

**MINUTES OF THE PLAN COMMISSION**  
**June 13, 2011**

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:30 p.m. at the Libertyville Civic Center, 135 W. Church Street.

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

Members absent: Scott Adams.

A quorum was established.

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

Commissioner Schultz moved, seconded by Commissioner Cotey, to approve the May 9, 2011, Plan Commission meeting minutes.

Motion carried 6 - 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, stated that tonight is the fourth public hearing on the Lake County Government request for approval for a Special Use Permit for the Master Plan. He stated that Lake County has met with the neighbors in April. He stated that Staff has generated a memo to the Plan Commission to help clarify the proposed Permitted and Special Permitted land uses for the subject site. He stated that the Lake County Government provides

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multiple services that Village Staff considers as accessory to Lake County Government as a public institutional use. He stated that Village Staff met with the neighbors last Monday, June 6, 2011.

Mr. Matt Guarnery, Lake County Government, stated that Lake County Government staff agreed to meet the neighbors on April 28, 2011, to discuss the proposed land uses and other components of the Master Plan. He stated that the County will not make further amendments to the proposed land uses. He stated that the proposed Planned Development is intended to incorporate the proposed list of land uses, some of which the County has conceded to be Special Permit uses. He stated that the proposed Master Plan requires higher screening than the underlying zoning. He stated that the proposed Master Plan requires more restrictive site lighting than the underlying zoning. He stated that any residential service in Development Zones 6 and 8 shall require a Special Use Permit. He stated that the County has agreed to restrict the construction of a jail on the subject site. He stated that the use of hospital for the subject site has also been restricted.

Mr. Rick Marder, 243 Adler Drive, stated that the last Plan Commission meeting for this case was on March 14, 2011. He stated that the proposed land uses are the main concern of the neighbors. He stated that he is concerned about not knowing exactly where the perimeter berm will be installed. He stated that the berm should be installed prior to any further development on the subject property. He stated that the County should follow LEED standards for the site lighting. He stated that the County's position regarding the proposed land uses is that they do not want to give up any of their land rights. He stated that the neighboring residents are fearful of what the land uses that could potentially occupy the subject site. He stated that 90% of the proposed land uses normally would fall under the Special Use category. He read an email sent to him from John Spoden that indicated that the County will not eliminate additional land uses from the Land Use Appendix. He stated that they were able to finally meet with Village Staff after waiting for five (5) weeks of asking for a meeting, but chose to exclude the County staff from this meeting so that they can ascertain the Village's perspective on the issue without the County in the meeting held on June 6, 2011. He stated that John Spoden and Village Staff have conducted themselves in a professional manner, but the June 6, 2011 meeting left the residents with little time to prepare prior to the June 13, 2011 public hearing.

Mr. Marder asked Village Staff if they had thoroughly reviewed all of the NAICS land uses that fall under the general sector categories. Mr. David Smith, Senior Planner, stated that he had reviewed all of the uses listed in the hard bound NAICS manual, but had not identified all of the land uses that fall under the general sector categories on the NAICS website.

Mr. Marder stated he would like to see all uses that operate 24 hours to be Special Uses campus wide, not just for Development Zones 6 and 8. He stated that the land uses with the following NAICS numbers should be prohibited; 621491, 621493, 621910, 623220, 623990, except for group homes for the hearing impaired. He stated that the land uses with the following NAICS numbers should require a Special Use Permit; 621420 and all of the uses under 623. Mr. Marder stated that he would like any industrial classification with the NAICS code numbers between 6111 and 6116 to be prohibited.

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Mr. Marder read from the Zoning Code Section 16-9.1 regarding the purpose of the Special Use Permit. He stated that the County's goal is to win at any cost and this doesn't appear to be very democratic.

Mr. Marder stated that the approval process for the Lake County Master Plan from this point forward should incorporate the following elements: (1) Implement a moratorium on any future development on the site until the petitioner submits a revised traffic study; (2) Reduce the Master Plan time line from 20 years to somewhere between 7 to 10 years; (3) Address the County campus lighting glow; and (4) That future meetings be conducted between the residential neighbors, the Village of Libertyville, and Lake County Government prior to the Plan Commission rendering their recommendation to the Village Board of Trustees.

Mr. Les Zematis, 207 Adler Drive, stated that the County has shown a lack of concern for the residents. He stated that the County can't be believed. He stated that he would like to thank the Village Staff and the Plan Commission for their time and efforts on this case.

Ms. Terry Pastika, Attorney, 182 N York Road, Elmhurst, IL., stated that there are legal issues that have arisen in response to the County's request for approval for their Master Plan which include: (1) Perceived property rights; (2) To what degree can the Village of Libertyville exercise its zoning powers over Lake County; and (3) Are the services that Lake County provides truly ancillary or should they be permitted or special permitted separately.

Ms. Pastika asked the County directly if they are willing to prohibit additional uses. Mr. Guarnerly stated that the County has already given up all of the proposed land uses that they are willing to.

Ms. Pastika asked if all of the uses by the County would be permitted. Mr. Guarnerly stated that Village Staff has interpreted that County activities are ancillary uses.

Ms. Pastika asked if the County is willing to eliminate the objectionable land uses from their proposed list. Mr. Guarnerly stated that they do not want to prohibit any of the uses that are customarily County services to the community.

Ms. Pastika asked for clarification of the difference between ancillary and accessory uses. Mr. Spoden stated that the Zoning Code uses the term accessory. He stated that whenever the term ancillary is used, it is synonymous with accessory.

Ms. Pastika stated that the original annexation agreement indicates that the Village would waive fees for the County. Mr. Spoden stated that it was the intent at the time of the annexation to waive fees.

Ms. Pastika stated that Special Use Permit process is appropriate as the residents have not seen accountability from the County.

Mr. Phillip Cavicchia, 1716 Cedar Glen Court, stated that some of the proposed uses have been removed and some have been listed as proposed Special Permitted uses, but there are still at least

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28% of the proposed list of land uses that are questionable. He stated that he believes that the residents and the County can still come to some kind of resolution.

Commissioner Schultz asked what the development process would be without the Master Plan. Mr. Spoden stated that the Zoning Code would govern development for the County property. He stated that one of the conditions of the approval for the Permit facility was for the County to apply for the Master Plan.

Mr. David Pardys, Village Attorney, stated that the Village Board has the authority to amend the Site Plan Permit ordinance that approved the Lake County Permit Facility.

Commissioner Schultz stated that the proposed Master Plan includes bulk requirements that exceed the underlying zoning requirements.

Commissioner Donahue stated the hearing process had gone as far as it can go at the Commission level and the matter should move to the Village Board. He credited the neighbors for extracting the concessions from the County. He stated no matter what the Village Board ultimately decides, the only sure way to protect the Village's interest is through its County Commissioner.

Commissioner Semmelman stated that he is concerned that the neighbors may lose the concession given by the County if the County decides to withdraw their petition and be subject only to the underlying zoning.

Commissioner Cotey asked if the Lake County Government Comprehensive Plan is complete. Mr. Guarnerly stated that the Lake County Regional Framework Plan has been adopted.

Commissioner Cotey stated that he does not like the Optional Development Zone and would prefer that there was not an option to sell it off to a developer for commercial development. He stated that the Optional Development Zone should be set aside for health care services. He asked how the County's framework plan addresses the subject site. Mr. Dusty Powell, Lake County Government, stated that the County's framework plan defers to the local municipalities for properties within the municipal boundaries.

Mr. Spoden stated that the only change from the Village of Libertyville's Comprehensive Plan is the Optional Development Zone in the Lake County Master Plan proposal.

Mr. Guarnerly stated that the County has been fairly consistent in their responses to the neighbors' objections.

Mr. Spoden asked the Village Attorney if the Master Plan time frame could be adjusted to be between seven (7) to ten (10) years. Mr. Pardys stated that if both the Village and the County agree, it may require an amendment to the Master Plan ordinance.

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Commissioner Oakley stated that there has been compromise on all sides and that it is time to move this on to the Village Board.

Chairman Moore stated that several issues have been discussed including as to whether or not all of the County services can be considered accessory uses. He stated that a substantial amount of time has been spent on discussing the interpretation of the uses listed in the NAICS. He stated that as presented, the Lake County Master Plan exceeds the current Zoning Code regulations for the IB District. He stated that the Village of Libertyville prefers that there be a Master Plan for the subject property. He asked the petitioner how they would like for the Plan Commission to proceed.

Mr. Guarnerly stated that he would like for the Plan Commission to render their recommendation to the Village Board.

*In the matter of PC 10-24, Commissioner Cotey moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve 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, in accordance with the plans submitted.*

*Motion carried 5 - 1.*

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

*In the matter of PC 10-25, Commissioner Schultz moved, seconded by Commissioner Cotey, to recommend the Village Board of Trustees approve 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, subject to the following conditions:*

- 1. Final Construction documents submitted for Building Permits for any future Development Zone, phase or stage of development for the Master Plan shall comply with the Staff-ARC-Village Board review and approval process as outlined in the Zoning Code.*
- 2. That any residential component in the Optional Development Zone along Milwaukee Avenue be incorporated in a mixed use building design in this area such as above first floor retail or office uses. This use criterion shall be amended in the Development Standards of the Master Plan prior to adoption of ordinance.*
- 3. That buildings do not exceed three (3) stories or forty-five feet in height within the Optional Development Zone One (1). This criterion shall be amended in the Development Standards of the Master Plan prior to adoption of ordinance.*
- 4. That the campus trail system be developed in conjunction with each Development Zone and that the trail system connecting to the new Winchester House or any other aspect of the 'Initial Phase' be installed and connected to existing improvements in conjunction with the construction of the 'Initial Phase'.*
- 5. That any parking lot as defined by the Village of Libertyville Zoning Code shall have a minimum of 10% interior parking lot landscaping. This criterion shall be amended in the*

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- Development Standards of the Master Plan prior to adoption of ordinance.*
6. *That the Village assume ownership and maintenance responsibility for all of water distribution and sanitary sewer within the Lake County Campus which the Village deems necessary to be public.*
  7. *That all of the warranted improvements be constructed at the appropriate development stage.*
  8. *That the Village work with the County to secure a traffic signal at the intersection of Milwaukee Avenue and Walnut. The cost of the traffic signal will be borne by the developer of the Optional Development Zone.*
  9. *That Figure 3.6 - Circulation Plan (Vehicular & Pedestrian) dated July 9, 2010 be approved as part of the Master Plan in lieu of any subsequent revisions to this exhibit.*
  10. *Exterior lighting levels for the building exit discharge path from each exit door to the public right of way shall be a minimum of 1.0 foot candles in accordance with the building codes.*
  11. *That the list of permitted and specially permitted uses for the site be governed by the attached Land Use List Appendix, column entitled Village Staff Recommendation, as amended.*
  12. *In order to ensure a unified development, the Optional Development Zone be made a part of a Planned Development. As part of that development, the road connecting the Lake County campus to Milwaukee Avenue opposite Walnut Street be installed with full traffic signalization of the intersection, the cost of which to be borne by the developer.*

*Motion carried 5 - 1.*

*Ayes: Donahue, Moore, Oakley, Schultz, Semmelman*

*Nays: Cotey*

*Absent: Adams*

**PC 11-06 StreetScape Development, LLC, Applicant  
154 School Street**

**Request is for a Major Adjustment to the Planned Development Final Plan in order to construct a parking structure adjacent to the Central School building and changes to exterior renovations for the Central School building located in an R-8, Multiple Family Residential District at 154 School Street.**

The applicant requested that this item be continued to the June 27, 2011, Plan Commission meeting.

*In the matter of PC 11-06, Commissioner Schultz moved, seconded by Commissioner Donahue, to continue this item to the June 27, 2011, Plan Commission meeting.*

*Motion carried 6 - 0.*

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

**PC 11-07 176 Libertyville, LLC, Applicant**  
**729 East Park Avenue**

**Request is for a Text Amendment to Section 10 of the Libertyville Zoning Code in order to establish a minimum required number of parking spaces for Vehicle Repair, Minor use.**

Mr. David Smith, Senior Planner, stated that the petitioner, Mike Marijanovic, is seeking approval for a Text Amendment to Section 10 of the Libertyville Zoning Code in order to establish a minimum required number of parking spaces for Minor Vehicle Repair land use. He stated that the current parking requirement for a vehicle repair, minor, is not listed, but the Zoning Code states that all services not otherwise listed shall be required to have one parking space for each two hundred fifty (250) square feet of floor area. Mr. Smith stated that as a service, vehicle repair, minor, would currently be required to provide one space per 250 square feet of floor area. Mr. Smith stated that the petitioner is proposing the following Zoning Code text amendment to Section 10-1.2:

**Vehicle Repairs, Minor: One (1) for each three hundred and fifty (350) square feet of floor area when all vehicles awaiting repairs are housed indoors.**

Mr. Mark Eiden, attorney for the petitioner, stated they are seeking a Zoning Code text amendment to require one (1) parking space for each three hundred and fifty (350) square feet of floor area when all vehicles awaiting repairs are housed indoors for Minor Vehicle Repairs establishments. He stated that his client repairs high quality vehicles, but farms out vehicles that need major repair work. He stated that his client is not proposing to do any milling type of work at 729 East Park Avenue if allowed to occupy there. He stated that all vehicles waiting to be repaired would be stored indoors. Mr. Eiden responded to all of the Zoning Code Standards for Amendments.

Mr. Eiden stated that they investigated reconfiguring the parking lot at 729 East Park Avenue, but any changes to the parking lot layout would only produce an additional 4 parking spaces, still not enough to meet the one space per 250 square feet of floor area the Zoning Code currently requires. He stated that they are not proposing any changes to the site.

Commissioner Oakley asked for clarification of the difference in meaning between minor and major vehicle repair. Mr. Eiden stated that VEHICLE REPAIR, MAJOR is a service that re-builds or re-conditions engines or vehicles, such as collision service, body repair, and frame straightening; painting and upholstering; vehicle steam cleaning; undercoating; and the storage of vehicles awaiting repair or service for periods longer than five (5) calendar days. He stated that VEHICLE REPAIR, MINOR is a service that provides general maintenance and repairs, incidental replacement of parts, and service to passenger automobiles, vans, and trucks not exceeding one and one-half ton capacity, but not including any operation included in "Vehicle Repair, Major" as defined by the Zoning Code.

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Commissioner Oakley asked if the petitioner would conduct any vehicle sales on the premises. Mr. Eiden stated that there would not be vehicle sales on the premises.

Commissioner Semmelman stated that additional language should be added to the proposed amendment to include that vehicles waiting to be picked up should be kept indoors as well.

Commissioner Donahue asked how the vehicles would be delivered and how the petitioner found the location at 729 East Park Avenue.

Mr. Marijanovic stated that vehicles would be delivered three or four at a time by car carrier truck. He stated that he identified the property located at 729 East Park Avenue as an ideal site about three (3) years ago.

Commissioner Schultz stated that he supports the text amendment request.

Chairman Moore asked the petitioner what he would like for the Plan Commission to do tonight regarding their request.

Mr. Eiden stated that he would like for the Plan Commission to render their recommendation to the Village Board regarding the text amendment request tonight.

*In the matter of PC 11-07, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend the Village Board of Trustees approve a Text Amendment to Section 10-1.2 of the Libertyville Zoning Code in order to establish a minimum required number of parking spaces for Vehicle Repair, Minor use as follows:*

*Section 10-1.2*

*Vehicle Repairs, Minor: One (1) for each three hundred and fifty (350) square feet of floor area when all vehicles awaiting repairs or awaiting to be picked up by the owners are housed indoors.*

*Motion carried 6 - 0.*

*Ayes: Cotey, Donahue, Moore, Oakley, Schultz, Semmelman*

*Nays: None*

*Absent: Adams*

**NEW BUSINESS:** None.

**COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, announced that the Village of Libertyville will host the Municipal Design Review Network mobile workshop on July 14, 2011. He stated that this morning workshop will explore the unique public, private and non-profit collaboration that has

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made Libertyville's downtown area a vibrant destination by facilitating pedestrian tours and discussion of key downtown points of interest.

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

Motion carried 6 - 0.

Meeting adjourned at 9:40 p.m.