

MINUTES OF THE PLAN COMMISSION
February 28, 2011

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:04 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Scott Adams, Dan Donahue, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: William Cotey.

A quorum was established.

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

OLD 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 allow changes to the previously approved sign plan 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 them in January, 2011, seeking approval to amend their Planned Development in order to make certain adjustments to their unified sign criteria for their commercial center and they were seeking approval in order to install two projecting wall signs. Mr. Smith stated that during the January meeting, the Plan Commission recommended approval for the changes to the unified sign criteria, but continued the item relative to the request for projecting signs to the February 28, 2011 Plan Commission meeting.

Mr. Walter Hainsfurther, architect representing the petitioner, stated that the subject site grade changes, sloping downward from south to north causing the north building to sit higher relative to the grade elevation the adjacent Milwaukee Avenue. He stated that it is difficult to see the tenants due to the trees. He stated that the tree canopies obscure the line of sight from passing vehicles traveling along Milwaukee Avenue. He stated that the proposed projecting signs will help to solve this problem. He stated that vehicles have attempted to enter into the Dunkin Donuts drive-thru exit because they miss the central driveway entrance and that there is an un-safe situation. He stated that it is their intent to better inform customers of the tenant's presence in the commercial center and to alleviate a dangerous circumstance. He stated that the design of the proposed projecting signs will match the architecture of the buildings. He stated that the signs will be externally illuminated. He stated that they have looked at other alternative designs, but the alternatives do not solve the

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visibility problems. He stated that another problem is not having a traffic signal between Church Street and Rt. 176 along Milwaukee Avenue.

Mr. Skip Spanjer, North Shore Sign Co., stated that the US Sign Council Standards have provided line-of-sight readable sign text standards. He explained the formula used in the Sign Council standards and stated that the recommendation is that one (1) inch text letter can be seen from 30 feet away. He explained that viewer reaction time from a moving vehicle is between six (6) to eight (8) seconds. He stated that the Sign Council standards formula includes 'Miles Per Hour' movement speed.

Mr. Hainsfurther stated that the proposed two projecting signs are the same size.

Mr. Jeff Silverman, property owner, stated that they have attempted to comply with the vision of the Village. He stated that up to 2 or 3 cars per day have attempted to enter at the Dunkin Donuts exit. He stated that he is looking for support from the Plan Commission to resolve this safety issue.

Mr. Tom Thiem, Dunkin Donuts manager, stated that the actual number of vehicles entering the Dunkin Donuts exit is closer to (10) ten per day.

Mr. Tony Leasure, CD One Price Cleaners, stated that there is a visibility issue and he asked the Plan Commission to support the sign request.

Mr. Jeremy Young, Five Guys Restaurant, stated that this particular Five Guys Restaurant has the lowest income in comparison to the other area Five Guys Restaurant. He stated that he hopes that the Plan Commission supports the sign request.

Mr. Rick Barber, Hair Cuttery, stated that people do not realize that the driveway entrance is an entrance until it is too late. He stated that the proposed perpendicular projecting signs will benefit the center.

Mr. Silverman stated that a representative from Chipotle Restaurant attended last month's public hearing, but could not make tonight's meeting. He stated that Chipotle has provided a letter instead that indicates support for the sign request.

Mr. Hainsfurther stated that the size of the signs is not inconsistent with what is permitted in the C-2 District.

Mr. Gene Solace stated that someone should have looked at the sign needs when designing the site.

Ms. Martha Watanabe, 812 East Rockland Road, stated that she was hit in a car accident. She stated that they should install a traffic light with a green arrow.

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Mr. Hainsfurther stated that they did not initially offer projecting signs as they wanted to wait and see how the center does. He stated that now they need to solve this problem in the least intrusive way as possible.

Commissioner Oakley asked if this retail center has or will have too many signs per code. Mr. John Spoden, Director of Community Development, explained that the subject site is a Planned Development and that certain deviations from the code can be approved by the Village Board as part of the Planned Development.

Commissioner Oakley stated he is concerned about the precedent being established.

Mr. Spoden stated that the precedent issue is a Staff concern. He stated that Staff is crafting changes to the sign ordinance now to allow projecting signs in the C-1 District, but not to exceed a much smaller four (4) square feet in sign area.

Commissioner Oakley asked if the street tree canopies will hide the signs. Mr. Hainsfurther stated that traffic moving southbound will have a low to high line of site or will be looking up as they approach and pass the subject site's buildings and it will be easier to see the proposed signs under the tree canopies. He stated that the four square foot signs proposed for the C-1 District by the Staff is for a different intended purpose, they oriented for the pedestrian, not so much for vehicles.

Commissioner Adams stated that the additional signs may not make a difference for the businesses at the retail center.

Commissioner Semmelman stated that there appears to be a visual overlap of the signs.

Mr. Spanjer stated that stated that the proposed projecting signs are 100' apart.

Commissioner Schultz stated that he is concerned with the potential for precedent. He stated that the intent is to make the retail center more pedestrian friendly.

Mr. Hainsfurther stated that the projecting signs were not the first choice when examining the options to solve the visibility problem. He stated that this particular site is a transitional district, not the C-1 District that is more pedestrian oriented. He stated that the conditions between this C-2 District and the C-1 District are vastly different. He stated that the subject site is a unified development unlike the C-1 District where store fronts are more individualized with street parking in front. He stated that the proposed signs have been scaled back and thinned down with minimum letter heights. He stated that the signs will be externally illuminated and are reflective of the transitional nature of the C-2 District.

Commissioner Schultz stated that the sign condition should have been addressed from the beginning.

Mr. Spanjer stated that the signs will be seen as people approach the center and it gives the front main entrance the appearance of the main entrance.

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Mr. Hainsfurther stated that the proposed signs help to solve safety and visibility problems.

Mr. Spoden stated that the options were discussed and Staff has acknowledged that getting to a resolution has been a struggle.

Commissioner Schultz stated that he is not convinced that the proposed signs will solve the problems. He stated that he does want the commercial tenants to be successful.

Mr. Silverman stated that he has worked with the national tenants who occupy his center and negotiated with them to give up space along the front facades of the buildings in order to install the proposed projecting signs. He stated that without the signs, traffic will continue to shoot by without stopping until it is too late.

Chairman Moore stated that Libertyville does have national retailers. He stated that traffic has been one of his bigger concerns. He asked for clarification as to how the buildings are addressed.

Mr. Hainsfurther pointed to front building facades where the building address numbers are located.

Chairman Moore asked for clarification as to how customers are directed to come to the commercial tenants currently located in the retail center.

Mr. Leasure, CD Price, stated that he provides direction by phone and he has printed directions and address on a brochure map.

Mr. Thiem, Dunkin Donuts, stated that he tells people that his store is located north of Park Avenue on Rt. 21.

Chairman Moore stated that the name of the center should be promoted. He stated that people won't know where to come to without knowing the retail center's name.

Mr. Spanjer stated that a previous alternative that was discussed was to place the retail center's name on top of the projecting signs, but that was eventually dismissed.

Mr. Spoden stated that Staff has been more concerned about the size of the proposed signs.

Chairman Moore stated that he believes that it is more of a retail center identity problem than a sign problem. He stated that people don't know the name of the retail center and that is more of a problem.

Mr. Hainsfurther stated that they started with a retail center name on the sign, but eventually dismissed that idea.

Chairman Moore asked if the street trees are a visual impediment and asked for clarification about the nearest on street parking.

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Mr. Spoden stated that the sidewalk along the street in front of the subject retail center is narrower than it is downtown.

Chairman Moore asked the petitioner how he would like the Plan Commission to proceed.

Mr. Hainsfurther requested a straw poll of the Plan Commission prior to the actual motion being made on the request for the proposed projecting signs.

Commissioner Oakley stated that he prefers that the retail center have an identity more so than installing the proposed projecting signs.

Commissioner Adams stated that he prefers that the retail center have an identity more so than installing the proposed projecting signs.

Commissioner Semmelman stated that the retail center is missing an identity.

Commissioner Donahue stated that establishing a retail center identity should be up to the property owner.

Commissioner Schultz stated that establishing an identity for the retail center is appropriate.

Mr. Silverman stated that there is a traffic problem because the entrance needs more signage.

In the matter of PC 11-01, Commissioner Oakley moved, seconded by Commissioner Adams, 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 for property located in a C-2, Downtown Community Commercial District.

Motion failed 1 - 5.

Ayes: Donahue
Nays: Moore, Adams, Oakley, Schultz, Semmelman
Absent: Cotey

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.

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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 March 14, 2011, Plan Commission meeting.

In the matters of PC 10-24 and PC 10-25, Commissioner Schultz moved, seconded by Commissioner Adams, to continue these items to the March 14, 2011, Plan Commission meeting.

Motion carried 6 - 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 March 28, 2011, Plan Commission meeting.

In the matter of PC 10-46, Commissioner Schultz moved, seconded by Commissioner Oakley, to continue this request to the March 28, 2011, Plan Commission meeting.

Motion carried 6 - 0.

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.

Mr. David Smith, Senior Planner, stated that in January 2009 the Village Board approved a text amendment to the Libertyville Zoning Code to include certain definitions relative to Electric Power Generation Facilities, but limited to Wind Power along with certain bulk requirements to regulate height, setback, noise, shadow flicker, and other use limitations. Mr. Smith stated that this ordinance also classified Wind Turbines into two categories; Business and Commercial, the first limits the height to not exceed 150 feet and the second permits the height to exceed 150 feet.

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Mr. Smith stated that the County is nearing the end of their deliberations and have, in draft form, certain text amendments to their Unified Development Ordinance to address the permitting of Wind Energy Facilities in unincorporated Lake County. Mr. Smith stated that the Village Staff has been directed by the Mayor to utilize the work done by the County and where appropriate to the Village of Libertyville, to adopt portions of the County's UDO into the Village's Zoning Code. Mr. Smith stated that the County's draft ordinance also addresses certain bulk requirements to regulate height, setback, noise, shadow flicker, and other use limitations. Mr. Smith stated that the County also has given more attention to Operating Requirements, color and sun glint, electronic interference, sound regulations, owner's obligation to responding to complaints, application requirements, etc. Mr. Smith stated that the County has classified Wind Turbines into two categories as well, but allowing small wind energy facilities to be permitted for both residential and non-residential properties.

Mr. Smith stated that Staff is recommending that the Plan Commission review the comparisons between the Lake County draft ordinance and the Village's existing ordinance for discussion and consideration.

Mr. Gary Newell, 428 Seventh Avenue, stated that caution should be exercised when amending the ordinance. He stated that careful consideration should be given to regulate shadow flicker, and understanding ambient noise. He stated that the maximum decibels should not exceed five (5) above the ambient noise level. He stated that impact upon property values should be included in the ordinance.

Mr. David Gates, 429 South Seventh Street, stated that the Lake County task force had originally proposed decibel levels to be capped at 40 at night and 50 during the day, but later changed it to be less restrictive. He stated that the turbine blades make a whooshing sound and the a lower frequency noise is much more disturbing. He stated that understanding ambient sound is important. He stated that shadow flicker should be regulated. He stated that Libertyville should do better than the county as the ordinance is amended. He stated that 10% to 30% property value loss has been identified in properties near wind turbines.

Ms. Laurie Renz, 860 East Rockland Road, stated that an expert on property values, Mike McCann, has indicated that residential property values are negatively impacted when located in close proximity to Wind Turbines. Ms. Renz stated that Lake County changed their maximum permitted decibel levels to be less restrictive. She stated that the judge has restricted the Aldridge wind turbine to be allowed to operate between 9:00 am and 3:00 pm. She stated that decibels above ambient noise is the issue. She stated that the noise never seems to end. She stated that the low frequency noise caused by the wind turbine resonates through residential brick walls. She stated that the mechanical or gear box doesn't stop whistling, whooshing and screaming. She stated that the sound it makes changes constantly. She stated that the lower frequency makes the house hum on the inside and it makes her sick. She stated that the animals become more aggressive towards each other as well. She stated that people visiting a house for sale on her block don't stay once they see the wind turbine. She stated that some type of emergency monitoring needs to be installed. She stated that precautionary measures should be taken for possible lightning strikes and blade shatter. She stated that periodic inspections should be required. She stated that fences and warning signs should be

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required. She stated that wind turbines are dangerous machines as the blade tips can reach speeds of up to 100 miles per hour. She stated that Village Staff should examine the Lake County ordinance in its entirety. She stated that the Aldridge wind turbine is next to an R-6, Single Family Residential District. She stated that the Village of Libertyville has an opportunity to do the right thing when amending their ordinance. She stated that incorporating a careful sighting regulation is key to the ordinance. She stated that careful attention to endangered species should also be considered.

Mr. John Christianson, 400 Hampton Terrace, stated that perception of sound is subjective.

Ms. Loretta Foley, 517 Kenwood Avenue, stated that she questioned why the Aldridge wind turbine was approved. She stated that Wisconsin requires a setback that is twice the height of the turbine.

Ms. Martha Watanabe, 812 East Rockland Road, stated that the Aldridge wind turbine is very noisy. She stated that the company that installed the turbine is now defunct.

Mr. Youfan Wang, 800 East Rockland Road, stated that he moved from Chicago to Libertyville because its award winning reputation. He stated that he wind turbine noise is a nuisance.

Mr. John Foley, 517 Kenwood Avenue, stated that he attended the public hearings for the Aldridge wind turbine. He stated that when the turbine is running, it is very noisy and that it is bad for the neighbors and the wildlife. He stated that the wind turbine industry is just a fad. He stated that the Aldridge wind turbine should have never been approved.

Ms. Lisa Newel, 428 Seventh Avenue, stated that she is concerned about what will happen to a wind turbine if it violates the ordinance.

Commissioner Shultz stated that he lives within three blocks of the Aldridge wind turbine. He stated that caution should be used when drafting the amendments to the Libertyville ordinance. He stated that the Lake County ordinance should be scrutinized.

Commissioner Semmelman stated that review of the low frequency noise should be regulated. He stated that strict de-commissioning regulations should be drafted as well.

Commissioner Adams stated that the noise issue should be looked at closely. He stated that the quality of Libertyville's livelihood should be protected.

Commissioner Oakley stated that there isn't an appropriate place within the Village of Libertyville for the wind turbine towers. He stated that the smaller turbine units might be okay. He stated that consideration should be given to incorporating small turbine regulations with solar panels as one package in the ordinance.

Chairman Moore stated that more clarity should be incorporated into the meaning of decibels. He stated that he questions if there is a need to permit wind turbines at any level.

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Mr. David Pardys, Village Attorney, stated that the general rule, lawsuits have been brought when there is a ban on uses.

Chairman Moore stated that there appears to be many public issues. He stated that he is concerned about the ability to enforce any regulations that would be established.

Mr. Pardys stated that there is a court system and an adjudication process.

Commissioner Oakley stated that an inspection policy should be part of any ordinance.

Chairman Moore stated that he is concerned that there isn't a regulation for testing, inspections and monitoring the wind turbine. He stated that there should be strict regulations on noise and setbacks.

Mr. Pardys stated that there are State statutes that regulate setbacks.

Chairman Moore stated that there should be aggressive but reasonable standards.

In the matter of PC 11-02, Commissioner Schultz moved, seconded by Commissioner Oakley, to continue this request to the March 28, 2011, Plan Commission meeting.

Motion carried 6 - 0.

NEW BUSINESS: None.

COMMUNICATIONS AND DISCUSSION:

Mr. Spoden stated that Fields Infiniti will come back before the ZBA due to improper public notice prior to their last appearance before the ZBA.

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

Motion carried 6 - 0.

Meeting adjourned at 10:10 p.m.