some of the images will be.

Mr. Pardys stated that the Village will not regulate content. He stated that the ordinance will have regulations that will control certain movements, brightness and off site advertising is restricted.

Commissioner Guarnaccio asked if the Austin's sign has a regulation to require when it can be on or off.

Mr. Smith stated that the regular sign can be 24 hours.

Commissioner Guarnaccio asked for clarification as to the street frontage criteria. Mr. Smith answered a minimum of 200 contiguous linear feet.

Commissioner Guarnaccio asked if there is residential property adjacent to the subject site. Mr. Smith stated that there is adjacent unincorporated residential property to the southwest of the subject site but it may not be considered abutting residential property.

Mr. Eiden stated that the restaurant building will block the line of site from the adjacent residential area located from the southwest so that the EMB sign will not be easily seen from that direction.

Commissioner Robinson asked if the Sports Complex or High School EMB signs are ever turned off.

Mr. Pardys stated that the High School is regulated by the State.

Commissioner Robinson stated that the high school is within a very residential area. He stated that he does not see a problem with the Austin's EMB sign.

Commissioner Guarnaccio asked how an alert can be displayed if it is required to shut off overnight.

Mr. Pardys stated that when there are more standards to regulate EMB signs now, it will be more conducive to regulate them in the future when future petitioners come before the Commissions and Boards. He stated that the time limitation can be removed by the Plan Commission and Village Board now but it could be imposed on another petitioner in the future. He stated that the more even handed the code is, it is easier to enforce.

Commissioner Robinson asked for further clarification as to how to restrict other applicants for EMB signs in the future.

Mr. Pardys stated that there are older EMB signs in the Village that already operate 24 hours a day but that the technology was different at that time but would not now be subject to the new EMB/Overlay District ordinance. He stated that the other signs may not necessarily be precedent setting.

Commissioner Robinson stated that if a business with an EMB is not open on the weekends then that establishment would have an EMB that is potentially left blank within the EMB display area subject to how the text is amended.

Mr. Pardys stated that the agreement with Tranel allowed the Village to convey community related messages to Tranel to be displayed.

Mr. Laska stated that the Police Chief notifies Tranel when they are requesting certain community support messages to be displayed.

Mr. Khayat stated that an owner of an EMB who agree to display amber alerts may want to have the ability to flash certain public safety messages.

Commissioner Oakley stated that there are some freestanding signs with EMB display areas turned off with the regular sign above it lit up, depending upon the time of night.

Chairman Moore asked for clarification regarding the EMB setback regulations as it pertains to the sentence, "except where the abutting lot does not meet the minimum requirements for an EMB."

Mr. Pardys stated that the additional text could read, "except where the abutting lot does not meet the minimum requirements for an EMB **in which case the minimum setbacks pertaining to signs in the underlying zoning district shall apply."**

Chairman Moore stated that at the time the motion is read, the additional text as it applies to setbacks should be worked out. He asked for further clarification regarding the top sign above the EMB as to its illumination.

Mr. Laska stated that the top sign is internally illuminated and has a metal face. He stated that only the lettering is illuminated with an opaque background.

Chairman Moore asked how the establishment will appear to be closed if there are cars in the parking lot. He stated that even with the EMB turned off, the establishment may not necessarily appear to be closed.

Mr. Eiden asked if the code will allow the upper sign to be lit 24 hours. He stated that if the EMB is turned off and the upper sign is illuminated then people will think that the upper sign is turned on 24 hours a day whether the business is open or not.

Mr. Khayat stated that the EMB will benefit people when they are forced to park off site as well.

Chairman Moore stated for clarification that Austin's restaurant will stay open until 2:00 a.m. and there will be customers that need to park off site along Rt. 137 and if the EMB sign goes off, there isn't the opportunity to inform people that there is parking off-site with a shuttle service.

Mr. Khayat stated that it can be a challenge to direct people to the other off-site parking lots.

Chairman Moore asked for clarification as to why a 100 foot setback was proposed as part of the EMB ordinance.

Mr. Smith stated that the rationale for the EMB side yard setback was to promote an adequate separation between EMB's. He stated that without the 100 foot setback for EMB's, the underlying Zoning District could permit them to be as close as 10 feet apart in the C-3 District. He stated that the intent was to address potential proliferation of EMB signs.

Mr. Eiden stated that the text amendment promotes an appropriate EMB separation. He stated that the intent was to prohibit a solder line of EMB's parading down the road. He stated that the proposed restriction in which the adjacent lot does not meet the standards to allow it to have an EMB, then they are separated.

Chairman Moore stated that there may be some acceptance among some of the Plan Commissioner members and less acceptance among others for the proposed changes to the EMB sign ordinance. He stated that the originally approved EMB/Overlay District ordinance provides certain restrictions that meets a certain need for EMB signs in the Village. He stated that he accepts the first amendment regarding the setback for EMB signs adjacent to lots that do not qualify for an EMB however he does not support the amendment regarding the hours of operation for an EMB.

Mr. Smith stated for clarification that the current Zoning Code regulation for sign illumination states that the illumination of every sign within 100 feet of and visible from any property zoned in any Residential District shall be extinguished between the hours of 11:00 p.m. and 7:00 a.m. every day; provided, however, that if the business to which the sign relates is in operation between such hours, then the sign may be illuminated during actual hours of operation, but only if such illumination does not create a public or private nuisance.

Mr. Eiden stated that the whole concept of allowing EMB signs within the Overlay District was to enhance those commercial districts. He stated that the location of the proposed EMB sign is more than a 100 feet from any residential district.

Chairman Moore stated that the current Zoning Code language could be useful to assist in crafting the language for the propose text amendment currently before the Plan Commission tonight.

Mr. Smith stated that most of the C-3 properties along Peterson Road, within the Overlay District as residential zoning to the rear of them. He stated that the C-3 properties are substantially deep, more than 100 feet deep.

Commissioner Robinson questioned if the Zoning Code is being enforced regarding the hours of sign illumination.

Mr. Smith stated that Staff has not received phone call complaints regarding illuminated signs located on the commercial properties along Peterson Road.

Commissioner Cotey asked if all of the lots along Rt. 137 are 152 feet wide or not.

Mr. Smith stated that it is not known for certain what all of the lot widths are for properties along Rt. 137.

Commissioner Cotey stated that both the Austin's restaurant lot and the office building lot across the street to the west are 152 feet wide. He stated that the Austin's lot achieved its 200 linear feet of frontage along the street by utilizing both Peterson Road and Bell Lane as it is a corner lot.

Chairman Moore stated that he supports the setback amendment. He asked the petitioner how he would like the Plan Commission to proceed.

Mr. Eiden stated that he would like for the Plan Commission to proceed with their motions for approval of the proposed Zoning Code text amendment.

Mr. Pardys requested clarification as to the appropriate wording for the side yard setback.

Mr. Eiden stated that the reduced setback would be taken from the property line that abuts the adjacent lot that does not qualify to have an EMB sign.

Mr. Smith stated that an EMB sign separation is subject to the width of the lot that does not qualify for an EMB.

Mr. Pardys stated that he is proposing the following language to be incorporated into the text amendment relative to the side yard setback for EMB signs; "The EMB, including any sign in which the EMB is incorporated, shall meet a minimum side yard set back of not less than one-hundred (100) feet, except where the abutting lot does not meet the minimum requirements for an EMB, **in which case the minimum side yard setback requirement in the underlying zoning district shall be applicable.**"

Chairman Moore stated for clarification that the subject site in which the petitioner is proposing to install an EMB sign meets the minimum requirements per the EMB/Overlay District ordinance and the currently proposed amendments to the ordinance.

Mr. Eiden stated that the Austin's restaurant lot meets the minimum requirements to allow an EMB sign to be installed there.

Mr. Smith stated that any lot within the Overlay District would need to have either 200 contiguous linear feet of public right of way frontage or be minimum of two (2) acres in size.

Commissioner Cotey stated that there are at least two parcels that have been identified that would qualify within the Overlay District.

Chairman Moore stated that both Austin's restaurant and the office building property across the street could have an EMB at their corners nearest to the street intersection.

Mr. Smith stated that the office building property would also have to meet the minimum requirements to qualify for an EMB sign.

Mr. Pardys asked if the ordinance requires a minimum separation between the EMB signs.

Mr. Smith stated that the separation is regulated by the 100 foot side yard setback but not an EMB sign to EMB sign separation.

Mr. Pardys stated there could conceivably be two interior lots without a more clearly defined which of the abutting lots does not meeting the minimum standards for an EMB, there could potentially be EMB signs in very close proximity to each other.

Mr. Smith stated that the EMB signs would still be separated by a middle lot that does not qualify for an EMB which could be fifty foot wide lot, as an example, EMB signs could be sixty (60) feet apart in that scenario. He stated that he is not aware of any 50 foot wide lots within the Overlay District Peterson Road corridor.

Mr. Pardys stated for clarification that two conforming lots could potentially be on either side of a non-conforming lot, thus placing two EMB signs potentially closer together without further definition to a minimum EMB sign separation.

Mr. Smith stated that this issue could be clarified further now during the Plan Commission meeting if necessary.

Chairman Moore stated that if a conforming lot is next to a non-conforming lot, it has to meet the zoning requirements. He sketched on the easel a diagram representing conforming and nonconforming lots to illustrate how the proposed ordinance amendments would affect the location of EMB signs.

Mr. Pardys stated that the way the proposal reads now, there is a possibility that depending upon what the underlying zoning requirements are for sign setbacks, EMB signs could be in close proximity to each other.

Commissioner Oakley stated that imposing a 200 foot separation between EMB's could be considered.

Mr. Smith stated that ordinance as written with the proposed amendment would provide a substantial restriction when implemented.

Commissioner Cotey asked if there are any other non-conforming lots in this particular district.

Mr. Smith stated that a survey was done of the Overlay District and the findings of that survey assisted with the Staff determination to propose the 100 foot setback. The initial proposal stipulated that a lot that qualifies for an EMB shall have both 200 feet of frontage on the street and have a

minimum land area of not less than two (2) acres. He stated that now it is written to be an either/or requirement.

Commissioner Guarnaccio stated that the issue is not whether non-qualifying lots exist today or not.

Mr. Pardys stated that it makes sense that the abutting lot that does not qualify would remove the 100 foot EMB setback, the intent should be that the adjacent nonconforming lot be the closest to the EMB.

Chairman Moore re-read the proposed text amendment and stated that the intent is for the EMB to meet the minimum required side yard setback as dictated by the underlying zoning district when adjacent to and nearest to a non-qualifying lot for an EMB.

Mr. Pardys stated that in that situation, it would not be bound by the 100 foot setback.

Mr. Smith stated that this has been addressed already in the ordinance as written. He stated that it read, "All other property setbacks shall meet the minimum setback required for business signs based on the underlying Zoning District to which the property is located."

(10 minute recess)

Chairman Moore proposed the following language for the text amendment; "The EMB, including any sign in which the EMB is incorporated, shall meet a minimum side yard set back of not less than one-hundred (100) feet, **except where the abutting lot adjacent to the side yard line closest to the EMB does not meet the minimum requirements for an EMB in which case the minimum side yard set back requirement in the underlying Zoning District shall be applicable."**

Chairman Moore stated that the adjusted language for the amendment stipulates that the abutting lot adjacent to the side yard line lying closest to the EMB.

Mr. Pardys stated that it is that side yard adjacent to the non-conforming lot does not have to meet the 100 foot setback but it should comply with the minimum required side yard setback for signs as stipulated in the underlying Zoning District.

Chairman Moore asked the petitioner if they have seen all the Staff comments found in the DRC Staff report.

Mr. Eiden stated that they have seen the DRC Staff report. He stated, regarding the Staff proposed condition for approval (#2), that the property owner currently uses a parking space for the freestanding sign location, which is the proposed location for the EMB. He stated that the space at that location is very minimal and poses a problem to expand the landscaping at the base of the sign. He stated that the area is too restrictive to allow the minimum required amount of landscaping. He stated that the Zoning Code allows plantings to be located elsewhere on site when not able to provide the minimum required at the base of the freestanding business sign. He stated that the petitioner has

recently provided an additional 140 square feet of additional landscaping on the west side of the property. He stated that they would like to take credit for the additional landscaping and apply it to the requirement for the base of the free standing business sign (location of EMB sign). He stated that there will be landscaping at the base of the EMB sign but it is virtually impossible to get all of the required landscaping install at the base of that sign without taking away additional parking spaces.

Mr. Laska stated that the landscape bed around the sign would have to be extended to the north towards the State public right of way line without expanding to either side into adjacent parking spaces.

Mr. Smith stated that the landscaping issue is a variation authorized by the Village Board. He stated that by looking at the Site Plan it appears that there may be space on the north side of the sign to expand the landscaping area.

Mr. Fred Chung stated that there is a utility easement on the north side of the sign area that would prohibit the expansion of the landscaping bed.

Mr. Eiden stated that the proposed landscaping around the EMB structure is approximately 35 square feet. He stated that the sign area is approximately 94 square feet which means that they are short of the sign base landscaping approximately 60 square feet. He stated that an increase in landscaping around the base of the sign would reduce parking or encroach into the right of way. He stated that the Landscape ordinance does allow for placement of required landscaping elsewhere on site when practical difficulties exist.

Chairman Moore asked if the Special Use Permit could be conditioned with the petitioner's request to locate required landscaping for the base of the sign elsewhere on the site.

Mr. Smith stated that conditions for the Special Use Permit aren't typically a deviation for the Zoning Code.

Chairman Moore stated that the request to reduce the minimum required amount of landscaping would then fall under the purview of a variation request. He read the condition again for the minimum required amount of landscaping at the base of the sign.

Mr. Eiden stated that he is certain that the Zoning Code allows the placement of required landscaping elsewhere on the lot when practical difficulties exist.

Mr. Smith stated that Mr. Eiden may be correct and read from the Zoning Code the following text; "If the area around the base of the sign is insufficient in area for all of the required landscaping, then all such landscaping as may properly be installed shall be placed around the base of the sign and the remainder of the required landscaping shall be provided on the same zoning lot as the subject sign at a location review by the Appearance Review Commission and approved by the Village Board of Trustees." He stated that that ARC has seen this proposal already.

Mr. Eiden stated that the ARC made a comment at their meeting that the landscaping around the base of the sign is so close to the public right of way that road salt will have an impact on it and that they would not have a problem with the existing landscaping around the sign.

Chairman Moore asked if the landscaping around the base of the sign insufficient to meet the requirement and if so, why wouldn't be subject to a variation.

Mr. Eiden stated that it would not be a variation because it is already permitted by the ordinance and practical difficulties do exist.

Mr. Smith read from the Zoning Code again regarding the regulation for insufficient landscaping, "If the area around the base of the sign is insufficient in area for all of the required landscaping, then all such landscaping as may properly be installed shall be placed around the base of the sign and the remainder of the required landscaping shall be provided on the same zoning lot as the subject sign at a location review by the Appearance Review Commission and approved by the Village Board of Trustees."

Mr. Pardys asked if the required landscaping located elsewhere on site been approved by the ARC.

Mr. Eiden asked the property owner if the property is currently over landscaped.

Mr. Laska stated that there is approximately 3,000 square feet of landscaping on site including up to 68 trees.

Mr. Smith stated that this petition did not incorporate a plan to demonstrate that the site landscape plan shows excess landscaping elsewhere on site to make up the remaining amount required at the base of the EMB sign.

Mr. Eiden stated the current petition states that last year the owner planted 215 additional square feet of landscaping along the west side of the property and that over al there is approximately 2,640 square feet of perimeter and interior lot landscaping on the property and therefore the property already contains an amount of landscaping that exceeds the minimum requirements by ordinance. He stated that there isn't any more space to provide additional landscaping.

Chairman Moore asked the petitioner if they have a landscape plan. He stated that consideration could be given to making a recommendation to the Village Board with a condition that the petitioner take a landscape plan to the ARC showing that the requirement is being met.

Mr. Smith asked the Village Attorney if the landscape review can be done at a Staff level without requiring the petitioner to go to the ARC.

Mr. Eiden stated that he believes that this landscape issue is not a Zoning Code variation because the Zoning Code allows for the sign plantings to be located elsewhere on site when there is a hardship in planting all the required landscaping around the base of the sign.

Mr. Pardys asked if the ARC already approved this landscape issue from the prior appearance.

Mr. Eiden stated that the ARC board member stated that when the proposed sign is located as close to Peterson Road as the Austin's sign is proposed to be, it is better to locate as much of the landscaping elsewhere on site away from the right of way because the plants along the right of way dies due to road salt. He stated that the ARC stated that landscaping around the base of the sign doesn't really help that much anyway.

Mr. Eiden stated that if the petitioner needs a plan to show the landscaping, it will show the 35 square feet around the base of the sign and the replacement landscaping.

Mr. Pardys stated that the code allows the petitioner to plant the remaining landscaping elsewhere on site if the minimum requirements can't be met around the base of the sign subject to approval by the ARC and the Village Board. He stated that if there was a landscape plan, even if it showed current conditions, to go to the ARC and Village Board, it would meet that requirement.

Mr. Smith stated that the petitioner has made reference to previously adding additional landscaping along the side property line, however consideration should be given to determining that there is enough landscaping that meets both the minimum requirements for that area's perimeter landscaped open space and have enough landscaping left over that can be applied to the amount of landscaping that is short around the base of the free standing (EMB) sign located near the Peterson Road right of way.

Mr. Smith stated that the petitioner has already been to the ARC. Mr. Smith asked the Village Attorney if the petitioner can merely submit a revised landscape plan to Staff in order to review for compliance for this issue as part of the Building Permit application. He stated that he believes that this suggested process might not conflict with the Zoning Code landscape ordinance as the petitioner has already been to the ARC. He stated that ARC Commissioner Eiserman did speak to the issue of the EMB sign and its landscaping at it base being in close proximity to the Peterson Road right of way.

Commissioner Cotey stated that Commissioner Eiserman did state that he would not be in favor of additional landscaping at the base of the EMB sign due to being next to the Peterson Road right of way.

Mr. Pardys stated that the question at hand is whether or not the petitioner has enough landscaping that meets both the minimum requirements for that area's perimeter landscaped open space and have enough landscaping left over that can be applied to the amount of landscaping that is short around the base of the free standing (EMB) sign located near the Peterson Road right of way.

Mr. Smith stated that they need an additional 60 square feet of landscaping elsewhere on site that would represent the shortage around the base of the sign. He stated that Staff has not verified that the petitioner has met this requirement as they have not included a landscape plan with this petition.

Chairman Moore stated that this landscape arrangement is required to be approved by the ARC and Village Board.

Mr. Eiden stated that the ARC would not recommend additional landscaping at the base of the EMB sign.

Chairman Moore stated that a plan has not been produced to demonstrate that they are in compliance with the code.

Mr. Eiden stated that he is in agreement to a Plan Commission recommendation to condition the approval with a plan that demonstrates that they are in compliance with the code by showing additional landscaping elsewhere on site but it will be a challenge to reproduce a landscape plan of the entire site.

Mr. Smith stated that a landscape plan would not necessarily need to be of the entire site but at least include the base of the sign and another area of the site, such as a perimeter landscaped area that exceed its minimum requirements with enough left over to compensate the shortage at the base of the EMB sign.

Mr. Pardys stated that existing conditions may be sufficient.

Chairman Moore stated that additional language should be added to the Staff recommendation, condition for approval number two (2).

Mr. Pardys stated that the language could state that ARC recommendation and Village Board approval for a landscape plan meeting the requirements of Zoning Code Section 11-3.11(e).

Chairman Moore stated that the condition could just state that the landscape plan meets the Zoning Code requirement.

Mr. Pardys stated that it would be helpful if the Zoning Code section is sited.

Chairman Moore stated that condition for approval is for the petitioner to submit a scaled sign plan exhibit of the existing wall sign.

Mr. Smith stated that the petitioner has referenced the size of the wall sign in their narrative. He stated that Staff needs to be able to confirm that the petitioner is not exceeding the overall gross sign area for the site.

Mr. Smith stated that due to the changes to the amendment discussed tonight that condition number four (4) could be stricken.

In the matter of PC 10-43, Commissioner Robinson moved, seconded by Commissioner Guarnaccio, to recommend the Village Board of Trustees approve a Text Amendment to Section 11-16 of the Libertyville Zoning Code regarding Electronic Message Board signs as follows:

Section 11-16 (1)(b)(4):

Minimum Required Setback. The EMB, including any sign in which the EMB is incorporated, shall meet a minimum side yard set back of not less than one-hundred (100) feet, **except where the abutting lot adjacent the side yard line closest to the EMB does not meet the minimum requirements for an EMB in which case the minimum side yard setback requirement in the underlying Zoning District shall be applicable.** All other property set backs shall meet the minimum set back required for business signs based on the underlying Zoning District to which the property is located.

Section 11-16 (1)(b)(5)(ii):

Minimum Design Standards: The EMB shall meet all of the following design conditions:

ii) The EMB must be extinguished at the close of business to which the EMB relates. This restriction shall apply regardless of the location of the EMB on the Property.

Motion carried 4 - 1.

Ayes: *Moore, Guarnaccio, Oakley, Schultz*
Nays: *Cotey*
Absent: *Adams, Schultz*

In the matter of PC 10-33, Commissioner Robinson moved, seconded by Commissioner Guarnaccio, to recommend the Village Board of Trustees approve a Special Use Permit in order to install an Electronic Message Board sign in a C-3, General Commercial District, subject to the following conditions:

1. *Submit an accurate current Plat of Survey of the subject property that includes an accurate depiction of the existing building footprint at the time of Building permit application.*
2. *ARC recommendation and Village Board approval of a landscape plan meeting the requirements of Zoning Code Section 11.3.11(e).*
3. *Submit a scaled sign plan exhibit of the existing wall sign.*

Motion carried 4 - 1.

Ayes: *Moore, Guarnaccio, Oakley, Schultz*
Nays: *Cotey*
Absent: *Adams, Schultz*

In the matter of PC 10-34, Commissioner Oakley moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Site Plan Permit in order to install an Electronic Message Board sign in a C-3, General Commercial District, subject to the following conditions:

1. *Submit an accurate current Plat of Survey of the subject property that includes an accurate depiction of the existing building footprint at the time of Building permit application.*
2. *ARC recommendation and Village Board approval of a landscape plan meeting the requirements of Zoning Code Section 11.3.11(e).*
3. *Submit a scaled sign plan exhibit of the existing wall sign.*

Motion carried 4 - 1.

Ayes: *Moore, Guarnaccio, Oakley, Schultz*
Nays: *Cotey*
Absent: *Adams, Schultz*

PC 10-35 Motorola, Inc., Applicant
600 N. US Highway 45

Request is for a Special Use Permit for Personal Wireless Service Antennas with antenna support structures and related electronic equipment and equipment structures in order to install satellite dishes in an O-2, Office, Manufacturing and Distribution Park District.

PC 10-36 Motorola, Inc., Applicant
600 N. US Highway 45

Request is for a Site Plan Permit for Personal Wireless Service Antennas with antenna support structures and related electronic equipment and equipment structures in order to install satellite dishes in an O-2, Office, Manufacturing and Distribution Park District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting a Special Use Permit and Site Plan Permit for Personal Wireless Service Antennas with antenna support structures and related electronic equipment and equipment structures in order to install satellite dishes in an O-2, Office, Manufacturing and Distribution Park District located at 600 N. US Highway 45.

Mr. Smith stated that Motorola, Inc., is proposing to install one 3.7 meter rotating dish and four (4) three (3) meter dishes adjacent to the southeast foundation of the Motorola building at grade level. He stated that the Zoning Code requires a Special Use Permit for these service antennas. He stated that in addition, the petitioner is proposing to install a six (6) foot privacy fence.

Mr. Tom Byrne, agent for the petitioner, stated that the proposed dishes shall be screened by fencing, landscaping, and the topography will place the dishes in a depressed swale.

Chairman Moore asked the petitioner what he would like for the Plan Commission to do this evening. Mr. Byrne stated that he would like for the Plan Commission to make a positive recommendation to the Village Board tonight.

In the matter of PC 10-35, Commissioner Robinson moved, seconded by Commissioner Cotey, to recommend the Village Board of Trustees approve a Special Use Permit for Personal Wireless Service Antennas with antenna support structures and related electronic equipment and equipment structures in order to install satellite dishes in an O-2, Office, Manufacturing and Distribution Park District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

In the matter of PC 10-36, Commissioner Oakley moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve a Site Plan Permit for Personal Wireless Service Antennas with antenna support structures and related electronic equipment and equipment structures in order to install satellite dishes in an O-2, Office, Manufacturing and Distribution Park District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

PC 10-44 Village of Libertyville, Applicant
118 West Cook Avenue

Request is for a Text Amendment to Section 11 of the Libertyville Zoning Code relating to Political Signs.

Mr. David Pardys, Village Attorney, introduced the proposed Zoning Code text amendment. He stated that the State law was recently amended to restrict a municipality's ability to regulate political signs. He stated that the Zoning Code requires certain restrictions upon Political Signs in the Village of Libertyville. He stated that these restrictions regulate size, setback, number and maximum period of time in which these signs may be displayed. He stated that due to recent State of Illinois mandates regarding political signs and the restrictions placed upon them that regulate the period of time they may be displayed and the number of signs allowed to be displayed, Staff is recommending certain changes to the Zoning Code in order to be compliant with the State of Illinois recent legislation. He stated that these changes include removing the setback requirement from street intersections and by

removing the requirement that election signs shall be erected not more than (45) days before the election to which they apply, and shall be removed within five (5) days after such election.

Mr. Pardys stated that the Zoning Code text regulating Political Message Signs shall be amended so that they be **located entirely on private property pursuant** to **the owner's consent and** shall not exceed four (4) square feet in area per sign.

Mr. Pardys stated that the text relative to the limit on the number of signs per lot and their setback is proposed to be removed.

Commission Oakley stated that he is concerned that these changes will promote proliferated clutter on private properties and the Village will not be able to control it.

Commissioner Guarnaccio stated that these new measures being handed down from the State lack common sense, but the Village should be careful of potential lawsuits.

Chairman Moore stated that the State limits what the Zoning Code can do.

In the matter of PC 10-44, Commissioner Robinson moved, seconded by Commissioner Cotey, to recommend the Village Board of Trustees approve a Text Amendment to Section 11 of the Libertyville Zoning Code relating to Political Signs, as outlined in the November 18, 2010 Development Review Committee Staff Report.

Motion failed 1 - 4.

Ayes:	*Moore*
Nays:	*Cotey, Guarnaccio, Oakley, Schultz*
Absent:	*Adams, Schultz*

PC 10-45 Village of Libertyville, Applicant
118 West Cook Avenue

Request is for a Text Amendment to Section 2 of the Libertyville Zoning Code relating to the definition of a Sports and Entertainment Complex.

Mr. David Pardys, Village Attorney, introduced the proposed text amendment. He stated that the Zoning Code defines a SPORTS AND ENTERTAINMENT COMPLEX as any building or site that has as its principal purpose operation of a facility for participatory sporting events with non-paid admissions. Such a complex may include retail or restaurant uses completely enclosed within a principal structure.

Mr. Pardys stated that in an effort to encourage greater utilization of the Sports Complex and allow for such facilities to offer a wider range of options for residents of the community, the Village is requesting that the definition of a Sports and Entertainment Complex be modified to delete the limitation pertaining to "non-paid admissions".

Commissioner Guarnaccio stated that they have already been charging for certain events.

In the matter of PC 10-45, Commissioner Oakley moved, seconded by Commissioner Cotey, to recommend the Village Board of Trustees approve a Text Amendment to Section 2 of the Libertyville Zoning Code relating to the definition of a Sports and Entertainment Complex, as outlined in the November 18, 2010 Development Review Committee Staff Report.

Motion carried 5 - 0.

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

COMMUNICATIONS AND DISCUSSION:

Mr. David Smith, Senior Planner, asked for members of the Plan Commission to approve the 2011 meeting dates.

Commissioner Cotey moved, seconded by Commissioner Robinson, to approve the 2011 Plan Commission meeting dates.

Motion carried 5 - 0.

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

Motion carried 5 - 0.

Meeting adjourned at 10:10 p.m.