

MINUTES OF THE PLAN COMMISSION
December 13, 2010

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:11 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Scott Adams, William Cotey, Walter Oakley, and Kurt Schultz.

Members absent: Robert Guarnaccio and Andy Robinson.

A quorum was established.

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

Commissioner Oakley moved, seconded by Commissioner Cotey, to approve the November 8, 2010, Plan Commission meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS:

**PC 10-24 Lake County Government, Applicant
400-800 W. Winchester Road
1125-1303 N. Milwaukee Avenue**

Request is for a Special Use Permit for a Planned Development in order to further develop the approximately 172 acre Lake County Farm Government Center Campus in an IB Institutional Buildings District.

**PC 10-25 Lake County Government, Applicant
400-800 W. Winchester Road
1125-1303 N. Milwaukee Avenue**

Request is for a Planned Development Master Plan in order to further develop the approximately 172 acre Lake County Farm Government Center campus in an IB Institutional Buildings District.

The applicant requested that these items be continued to the January 24, 2011, Plan Commission meeting.

In the matters of PC 10-24 and PC 10-25, Commissioner Cotey moved, seconded by Commissioner Adams, to continue these requests to the January 24, 2011, Plan Commission meeting.

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Motion carried 5 - 0.

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

NEW BUSINESS:

PC 10-41 HCR ManorCare, Applicant
1500 S. Milwaukee Avenue

Request is for an Amendment to the Planned Development Final Plan in order to construct a building addition and parking lot expansion in an IB, Institutional Buildings District.

PC 10-42 HCR ManorCare, Applicant
1500 S. Milwaukee Avenue

Request is for an Amendment to the Special Use Permit for Long Term Care Facility in order to construct a building addition and parking lot expansion in an IB, Institutional Buildings District.

Mr. David Smith, Senior Planner, stated that the petitioner, ManorCare Health Services, is requesting an Amendment to the Planned Development Final Plan and an Amendment to the Special Use Permit for a Long Term Care Facility in order to construct a building addition and parking lot expansion to the ManorCare Health Services facility located in an IB, Institutional Buildings District at 1500 South Milwaukee Avenue. Mr. Smith stated that the existing ManorCare facility is a three (3) story institutional use structure that provides short- and long-term medical and rehabilitation care.

Mr. David Zajicek, attorney for the petitioner, stated ManorCare bought the long term care facility from Americana several years ago. He stated that they are seeking approval to expand their facility to include 12 additional beds. He stated that for the next five (5) years, 65 year old and older individuals shall grow another 11% located within a five mile radius of Libertyville which demonstrates that there is an increasing need for long term care service. He stated that ManorCare is 90% occupied and that there is a need for flexibility within their facility when managing private and semi-private rooms. He stated that as a skilled care nursing home, the average age of the occupants is 85 years old. He stated that Manor Care is not an outpatient facility and has a need to improve its physical therapy service.

Mr. Zajicek stated that the proposed building and parking additions shall meet the bulk requirements. He stated that they are providing seven handicap parking spaces which are more than the minimum of five (5) handicap parking spaces.

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Mr. Zajicek stated that there is not the need for a public sidewalk as requested by Staff. He stated that perhaps the Staff requested sidewalk can be reduced so that there are only two points to install a sidewalk, one being at the intersection of Artaius Parkway and Milwaukee Avenue and the other being at the intersection of Artaius Parkway and Florsheim Drive only.

Commissioner Oakley asked for clarification as to the requirement for handicap parking. Mr. John Spoden, Director of Community Development, stated that the DRC Staff report comment regarding the minimum required handicap parking reflects a State law requirement; however, if there is a discrepancy of the land use interpretation that impacts the handicap parking requirement, then the attorneys can consult each other to help make a determination.

Mr. Smith stated that if the 20% handicapped parking regulation is required, the subject site will still be in compliance with the code.

Mr. David Pardys, Village Attorney, stated that he can examine the interpretation of the land use in order to make a determination of the minimum required handicap parking spaces.

Commissioner Oakley stated that the sidewalk request from the Village is good.

Mr. Zajicek stated that the subject facility already has controlled walking areas on the site and additional public sidewalk is not necessary.

Commissioner Adams stated that he agrees that the sidewalk should be installed as this location is in an office area and that there is a substantial amount of lunch time traffic that might possibly use the sidewalk.

Commissioner Cotey asked if any of the proposed roof lines were changed in response to the comments made by the ARC. Mr. Zajicek stated that no roof line changes were made.

Commissioner Cotey asked for clarification regarding the proposed building and parking lot expansion. Mr. Jesse Conrad, Manhard Construction and engineer for the petitioner, stated that the ARC had minor issues with the proposed roof gable but that he intent of the design was to be in line with the Red Top Plaza shopping center roof design.

Mr. Conrad presented the building additions and explained where the extensions would expand. He stated that there is additional vacant land to the south of the building.

Commissioner Cotey asked for clarification of the services provided by the ManorCare facility and what other additional uses could be incorporated into the facility in the future, such as assisted living care. Mr. Zajicek stated that assisted living is not planned now and that independent living care is not intended to be incorporated into the program.

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Commissioner Cotey asked if the petitioner will comply with the Engineering Division Staff review comment about accessing the grease trap. Mr. Scott Wilson, Manhard Construction, stated that they will work with Village Staff to address the review comments.

Commissioner Cotey asked Staff for clarification regarding the review comment requesting the public sidewalk extension. Mr. Spoden stated that the intent is to promote connectivity between neighborhoods and other land uses.

Commissioner Cotey stated that he supports the public sidewalk request.

Commissioner Schultz stated that his office is located very near and northeast of the subject site. He stated that a public sidewalk would not be heavily used and not needed around the subject property. He stated that he agrees with the petitioner's proposal to reduce the length of the sidewalk but at least establishing the proposed connections near the Milwaukee Avenue and Florsheim Drive intersections along Artaius Parkway.

Commissioner Schultz stated that he is concerned about the expansion of the building and the parking lot moving closer to Milwaukee Avenue and its impact upon the existing trees and landscaping.

Mr. Wilson presented the new landscape plan. He stated that they will install more landscaping than what is currently there on site now.

Mr. Conrad stated that the trees proposed to be removed are mostly in poor condition.

Chairman Moore stated that the subject site is configured by the roads that bound it, which include Artaius Parkway and Milwaukee Avenue. He stated that its location and configuration create an island parcel and he questioned the necessity of the requested public sidewalk.

Commissioner Schultz asked for clarification of the perimeter swale and stated that it may impose a hindrance for a new public sidewalk. Mr. Wilson stated that they may need to cross into the private property and establish a public easement for the sidewalk if the swale encumbers the sidewalk.

Mr. Pardys stated that a Plat of Easement may be necessary with an Easement Agreement.

Commissioner Schultz stated that there appears to be topographical drop in grade at the location where the sidewalk would be installed and cautioned that it could be hazardous for pedestrians.

Mr. Wilson stated that they would work with Staff in order to design the appropriate features for safety including a retaining wall or railings as necessary.

Commissioner Schultz stated that the petitioner should consider the construction expense if the installation of the public sidewalk.

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Chairman Moore stated that he is acceptable without the public sidewalk request.

Mr. Pardys asked from which Village code is the public sidewalk from. Mr. Spoden stated that it is an amendment to the Municipal Code, but does not have that code section number at the moment.

Chairman Moore read the DRC Staff report with the Staff recommendation for approval with the conditions and suggested amending the condition number six (6) for the sidewalk to read as follows, "Civil Engineering Plans shall be revised to indicate a pedestrian public sidewalk to be installed between the subject site and the south and west side of Artaius Parkway from the south access drive northwesterly along Artaius Parkway to the existing crosswalk at Milwaukee Avenue with crosswalk connections to the sidewalks located along Florsheim Drive prior."

Mr. Wilson stated that consideration should be given to not requiring the sidewalk near the Milwaukee Avenue intersection with Artaius Parkway due to potential problematic drainage issues. He stated that if the requirement for the sidewalk stands, they can figure out how to construct it but it may be problematic and costly.

Mr. Spoden stated that the code is basically requiring the sidewalk.

Mr. Pardys stated that if the sidewalk is not a Zoning Code requirement, it may be problematic to exempt it from a Planned Development which really only varies Zoning Code issues.

Mr. Spoden stated that the Plan Commission can make their recommendation to the Village Board.

Commissioner Cotey stated that due to the construction cost relative to the topographical grade issue, it may not be feasible to install the public sidewalk.

Commissioner Cotey asked if there is an existing bus stop along the front portion of the site. Mr. Wilson stated that there is a crosswalk required by IDOT at the intersection of Milwaukee Avenue and Artaius Parkway and is not a bus stop.

Commissioner Cotey asked if PACE has any future plans to install a bus stop in the immediate area. Mr. Zajicek stated that he is not aware of any plans by PACE to install a bus stop in the immediate area.

Mr. Wilson stated that there is a significant amount of landscaping in and around the northeast corner of the property that would cause an obstruction to installing the sidewalk at that location.

Commissioner Cotey stated that the landscaping at that location may substantiate a hardship to justify a variation for the sidewalk.

Chairman Moore asked the petitioner if he would like for the Plan Commission to proceed and render their recommendation to the Village Board at this time. Mr. Zajicek stated that he is ready to proceed.

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Chairman Moore stated that the DRC Staff report has six (6) conditions for the approvals. He stated that they will eliminate number one as it can be addressed at time of building permit application. He stated that condition number six (6) about the sidewalk shall be amended to say that the Plan Commission is recommending that the petitioner not be required to install a new sidewalk.

In the matter of PC 10-41, Commissioner Schultz moved, seconded by Commissioner Cotey, to recommend the Village Board of Trustees approve an Amendment to the Planned Development Final Plan in order to construct a building addition and parking lot expansion in an IB, Institutional Buildings District, subject to the following conditions:

- 1. Plans shall indicate how each building exit complies with 2006 IBC Chapter 10 including each illuminated and graded exit discharge from each exit door to the public way prior to issuing Building Permit.*
- 2. Civil Engineering Plans, Sheet 5 from the Utility Plan shall identify all existing underground sewer and water main facilities prior to issuing Building Permit. Utility Plan shall provide plan and profile of the proposed storm sewer, existing sanitary sewer, and water main identifying proposed ground elevations over the pipe prior to issuing Building Permit.*
- 3. Civil Engineering Plans, Sheet 5 from the Utility Plan shall be revised to show how the proposed Grease Trap will be accessed for maintenance by cleaning equipment prior to issuing Building Permit.*
- 4. Civil Engineering Plans shall be revised to indicate, for water quality control treatment for this development, per the Lake County Watershed Development Ordinance, hydrocarbon removal technology to be implemented using a volume of 0.5 inches of runoff for the impervious surface tributary area to each treatment device and meeting a minimum 70% removal rate for the parking lot prior to issuing Building Permit.*
- 5. Plan Commission recommends that the petitioner not be required to install a pedestrian public sidewalk to be installed between the subject site and the south and west side of Artaius Parkway with crosswalk connections to the sidewalks located along Florsheim Drive prior to issuing Building Permit.*

Ayes: Moore, Adams, Cotey, Oakley, Schultz

Nays: None

Absent: Guarnaccio, Robinson

In the matter of PC 10-42, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve an Amendment to the Special Use Permit for Senior Citizen Housing in order to construct a building addition and parking lot expansion in an IB, Institutional Buildings District, subject to the following conditions:

- 1. Plans shall indicate how each building exit complies with 2006 IBC Chapter 10 including each illuminated and graded exit discharge from each exit door to the public way prior to issuing Building Permit.*
- 2. Civil Engineering Plans, Sheet 5 from the Utility Plan shall identify all existing underground sewer and water main facilities prior to issuing Building Permit. Utility Plan shall provide plan and profile of the proposed storm sewer, existing sanitary sewer, and water main identifying proposed ground elevations over the pipe prior to issuing Building Permit.*

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3. *Civil Engineering Plans, Sheet 5 from the Utility Plan shall be revised to show how the proposed Grease Trap will be accessed for maintenance by cleaning equipment prior to issuing Building Permit.*
4. *Civil Engineering Plans shall be revised to indicate, for water quality control treatment for this development, per the Lake County Watershed Development Ordinance, hydrocarbon removal technology to be implemented using a volume of 0.5 inches of runoff for the impervious surface tributary area to each treatment device and meeting a minimum 70% removal rate for the parking lot prior to issuing Building Permit.*
5. *Plan Commission recommends that the petitioner not be required to install a pedestrian public sidewalk to be installed between the subject site and the south and west side of Artaius Parkway with crosswalk connections to the sidewalks located along Florsheim Drive prior to issuing Building Permit.*

Ayes: Moore, Adams, Cotey, Oakley, Schultz

Nays: None

Absent: Guarnaccio, Robinson

**PC 10-46 118 West Cook Avenue
Village of Libertyville, Applicant**

Request is for an amendment to Chapter 26 of the Libertyville Municipal Code in order to revise and adopt the Libertyville Zoning Code.

Mr. John Spoden, Director of Community Development, stated that Staff is presenting the first in a series of Zoning Code amendments in order to revise and adopt a new Libertyville Zoning Code.

Ms. Karen Marren, Associate Planner, presented specific changes to the Zoning Code in Article 2 the Definition section. She stated that these changes include separate definitions for Accessory Structure and Use; removal of all Adult Use Definitions with the exception of introduction of a definition of a Licensed Sexually Oriented Business; new definition for Grade to be the average elevation of the ground surface, in its natural state, measured at five foot intervals around the base of the structure; new definition for Kennel; new definition of Lessors of Mini-Warehouses and Self-Storage Units; new definition of Microbrewery; new definition of Sight Distance Triangle and Visual Obstruction; new definition for Half Story; new definition for Theater; and new definitions relative to the Wind Turbine Zoning Code amendments.

Commissioner Schultz asked for clarification for the definition change to the term “abut”. Mr. Spoden stated that the intent was to differentiate between ‘touch’ and ‘next to’.

Commissioner Schultz stated that the term ‘Attic’ appears to be new.

Commissioner Cotey asked for clarification to the disposition of Adult Use definitions. Mr. Spoden stated that the Adult Use definitions will be moved to a separate chapter in the Municipal Code.

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Ms. Marren stated that definition terms 'Block' and 'Business Occupancy' have been revised.

Chairman Moore stated that interpreting Business Occupancy for the auto dealerships has caused problems in the past.

Mr. Spoden stated that there will be a separate Plan Commission hearing for the proposed Wind Turbine ordinance amendment.

Commissioner Schultz asked if the revised Half Story definition is intended to prevent the construction of a third story for single family homes. Mr. Spoden stated that the definition for Half Story has been revised to address discrepancies in interpreting its meaning.

Ms. Marren stated that there are no proposed changes to Article 3 of the Zoning Code at this time.

In the matter of PC 10-46, Commissioner Schultz moved, seconded by Commissioner Oakley, to continue this request to the January 24, 2011, Plan Commission meeting.

Motion carried 5 - 0.

Ayes: Moore, Adams, Cotey, Oakley, Schultz

Nays: None

Absent: Guarnaccio, Robinson

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, stated that at the next Village Board meeting the Historical Preservation Committee will give a presentation to the Committee of the Whole to be followed by a discussion regarding a proposed moratorium on teardown of commercial buildings in the C-1 District.

Commissioner Cotey asked if the Historic Preservation Committee will be a recommending body. Mr. Spoden stated that they will recommend directly to the Village Board.

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

Motion carried 5 - 0.

Meeting adjourned at 8:48 p.m.