

MINUTES OF THE PLAN COMMISSION
November 14, 2011

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:34 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Scott Adams, William Cotey, Kurt Schultz, and David Semmelman.

Members absent: Dan Donahue and Walter Oakley.

A quorum was established.

Village Staff present: David Smith, Senior Planner.

OLD BUSINESS:

**PC 11-10 StreetScape Development, LLC, Applicant
130-179 School Street**

Request is for an Amendment to the Special Use Permit for a Planned Development to amend Ordinance 10-O-91 in order to allow landings, stairs, and fences to encroach in the building separation and maintenance easement located between the single family detached homes in an R-8, Multiple Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioner appeared before the Plan Commission at their October 24, 2011, meeting requesting approval for an Amendment to the Special Use Permit for a Planned Development to amend Ordinance 10-O-91 in order to allow landings, stairs, and fences to encroach in the building separation and maintenance easement located between the single family detached homes in an R-8, Multiple Family Residential District at 130-179 School Street.

Mr. Smith stated that during the course of the October 24, 2011 meeting, the Plan Commission deliberated and identified several points of concern that include the following:

- Fences that overlap property lines in order to create an enclosure shall require an easement and associated agreement.
- All property owners will be required to sign their approval for such easement.
- Fences shall not exceed a height of four feet.
- Fences shall not protrude beyond the front building line of the front facade of the homes and shall not protrude beyond the rear building line of the rear facade of the homes.
- Both front and rear fences shall be gated with a latching gate but shall be required to never be locked.
- Consideration should be given to amending the home owner association covenants to further regulate the accumulation of clutter between the homes within the fenced in areas.

Minutes of the November 14, 2011, Plan Commission Meeting

Page 2 of 6

- Homeowner responsibility for snow removal around the gated areas should be considered.

Mr. Smith stated that the Village Attorney and Staff drafted a list of proposed conditions required in order to approve the installation of fences within the Building Separation and Maintenance Easement located between the School Street single family homes presented in the November 11, 2011 DRC Staff Report.

Mr. Tim Archibald, architect for the development, stated that StreetScape Development supports the proposed draft amendment to the ordinance.

Commissioner Adams stated that the proposed conditions should also be incorporated into the homeowner association covenants.

Commissioner Cotey stated that he is not in favor of allowing fences.

Commissioner Semmelman stated that the proposed changes appear to address the concerns expressed during the last public hearing.

Commissioner Schultz asked for clarification that there will be no fence gap between the end of the fence line and the neighboring house. Mr. Archibald stated that once a fence is installed between any two School Street homes, there should be no gap.

Chairman Moore stated that he is still concerned about the overall visual perspective as each fence is installed along School Street between the houses.

Mr. Archibald stated that due to the proposed fence style being limited to a single style and material type and not more than a choice of two colors, furthermore, the fences won't be allowed to protrude beyond the building line and will be set back behind the line of front porches so there should not be a negative visual impact. He stated that the fences should recede 7 to 8 feet from the front porch-front building line. He stated that visually the fences are a smaller element and should not detract from the streetscape of the development.

Chairman Moore stated that he is concerned that the inclusion of the fence allowance would detract from the overall intent and concept of the streetscape design.

Mr. Archibald stated that it has been a common theme of most of the current School Street property owners to desire the ability to install a fence in the side yard between the houses.

Mr. Smith stated that an additional condition can be included into the amendment that allows the Village Attorney to determine if the additional fence regulations as outlined in the DRC Staff report should be incorporated into the School Street single family homes Declaration of Covenants or not.

Minutes of the November 14, 2011, Plan Commission Meeting
Page 3 of 6

Commissioner Adams stated that he agrees that the additional fence regulations as outlined in the proposed ordinance amendment should also be incorporated into the covenants if the Village Attorney deems it appropriate.

In the matter of PC 11-11, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a an Amendment to the Special Use Permit for a Planned Development to amend Ordinance 10-O-91 in order to allow landings, stairs, and fences to encroach in the building separation and maintenance easement located between the single family detached homes in an R-8, Multiple Family Residential District at 130-179 School Street, as per the draft language prepared by the Village Attorney as shown in the Development Review Committee Report on Pages 6 and 7, with the additional Section Two (2), Subsection (k) to read as follows:

1. Maintain a minimum distance between buildings of no less than four (4) feet. This is measured from any part of the single family home structure including eaves, decks or porches but not including one (1) landing with attached stairs connected to the single family home structure which complies with the following limitations:
 - a) The dimensions of the building code required landing may not exceed three (3) feet by eight (8) feet;
 - b) The height of the landing may not exceed 15½ inches above grade;
 - c) Not more than two (2) sets of stairs, each allowing no more than two (2) treads and three (3) risers shall be attached to the landing; and
 - d) The tread of any stair attached to and providing access to the landing shall not exceed 14 inches.

2. Notwithstanding the provisions of paragraph 8 of this Section Three, a fence may be installed within the Building Separation and Maintenance Easement between each building identified in the plat of subdivision for the Subject Property, which plat was recorded on October 14, 2010 with the Lake County Recorder of Deeds as Document # 6656789. Each fence shall be subject to the following conditions and limitations:
 - a) Fences shall only be erected within the limits of the Building Separation and Maintenance Easements which are immediately adjacent to buildings within the Subject Property.
 - b) In the event that a property owner elects to install a fence within the Building Separation and Maintenance Easement, said fence shall consist of two (2) separate sections, consisting of a front section (closest to the front property line) and a rear section (closest to the rear property line).
 - c) The ends of each section of fence shall be physically attached to the building which it is adjacent to.
 - d) The front section of each fence shall be attached to the adjacent buildings in such a manner so that with respect to the two buildings that such fence section connects, the front section shall run parallel to and be even with the front facade that is furthest from the School Street right-of-way.

Minutes of the November 14, 2011, Plan Commission Meeting

Page 4 of 6

- e) The rear section of the fence shall be attached to the adjacent buildings in such a manner so that with respect to the two buildings that such fence section connects, the rear section shall run parallel to and be even with the rear facade that is closest to the School Street right-of-way.
- f) Each section of fence must contain a gate that can be latched closed, but which cannot be locked in a closed position.
- g) No section of fence can be more than four (4) feet in height.
- h) Each section of fence must be constructed of white or bronze colored metal and shall be of the style depicted on Page 2 of the narrative submitted by the Owner and recommended for approval by the Appearance Review Commission Report on September 19, 2011.
- i) Prior to the erection of any fence sections, an easement shall be executed and recorded granting permission to the property owner desiring to erect the fence to install and maintain such fence over and upon the property of the adjacent owner and to attach the fence sections to the building erected on the adjacent property. Said easement agreement shall be in a form approved by the Village Attorney.
- j) The owner of the property erecting a fence shall clear snow from the area of each section of fence in order to allow the gate for each section of fence to open and close freely and without obstruction.
- k) If determined necessary by the Village Attorney, the above conditions (a) thru (j) shall be incorporated into the Declaration of Covenants, Conditions, Easements and Restrictions for School Street District (Single Family Detached Homes).

Motion carried 4 - 1.

Ayes: Moore, Adams, Schultz, Semmelman

Nays: Cotey

Absent: Donahue, Oakley

**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.

Mr. David Smith, Senior Planner, stated that the Plan Commission has been given the Zoning Code revisions for all of the Articles except for the Sign section and portions of the Residential District sections relative to language intended to replace the proposed floor area ratio regulations.

Mr. Smith introduced the proposed revisions to Article 12 to the Plan Commission. He stated that Staff is proposing changes to the Performance Standards that include a change the Noise section to be in line with State of Illinois Title 35, Chapter 1, Part 901: Sound Emission Standards and Limitations for Property line Noise Sources. He stated that three sections will be added to the code including; (1) Maximum Sound Levels that can be emitted to Residential Uses; (2) Maximum Sound

Minutes of the November 14, 2011, Plan Commission Meeting
Page 5 of 6

Levels that can be emitted to Commercial and Office Uses; and (3) Maximum Sound Levels for Highly Impulsive Sounds. He stated that other sections are proposed to be added including a section to reflect the wording of the Libertyville Municipal Code that prohibits loud and discordant noises between 9:00 p.m. and 7:00 a.m. and a section that outlines exemptions to the maximum sound levels (repair and maintenance, safety signals, moving vehicles, etc.)

Commissioner Adams asked if the Village can enforce the noise ordinance on Libertyville High School as their PA system in the athletic field can become quite loud. Mr. Smith stated that he can consult with the Village Attorney in order to determine what the enforcement capacity of the Village is in this case.

Commissioner Cotey asked if the Village can enforce the noise ordinance for loud motorcycles traveling on Village streets, especially when they rev their engines.

Commissioner Schultz stated that he concurs with Commissioner Cotey's concern regarding loud motor vehicles.

Chairman Moore stated that there is a problem with the school buses in the bus parking lot as they start up their engines as school lets out.

Commissioner Schultz stated that he is concerned about how the Village can respond to the outdoor PA system at various car dealers.

Commissioner Cotey asked for clarification as to how the code responds to residents that claim they need two antennas on their homes. He asked if they can be limited to one per roof top. He stated that consideration be given to including text to address antennas that have become inoperable.

Commissioner Schultz stated that consideration should be given to simplifying the proposed noise ordinance. He asked if other communities have formatted their ordinance into easy to understand tables.

Mr. Smith stated that he has seen other Zoning Codes from other towns incorporate noise regulations in both a simplified fashion and a more complicated fashion.

In the matter of PC 10-46, Commissioner Schultz moved, seconded by Commissioner Semmelman, to continue this item to the November 28, 2011, Plan Commission meeting.

Motion carried 5 - 0.

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

Minutes of the November 14, 2011, Plan Commission Meeting
Page 6 of 6

NEW BUSINESS: None.

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 7 - 0.

Meeting adjourned at 9:10 p.m.