

MINUTES OF THE PLAN COMMISSION
March 28, 2011

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

Members present: Vice Chairman William Cotey, Dan Donahue, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: Mark Moore and Scott Adams.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; and Karen Marren, Associate Planner.

Commissioner Oakley moved, seconded by Commissioner Semmelman, to approve the February 28, 2011, Plan Commission meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS:

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.

Staff reviewed proposed changes to the Residential section of the Zoning Code. These included the following:

- Reduce allowable lot coverage in the R-5, R-6, R-7, and R-8 Districts for single-family homes while instituting an incentive program to encourage construction of covered front porches and detached garages.
- Establish lot coverage regulations for single-family homes in the R-7 and R-8 Districts.
- Revise the building height for single-family homes in the R-8 District.
- Establish exceptions for existing non-conforming elements such as stoops, etc. for all single-family attached and multiple-family residential properties.
- Establish daylight plane height restrictions to address the height of homes as they relate to side property lines.

The consensus of the Commission was to support the establishment of lot coverage regulations for single-family homes in R-7 and R-8 Districts and revisions to the building height for single-family

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homes in an R-8 District. The Commission supported the exceptions for existing non-conforming elements.

Commissioner Donahue requested that Staff re-look at the numbers for incentives due to the driveway lengths in many residential districts.

The Commission did not support the establishment of a daylight plane height restriction as concerns were voiced regarding property rights, existing building additions, and new construction in place to date.

Commissioner Schultz stated that this proposal could be dangerous for design and limiting to property owners. He stated that while he appreciated the ability to provide more sunlight to abutting properties, the proposal seemed to be too restrictive. He stated that if the Village were to move forward with the proposal, you may look to apply the daylight plane to only a certain percentage. However, he did not voice support for the implementation of such a tool.

Commissioner Oakley inquired as to reduction in the minimum lot area for Planned Developments. Staff replied that this was done to promote the use of Planned Developments and that each district would allow such a development with a minimum of 5 units.

Vice Chairman Cotey expressed the concern that the use of the daylight plane would be risky in that it may over-regulate the issue.

Staff reviewed that with the elimination of the proposed Floor Area Ratio, and a rejection of averaging adjacent house sizes and daylight plane, that direction was needed on moving forward.

The Commission concurred that there was still some form of limitation required, but that it should be equally balanced between limiting the size of the house and the property owner's rights.

In the matter of PC 10-46, Commissioner Oakley moved, seconded by Commissioner Schultz, to continue this item to the April 25, 2011, Plan Commission meeting.

Motion carried 5 - 0.

Ayes: Cotey, Donahue, Oakley, Schultz, Semmelman
Nays: None
Absent: Moore, Adams

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 0-2 Office, Manufacturing and Distribution Park District.

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Staff presented a draft ordinance to review the Zoning Code as it relates to Wind Turbines. Staff is proposing that any turbine in the Village either building mounted or tower mounted be listed as a Special Use Permit. The proposal further regulates that building mounted Wind Turbines would be subject to all bulk requirements of the Zoning Code be limited to a height of 15 feet above the highest point of a structure, but not higher than the standard district requirements and that no property shall be subject to shadow flicker. Tower mounted Wind Turbines would be set back a minimum of 1.1 times the total height in accordance with State statute, limited to not exceed 200 feet in non-residential districts, but limited to 125 feet if abutting a residentially zoned property and that no property shall be subject to shadow flicker. Staff also reviewed the proposed sign limits with the Commission. For building mounted Wind Turbines, the noise shall not exceed an average sound level of more than 5 db(A) above the non-operational ambient level as measured at the property line in any adjacent property and that the average C-weighted measurement shall not exceed the A-weighted measurement by more than 20 db(A). The sound requirement for tower mounted Wind Turbines would be the same as building mounted, with the exception of maximum allowed noise on non-residential properties.

Vice Chairman Cotey stated his concern for a lack of turnout at the meeting and requested that if the item gets heard at future meetings, that Staff send out courtesy notices. Vice Chairman Cotey referenced a proposal wherein adjacent properties could receive shadow flicker if the property owners had entered into an agreement that is recorded with Lake County.

Mr. David Goles, Village Attorney, stated that it could be a contract that runs with the title of the property and it would be a notice for future owners.

Vice Chairman Cotey stated that there needs to be a definite procedure for owners to follow.

Commissioner Oakley inquired as to the 1.1 setback limitation. Mr. Spoden stated that it is a State statute limit and the Village does not have the authority to increase it.

Commissioner Donahue requested that Staff provide noise information regarding air conditioning units and lawnmowers to assist the Commission in relating the proposed noise limits.

Mr. Gary Newell, 428 7th Avenue, presented an article regarding health issues by Rick Janes. He stated that they agreed with everything in the Staff proposal with the exception of the noise limits. He stated that the 45 db(A) should be 35 db(A) and that the 65 db(C) should be 50 db(C).

Mr. Dave Gates, 429 S. 7th Avenue, stated that the sound issues may be the true issue that the Village needs to look into. He stated that he liked the Village numbers rather than the County as they were less than the County proposal.

Commissioner Donahue stated that he objected to having a Special Use Permit every time for any Wind Turbine in the Village. He stated that the Village should set a standard and then allow people to follow those standards. He suggested that the Village supply a map showing the areas of the Village that would be prohibited by the proposed restrictions.

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Commissioner Semmelman stated that he did not have any issues with the proposal for a Special Use Permit in all districts. He agreed that the Village should look at bringing the sound levels down even further.

Commissioner Oakley stated that he was fine with the proposal and in agreement that the shadow study issues needs to be re-looked at.

Vice Chairman Cotey stated that he would appreciate more details on agreements between property owners regarding the shadow flicker issue. He asked whether the electric power generation facilities would require Appearance Review Commission review. Staff replied that they only be reviewed in non-residential districts.

Vice Chairman Cotey suggested that perhaps a Site Plan Permit be required and that site review be limited to a timeframe; for example, a 5-year clause.

Mr. Goles suggested it would have to be a sunset clause in order for that to happen.

Vice Chairman Cotey suggested that perhaps an overlay district to lay out where the turbines would be allowed rather than marrying the ordinance to specific zoning districts.

Commissioner Schultz concurred with the overlay district suggestion.

In the matter of PC 11-02, Commissioner Oakley moved, seconded by Commissioner Schultz, to continue this item to the April 25, 2011, Plan Commission meeting.

Motion carried 5 - 0.

Ayes: Cotey, Donahue, Oakley, Schultz, Semmelman

Nays: None

Absent: Moore, Adams

NEW BUSINESS:

PC 11-03 Village of Libertyville, Applicant
151 Lake Street and 118 West Cook Avenue

Request is for a Planned Development with Final Plan in order to construct Phase 2 of surface parking lot improvements for property located in both a C-1, Downtown Core Commercial District and an IB, Institutional Buildings District.

Mr. John Spoden, Director of Community Development, gave an overview of the planned surface parking improvements. The plan includes a re-orientation of the parking lot from east to west to a north-south drive aisle. New sidewalks and landscaping are planned behind the retail shops along Milwaukee Avenue, along with the drop-off/delivery area at the north end of the project. The project

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is the second phase of the Planned Development which included the parking structure. Funding is through the TIF line item with construction proposed to be initiated in mid-June.

Mr. Steve Magnusen, Gewalt-Hamilton Associates, reviewed the proposal with members of the Plan Commission.

Commissioner Oakley inquired as to the thoughts of the business owners. Mr. Magnusen stated that they were generally positive and were especially appreciative of the central trash enclosure proposal.

Commissioner Oakley stated that he endorsed the proposal and inquired about the curb height outside of Tommy's Pizza. Mr. Magnusen replied that the south end of Manchester Square would be the limit of construction and that the property the Commissioner was referring to was on private property.

Commissioner Oakley inquired of Staff as to the remainder of the Manchester Square project. Mr. Spoden stated that the site still has a vacant restaurant/retail space on the first floor and that the remainder of the second floor is currently planned for office. However, if the land use is changed to office on the second floor, the property owner must provide more parking or pay-in-lieu of providing said parking spaces.

Commissioner Semmelman inquired as to the current number of parking spaces and how many spaces would remain after construction. Mr. Magnusen stated there are currently 82 spaces and there will be 88 provided after construction.

Commissioner Semmelman also inquired as to the private parking area behind the Langworthy building. Mr. Magnusen stated that is an area that is not proposed to be improved as it is on private property.

Vice Chairman Cotey requested details regarding the landscaping plan, the possible vandal issue with the trash enclosure, the materials for the gate, and a general overview of the Site Plan. Mr. Dan Dalziel, 3-D Design, reviewed that the design is consistent with the downtown streetscape. He stated that the concrete will be in a grid pattern with a California finish. Stamped concrete will be a slate type stone pattern with a tactile surface and depressed at the curb area where deliveries are planned. He stated the decorative planters and benches will be consistent with the downtown streetscape.

Vice Chairman Cotey advised that the Village should plan for a possible smoking issue with the proposed location of the benches. He then requested Staff to walk through the proposed conditions for approval. Mr. Spoden stated that the sidewalk along the western edge of the property will be increased to 7 feet to allow for a 17 foot deep stall and a 2 foot overhang. This is done to allow for a clear 5 foot pedestrian walkway. Staff is requesting that additional bollards be installed in the drop-off/delivery area to hinder small vehicle access and that the crosswalk adjacent to the private parking at the Langworthy building be re-oriented to public property. He further stated that Development Condition No. 7 can be removed.

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There were no comments from the public.

In the matter of PC 11-03, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Planned Development with Final Plan in order to construct Phase 2 of surface parking lot improvements for properly located in both a C-1, Downtown Core Commercial District and an IB, Institutional Buildings District, subject to the following conditions:

- 1) The proposed sidewalk that runs north and south from Cook Avenue to the parking deck access driveway along the western perimeter of the site be not less than 7 feet wide in order to accommodate a 2 foot vehicle overhang for the vehicles that are parked along that perimeter of the lot.*
- 2) The 19 parking spaces located along that western perimeter sidewalk be reduced from the minimum required parking stall length of 19 feet to 17 feet.*
- 3) The curb ramps have a maximum 1:12 slope while keeping the cross slope or the flared side no more than 1:12, depending on the width as dictated by the Illinois Accessibility Code. The curb ramp slope and extension into the walkways shall be compliant to the Illinois Accessibility Code.*
- 4) The northeast planting area adjacent to the Manchester Square building be revised so that does not lie directly above the underground parking structure.*
- 5) Increase the number of bollards at the northeast drop off area south of Manchester Square along the drop-off curb.*
- 6) Relocate the crosswalk shown crossing the private parking lot behind 535 and 537 North Milwaukee Avenue to be outside of the private property or negotiate with the property owner to obtain agreement to locate crosswalk as shown.*
- 7) The central dumpster enclosure have an electrical outlet to power a potential trash compactor; and a hose bibb and drain for potential cleaning of the dumpster area.*
- 8) The central dumpster enclosure design should be finalized for maximum size, landscaping, and door swing vs vehicle traffic clearance.*

Motion carried 5 - 0.

Ayes: Cotey, Donahue, Oakley, Schultz, Semmelman

Nays: None

Absent: Moore, Adams

COMMUNICATIONS AND DISCUSSION:

Staff reported that the signs for Libertyville Crossing was deferred to the Village Board meeting of April 12, 2011.

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

Motion carried 5 - 0.

Meeting adjourned at 9:17 p.m.