

MINUTES OF THE PLAN COMMISSION
January 24, 2011

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:24 p.m. at the Village Hall.

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

Members absent: Robert Guarnaccio.

A quorum was established.

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

Commissioner Oakley moved, seconded by Commissioner Cotey, to approve the revised November 22, 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.

Mr. John Spoden, Director of Community Development, introduced the petition to the Plan Commission. Mr. Spoden noted that the petitioner has modified some elements of their plan since their last appearance in front of the Plan Commission.

Mr. Matt Guarnary, Lake County Government representative, stated that they have met with the public several times to try and address the neighbors' concerns. He stated that the subject land is the

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largest parcel of land owned by Lake County and that they have owned it since 1847.

Mr. Guarnary stated that they have revised portions of their narrative for their petition to include changes to the width of the perimeter berm. He stated that certain uses, those that require overnight activity, shall be subject to the Special Use Permit process for Development Zones 6 and 8 and that there have been changes to the Bulk Chart.

Mr. John LaMotte, petitioner's consultant, reviewed the changes to the narrative and plan in detail. He stated that they propose that the entrance connection at Milwaukee Avenue and Walnut Street be installed with signalization at the time of development of the Optional Development Zone. He stated that Lake County will continue to lease the undeveloped portion of the land for agriculture use until such time it is ready for development or keep it mowed if not being used for any purpose.

Mr. LaMotte stated that further clarification has been brought to the land uses, maximum permitted building heights, special uses in the Optional Development Zone and juxtaposition of freestanding multi-family structures in the Optional Development Zone. He stated that freestanding multi-family structures would be regulated to the western half of the Optional Development Zone and not front Milwaukee Avenue.

Mr. LaMotte stated that further clarification has been brought to defining from where setbacks are taken. He stated that building heights will be permitted to step up in height the further they are setback from the perimeter of the subject land.

Mr. LaMotte stated that the parking ratios have been adjusted so that a government use shall be 2 parking spaces per 1,000 square feet of floor area. He stated that additional language is added to the standards to allow for landbanked parking.

Mr. LaMotte stated that additional clarification has been added to regulate the perimeter berm placement. He stated that the berm would not be any closer than five (5') feet south or west from the perimeter line or not encroach into the drip line of existing perimeter trees. He stated that nuisance scrub vegetation will be taken out and that they will implement a tree preservation plan.

Mr. LaMotte stated that the berm would be installed prior to issuance of occupancy for new development in the perimeter development zones. He stated that the berm would be at a height between 8 to 10 feet and that there will be a landscape maintenance plan. He stated that the County is proposing to add internal berming as well between the development zones and that it would be connected to the perimeter berm.

Mr. LaMotte stated that they have further clarified the proposed minimum required interior parking lot landscaping to be not less than 10% for general campus uses and not less than 5% for campus 'working areas'.

Mr. LaMotte presented their revised exhibits.

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Mr. Bob Waddick, 1679 Young Drive, stated that he is concerned about the landscaping, constructing a berm prior to the construction of buildings, the preservation of existing trees and that Lake County would not compromise on excluding certain objectionable land uses such as prisons and half-way houses.

Mr. Greg Adamo, 1218 Parliament Court, stated that he is concerned about the potential land uses that could be allowed on the subject land. He made reference to Megan's Law and Jessica's Law to protect children. He stated that he is concerned about loitering on the campus by certain law offenders that would violate Megan's Law due to the subject property's close location to neighboring residential properties and the school property. He stated that Lake County will not waive its right to build a prison and half-way houses and he is concerned about that.

Mr. Guarnary stated that they cannot violate State law. He stated that Lake County is proposing to require that any facility that has a 24 hour operation shall be required to apply for a separate Special Use Permit if proposed to locate in Development Zones 6 and 8. He stated that Lake County does not intend to build a jail on the property but needs to reserve its rights.

Mr. Jeff Roleck, 211 Adler Drive, stated that he had attended several meetings with the officials from the Lake County Government. He stated that he is concerned about the potential for light nuisance. He stated that he is concerned about the proposed location of the berm. He stated that he would like more clarification of what 'scrub' vegetation means. He stated that he is concerned that the future construction will have a negative impact on the eco system and that construction should be well away from the drip line of trees intended to be preserved.

Mr. Les Zematis, 207 Adler Drive, stated that he is concerned about the building heights and setbacks and the timing as to when the berm would be constructed. He stated that he berm and landscaping should be installed now.

Mr. Rick Marder, 243 Adler Drive, stated that he is concerned about light pollution and the increase in traffic. He stated that the County should consider utilizing LEED standards for their lighting needs.

Ms. Christine Perron, 106 Sunset Drive, stated that she is concerned about the proposed land uses being too close to the parks and the Adler swimming pool and the downtown. She stated that she is concerned about the construction of a corrections facility.

Mr. Mark Steinhauser, 195 Adler Drive, stated that the subject property is not zoned properly. He stated that most office parks are not adjacent to residential areas. He stated that he is concerned about the creation of a swale along the perimeter property line. He stated that he is concerned about the establishment of an impound lot on the subject property. He stated that he is concerned about the potential for more light pollution being created. He stated that he is concerned about the lack of tree preservation. He stated that he is concerned about the increase of traffic on Milwaukee Avenue. He stated that there should be a higher standard for newer developments. He stated that he is concerned that the proposed land uses will have a negative impact on adjacent property values.

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Mr. Bob Bleck, 1305 St. William Drive, stated that the County should consider using smaller caliper trees on the berm and to install them at the front end of the construction, not at the end.

Ms. Ann Coburn, 1122 Loyola Drive, stated that she is concerned about permitting a jail use on the subject property.

Ms. Judy Tanzer, 328 East Winchester Road, stated that she is concerned about the traffic, pedophiles and criminals and the reduction of property values.

Mr. Jeff Roleck, 211 Adler, stated that he appreciates the County offering to amend the proposal to require any 24 hour operation in Development Zones 6 and 8 to be subject to a Special Use Permit. He stated that the County should commit to not building a jail for 20 years.

Mr. Rick Marder stated that he appreciates the County meeting with the residents separately. Mr. Marder read from Village Staff emails including one from Martin Wittrock which stated that he was not sure how the residents along Adler Drive will respond to Lake County's Master Plan proposal.

Mr. Marder stated that the residents have not been brought into the process. He stated that Lake County's excuse for not excluding certain objectionable land uses was that they did not want to bind the future Lake County Board. He stated that other uses that do not operate on a 24 hour basis could still be disturbing. He stated that if the County's petition is passed as it is proposed it will take the voice away from the residents for the next 20 years. He stated that the Village of Libertyville should consider the following three issues: (1) the perimeter berms should be installed now with landscaping, (2) there should be more specifics on the tree preservation plan, and (3) that there should be public hearings on any building and any land use.

Chairman Moore asked Staff for further clarification on the public hearing process.

Mr. Spoden stated that the Master Plan requires a public hearing in front of the Plan Commission. He stated that Village Staff had asked Lake County to show what they intend to do on the subject land and that the plan is intended to be long range.

Commissioner Oakley asked if the berm could be installed in advance of future development. Mr. Guarnary stated that the berm issue is challenging for the County. He stated that without specific development plans, they can't know specifically how to engineer the berm adequately.

Commissioner Oakley stated that he is concerned about the traffic and that each use should require a Special Use Permit.

Commissioner Adams stated that better compromise should be reached regarding the berm. He stated that he is concerned about the preservation of trees and he stated that he would not want prisons or drug rehabilitation facilities on this campus. He stated that there should be a better traffic study done and that he is concerned about the potential for light pollution.

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Commissioner Cotey asked for clarification regarding the traffic report. Mr. Mike Ziegler, traffic engineer representing Lake County, stated that traffic signalization would be addressed during Phase 2 development. He stated that the traffic signals will be computer controlled. He stated that the train traffic is not significant.

Commissioner Cotey asked for further clarification about the traffic flow. Mr. Ziegler stated that the level of service will accommodate up to 40% of the traffic going west on Winchester Road. He presented the Level of Service definitions for categories A through F. He stated that Lake County will do the intersection improvements at Milwaukee Avenue and St. Rd. 137. He presented the Level of Service for Winchester Road for each phase of the project. He stated that the proposal is to signalize Milwaukee Avenue and Walnut Street at Stage One.

Commissioner Cotey asked if the traffic study anticipated vehicle/traffic capacity. Mr. Ziegler stated that they over estimated their traffic numbers for the Optional Development Zone.

Commissioner Cotey stated that traffic is a community issue and feels that there is not an adequate enough resolution to address traffic concerns.

Commissioner Cotey asked for clarification of the term 'scrub'. He stated that language should be included in the Plan Development to do mitigation as necessary. He asked Staff what uses fall under Public Order Use. Mr. Spoden stated that Staff will generate a more comprehensive land use list.

Commissioner Cotey asked if there will be light sensors inside the buildings. Mr. Guarnary stated that in public facilities automation of lighting systems are typically incorporated.

Commissioner Cotey requested that Staff should investigate whether sensor lighting should be part of this development.

Commissioner Schultz stated that he is concerned about the proposed list of Permitted Uses. He stated that the petitioner should go further and increase the list of Special Permitted Uses. He stated that the terms should be better defined. He stated that he understands the challenge that Lake County faces regarding the timing of installing the berm. He asked what the current building heights are of the existing structures on the subject site. Mr. Guarnary stated that the new permit facility is approximately 30 feet in height and that the Winchester House is approximately 65 feet.

Mr. Spoden stated that Staff concurs with the County's proposal for building height within the main campus area, but is concerned about the proposed heights for the Optional Development Zone.

Commissioner Schultz stated that there needs to be more discussion on the timing of the berm installation.

Chairman Moore stated that he agrees that facilities that operate 24 hours per day located in Development Zones 6 and 8 should require Special Use Permits. He stated that he is concerned about the character of the community being disrupted and that traffic will very likely increase.

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Mr. Spoden stated that it is Staff's position that building heights do not exceed three stories in the Optional Development Zone.

Mr. LaMotte stated that the building height should be increased to four stories in the Optional Development Zone in order to encourage mix uses.

Mr. Spoden stated that the building height in the Optional Development Zone should reflect the C-3 District.

Mr. LaMotte stated that the County is proposing that stand alone multifamily buildings in the Optional Development Zone should be allowed to be higher as they would be set back on the western half of the Optional Development Zone.

Mr. Guarnary stated that the height control asserted by Village Staff for the Optional Development Zone would be if it went commercial and were not government uses.

Mr. Spoden stated that they will revisit the Optional Development Zone height issue with revised height standards as they should apply to government uses versus commercial uses.

Commissioner Cotey stated that there should be uniform regulation for building height.

Mr. LaMotte stated that some flexibility is requested regarding the regulation of the building heights.

Commissioner Schultz stated that consideration should be given to making all uses Special Permitted Uses.

Mr. Guarnary stated that the County is proposing a very controlled density for the campus to not exceed .16 F.A.R. He stated that the underlying zoning would permit an F.A.R. of .75. He stated that the County is proposing a very reasonable density cap. He stated that the County has already made improvements to the intersection of Winchester Road and Milwaukee Avenue.

Commissioner Cotey stated that it is still very dense considering its proximity to the residential districts. He stated that there should be more concessions by Lake County. He stated that the plan does not alleviate traffic concerns. He stated that there needs to be creative solutions proposed addressing the density concerns that could evolve from the Optional Development Zone area.

Mr. Guarnary stated that it is the intent of the County to meet the Village of Libertyville lighting requirements and implement LEED standards where feasible. He stated that there should be caution exercised when mixing building codes with planning codes.

Commissioner Oakley stated that he was uncertain if LEED addresses building codes.

Commissioner Cotey stated that there should be some type of statement in the plan that requires the implementation of 'Best Practices'.

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Commissioner Schultz stated that LEED is always evolving/changing and may not be around in 10 years.

Commissioner Cotey stated that consideration should be given to regulating some of these issues with a Development Agreement.

Mr. Spoden stated that Development Agreements are typically used to regulate the public improvement portion of the development.

Mr. Guarnary stated that since the Master Plan is a 20 year plan, it will be difficult to require LEED standards.

Commissioner Adams stated that he wants to see all the specific subsector/NAICS industries listed under Public Order Use.

Chairman Moore stated that there does need to be further clarification on uses.

Mr. Guarnary stated that he will amend the petition to clarify the uses.

Chairman Moore stated that this petition should be continued to next month.

Mr. Guarnary stated that the campus walking path has also been revised to be pulled further inside the campus away from the perimeter.

In the matters of PC 10-24 and PC 10-25, Commissioner Adams moved, seconded by Commissioner Cotey, to continue these requests to the February 28, 2011, Plan Commission meeting.

Motion carried 5 - 0.

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.

It was requested to continue this item to the February 28, 2011, Plan Commission meeting.

In the matter of PC 10-46, Commissioner Adams moved, seconded by Commissioner Cotey, to continue this request to the February 28, 2011, Plan Commission meeting.

Motion carried 5 - 0.

NEW BUSINESS:

**PC 11-01 Jeffrey Silverman, MJK Real Estate Holdings/Libertyville LLC, Applicant
119-163 N. Milwaukee Avenue**

Request is for an amendment to the Planned Development Final Plan in order to: 1) allow the installation of the proposed multi-tenant projecting sign on the north building addressed as 147-163 N. Milwaukee Avenue; 2) allow the installation of the proposed multi-tenant projecting sign on the south building addressed as 121-139 N. Milwaukee Avenue; and 3) allow changes to the previously approved sign plan and unified sign criteria for property located in a C-2, Downtown Community Commercial District.

Mr. David Smith, Senior Planner, stated that the petitioner, MJK Real Estate Holdings/Libertyville LLC, was before the Plan Commission in 2009 requesting approval for a Planned Development in order to construct two (2) commercial retail brick buildings located in the C-2, Downtown Community Commercial District newly addressed as 121-139 N. Milwaukee Avenue and 147-163 N. Milwaukee Avenue. Mr. Smith stated that since the Village Board approval in 2009, the buildings have been constructed and are now 70% occupied by commercial tenants.

Mr. Smith stated that the petitioner is requesting approval for an Amendment to the Planned Development Final Plan in order to install two illuminated multi-tenant signs 7' tall 5' wide on the east elevation walls of both the north and south buildings, one on either side of the central entrance driveway. He stated that the signs are to be extended in a perpendicular fashion from the building wall so that they both face north and south, and seen from Milwaukee Avenue traffic. In addition, the petitioner is requesting to amend the unified sign criteria relative to the wall signage.

Mr. Walter Hainsfurther, agent for the petitioner, stated that there is a sense of urgency to get these approvals so that a new tenant, the "Hair Cuttery", who is seeking occupancy at Libertyville Crossings can take advantage of the revised sign criteria to best serve their needs. He stated that they need to be able to re-center the signs over the awnings, but this may push them to overlap demising walls. He stated that the request for the projecting signs is both for more visibility and it is a safety issue.

Mr. Jeff Silverman, owner of the property, stated that people are missing the entrance of the center due to the lack of sign visibility. He stated that T-Mobile had moved out during the past weekend.

Mr. Skip Spanjer, North Shore Sign Co., stated that the sign font cannot be less than six (6") inches in order to be legible from moving traffic.

Commissioner Cotey stated that he recommends that the commercial tenants come back to the Plan Commission next month if this hearing is continued.

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Mr. Richard Barbour, representing the 'Hair Cuttery', stated that he is concerned about sign location on the wall and supports the proposed changes to the unified sign criteria for better placement of wall signage.

In the matters of PC 11-01.1), Commissioner Cotey moved, seconded by Commissioner Adams, to continue this request to the February 28, 2011, Plan Commission meeting.

Motion carried 5 - 0.

In the matters of PC 11-01.2), Commissioner Cotey moved, seconded by Commissioner Schultz, to continue this request to the February 28, 2011, Plan Commission meeting.

Motion carried 5 - 0.

In the matter of PC 11-01.3), Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve an Amendment to the Planned Development Final Plan in order to allow changes to the previously approved sign plan and unified sign criteria for property located in a C-2, Downtown Community Commercial District, subject to the following conditions:

- 1) The criteria be revised to add a maximum area on tenant wall signage along Milwaukee Avenue to not exceed 75% of the total area permitted for the tenant space.*
- 2) The criteria be revised to require tenant wall signage to be centered over the window awnings and/or the storefront if multiple spaces are occupied.*
- 3) The criteria be revised to include a minimum separation distance of 36" between tenant wall signage.*

Motion carried 5 - 0.

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

PC 11-02 Village of Libertyville, Applicant
118 West Cook Avenue

Request is for a Text Amendment to the Libertyville Zoning Code to amend text relative to Electric Power Generation Facilities, but limited to Wind Power, as a Special Permitted Use in the O-2 Office, Manufacturing and Distribution Park District.

It was requested that this item be continued to the February 28, 2011, Plan Commission meeting.

In the matter of PC 11-02, Commissioner Adams moved, seconded by Commissioner Cotey, to continue this request to the February 28, 2011, Plan Commission meeting.

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Motion carried 5 - 0.

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 5 - 0.

Meeting adjourned at 10:33 p.m.