

**MINUTES OF THE PLAN COMMISSION**  
**June 27, 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, Dan Donahue, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: Scott Adams and William Cotey.

A quorum was established.

Village Staff present: David Smith, Senior Planner; and Karen Marren; Associate Planner.

Commissioner Semmelman moved, seconded by Commissioner Donahue, to approve the May 23, 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.**

Ms. Karen Marren, Associate Planner, proposed Zoning Code updates mostly in Zoning Code Sections 6, 7, and 8, the Office, Industrial and Special Districts. She stated that the land uses have been re-classified to reflect terminology of the NAICS. She stated that adjustments have been made to the minimum land area for Planned Developments. She stated that the previously approved Wind Turbine ordinance will be incorporated into the Zoning Code.

Chairman Moore asked for clarification about the Wind Turbine ordinance because the Village is currently updating this ordinance now and is in the middle of public hearings for it. Ms. Marren stated that the intent is to incorporate all of the loose leaf amendments into the Zoning Code. She stated that some changes have been made to the definition of the Site Distance Triangle. She stated that the I-2 District will become the Transitional Zone. She stated that in the Special Districts, the uses will stay the same.

Commissioner Schultz stated that he supports the Zoning Code changes.

Chairman Moore stated that the Plan Commission will not make a motion at this time and will wait until they get through all of the chapters.

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Mr. Tim Anderson, 821 Bartlett, stated that he wants to speak on the Wind Turbine ordinance.

Chairman Moore stated that the Wind Turbine ordinance is the next case on the agenda.

*In the matter of PC 10-46, Commissioner Semmelman moved, seconded by Commissioner Donahue, to continue this item to the July 25, 2011, Plan Commission meeting.*

*Motion carried 5 - 0.*

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

*Nays: None*

*Absent: Adams, Cotey*

**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 the further amendments have been done to the proposed Wind Turbine ordinance including the lowering of the maximum permitted height for tower mounted wind turbines to 125 feet. He stated that the maximum permitted sound levels have also been lowered to not exceed 35 decibels for impacted properties in a residential district. He stated that decibel levels may change depending upon the time of day. He stated that additional definitions have been added. He stated that all wind turbines shall require a Special Use Permit. He further clarified the Use Limitations including shadow flicker, sound and so on. He stated that annual maintenance inspections shall be required. He stated that an application materials section shall be added.

Mr. Gary Newell, 428 Seventh Avenue, stated that he is impressed with the changes that have been made to the proposed ordinance so far. He asked if the Village response to violations to the Special Use Permit be incorporated into the Zoning Code such as rescinding the Special Use Permit that was granted. Mr. David Pardys, Village Attorney, stated that Zoning Code Section 17-12.2 already does allow for revocation of permits.

Mr. John Christenson, 400 Hampton Terrace, asked how the proposed separation regulation is applied to separate property owners of wind turbines. Mr. Smith stated that they will review the proposed text amendment language to address the separation issue.

Ms. Laurie Renz, 816 East Rockland Road, stated that the World Health Organization has documented various levels of perceived discomfort relative to noise. She stated that George Kamperman has written various articles for the Illinois and Chicago Noise Pollution publications. She stated that Martha's Vineyard has a Special Use Permit ordinance with the ability to incorporate conditions for approval. She stated that any misrepresentation of the application for a wind turbine

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should be considered a code violation. She stated that nonconforming wind turbines should not be grandfathered as a legal nonconforming use. She stated that she is concerned about the permitted density of wind turbines and that a 1.5 times the height of the tallest turbine as the separation distance is not enough. She stated that Staff should review the Lake County regulations regarding turbine separation. She stated that she is concerned about the proposed hours of operation. She stated that the start up and shutting down of a turbine can be quite loud. She recommended that Village Staff contact Keith Shank from IDNR to determine what IDNR regulations would apply to the Village's proposed ordinance. She stated that a third party should be the entity to provide the requested shadow study for applications. She stated that there should be further review of the proposed 15 foot ground clearance required for tower mounted wind turbine blades.

Mr. John Snow, 809 Liberty Bell Lane, stated that he would like to see what has changed between the approved ordinance and the proposed changes. He stated that both sound and shadow flicker will be difficult to enforce. He stated that the distance between residents and the turbines should not be less than 1,000.

Mr. Tim Anderson, 821 Bartlett Terrace, stated that wind turbines should not be allowed in the Village at all. He stated that the Village does not need wind turbines in the Village and that they are a nuisance. He stated that they don't do what they are supposed to do.

Mr. David Gates stated that he is concerned about the potential density of turbines and the impact on health.

Commissioner Schultz stated that Staff should address how multiple turbines in close proximity are regulated for noise.

Commissioner Donahue stated that he is concerned that the proposed ordinance will basically zone out turbines from the Village altogether due to the requirements and the costs involved.

Mr. Pardys stated that it could be argued that the proposed ordinance is too onerous, but it can't be predicted at this point.

Commissioner Donahue stated that he is concerned that permission must be obtained by the neighbors if anyone wants to install a turbine on their house.

Commissioner Semmelman stated that Staff should review the density issue and the revocation of the Special Use Permits when in violation of the ordinance.

Commissioner Oakley stated that he has seen certain types of turbines that do not cast a shadow flicker or sound due to their configuration.

Chairman Moore stated that due to the near conclusion of the existing moratorium on the permitting of wind turbines in the Village, it would be prudent to bring the public hearing to a conclusion soon.

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Chairman Moore stated that text language in the proposed Wind Turbine ordinance amendment should take into consideration property owners' rights and neighboring residents. He stated that consideration should be given to incorporating a revocation of permit clause if the conditions of the Special Use Permit are violated, including any misrepresentation of petition materials is submitted. He stated that clarification be provided for regulating third party submission of shadow flicker plans and third party monitoring of any violation of the shadow flicker regulation. He stated that further Staff review should be given to ground clearance of turbine blades. He stated that further Staff review should be given to amortizing nonconforming wind turbines.

Chairman Moore stated that these issues should be looked at prior to the next public hearing. He asked Staff if they would like to continue this request to the Plan Commission meeting in July. Mr. Smith requested that this request be continued to July in order to review the issues discussed.

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

*Motion carried 5 - 0.*

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

**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 July 11, 2011, Plan Commission meeting.

*In the matter of PC 11-06, Commissioner Oakley moved, seconded by Commissioner Semmelman, to continue this item to the July 11, 2011, Plan Commission meeting.*

*Motion carried 5 - 0.*

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

**NEW BUSINESS:**

**PC 11-08      Valerie and William Dunn, Applicants**  
**234 Appley Avenue**

**Rosemarie Pilz, Applicant**  
**232 Appley Avenue**

**Request is for a Map Amendment in order to rezone portions of two single-family residential lots from R-5, Single Family Residential District to R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioners are seeking approval for a Map Amendment to the Village of Libertyville Zoning Map in order to rezone portions of two single-family residential lots from R-5, Single Family Residential District to R-6, Single Family Residential District. He stated that currently the front halves of the two subject lots are zoned R-6 and the rear halves are zoned R-5. He stated that the petitioners are requesting to rezone the rear halves to R-6, Single Family Residential District. He stated that by rezoning both lots to R-6 would make them consistent with the adjacent lots that front Appley Avenue.

Ms. Val Dunn, petitioner, stated that her property was originally owned by the Appley family and that the original barn is still on the neighbor's property. She stated that the dual zoning is awkward and that the attempt is to clean up the Zoning Map by converting the dual zoning on the two subject lots into a single R-6 zoning designation.

Mr. Tim Anderson, 821 Bartlett Terrace, stated that he is concerned about the possibility of combining the two lots. He stated that he is concerned about a potential increase in the density for that area. He stated that he is concerned about the potential negative impact on his tax assessment. He stated that if the request is to only clean up the Zoning Map then he is not concerned.

Mr. Bill Lasky, 926 Bartlett, stated that he is concerned about the potential of subdividing the property and creating up to 5 new lots.

Ms. Sharna Lasky, 926 Bartlett, stated that she is concerned about the minimum required lot size change.

Ms. Dunn stated that it is her intent to seek zoning consistency. She stated that she has no immediate plans to move or any intent to deceive her neighbors.

Mr. David Pardys, Village Attorney, stated that there is a subdivision exemption for lots of less than one acre.

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Ms. Lasky stated that she is concerned about the possibility of the property owner selling the subject site to a developer. She stated that if the property owner is not moving that the rezoning may not be necessary.

Mr. Tom Kreuser, stated that he understands the neighbor's fear of subdivision. He stated that if the lots are combined then any future subdivision would have to come back before the Plan Commission.

Commissioner Schultz stated that the cul-de-sac requirement would seem to make it prohibitive to create a plat of subdivision for 5 or 6 lots. He stated that he has no problem with the proposed rezoning of the subject two lots.

Mr. Pardys stated that a Map Amendment is not a variation and therefore, a demonstration of a hardship is not required. He stated that only the Standards for Amendment apply in this case.

Commissioner Donahue asked if the cul-de-sac circle is required to be symmetrical in shape. Mr. Smith stated that he would defer that question to the Engineering Division who administers the Subdivision Code. He stated that at a minimum the cul-de-sac with has to meet the minimum requirement and that it would have to accommodate the turning radius for a fire truck.

Commissioner Semmelman stated that he has no problem with the Map Amendment request.

Chairman Moore asked the petitioner how she would like to proceed. Ms. Dunn stated that she is ready for the Plan Commission to make their recommendation to the Village Board.

*In the matter of PC 11-08, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Map Amendment in order to rezone portions of two single-family residential lots from R-5, Single Family Residential District to R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

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

*Nays: None*

*Absent: Adams, Cotey*

**PROPOSAL TO CHANGE PLAN COMMISSION RULES:**

*Commissioner Donahue moved, seconded by Commissioner Oakley, to continue this item to the July 25, 2011, Plan Commission meeting.*

*Motion carried 5 - 0.*

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

**COMMUNICATIONS AND DISCUSSION:**

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

Motion carried 5 - 0.

Meeting adjourned at 9:22 p.m.