

MINUTES OF THE PLAN COMMISSION
January 8, 2018

Commissioner Flores moved, seconded by Commissioner Pyter, to appoint Commissioner Oakley as temporary Chairman of the Plan Commission.

Motion carried 5 - 0.

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

Members present: Chairman Walter Oakley, Amy Flores, Matthew Krummick, Richard Pyter, and Eric Steffe.

Members absent: Chairman Mark Moore and Kurt Schultz.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Jeff Cooper, Village Engineer.

Commissioner Pyter moved, seconded by Commissioner Krummick, to approve the December 11, 2017, Plan Commission meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

PC 18-01 Village of Libertyville, Applicant

Request is for Text Amendments to various sections of the Libertyville Zoning Code in order to address regulations regarding impervious surfaces.

Mr. John Spoden, Director of Community Development, stated that Staff is not looking for a recommendation tonight, but instead wants to begin the discussion of the Village's use of impervious surface regulations including building coverage and lot coverage currently in place. He stated that the Village Board has asked Staff and the Plan Commission to review the Zoning Code to see if there are any necessary changes needed.

Mr. Spoden stated that the first Village of Libertyville Zoning Code was adopted in 1925. He stated that the 1925 Code had restrictions on building coverage and the Village has had a maximum allowed building coverage ever since. He stated that it was not until the adoption of the 1995 Zoning Code that lot coverage was regulated. He stated that often times the older residential properties are already exceeding the maximum allowed lot coverage and this often triggers lot coverage variation requests when these property owners apply for permits to make

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certain improvements to their properties. Mr. Spoden stated that the Zoning Code was amended in 2013 to further restrict lot coverage regulations.

He stated that the Village Board has asked Staff to study this issue to see if there are any other major Zoning Code updates that should be considered regarding the impervious surface issue. He stated that part of this response is due to the two (2) major floods that happened last summer. He stated that it is important to note that any blame for the flooding should not fall upon new construction. He stated that the Village has some of the most restrictive ordinances in Lake County. He stated that the case in point is the Villages Appendix P to the Lake County Watershed Development Ordinance and this appendix addendum is administered only by the Village of Libertyville.

Mr. Spoden stated that prior to last summer's flooding events, the Village hired the Christopher Burke engineering firm to do a Village wide storm water master plan study. He stated that the Village is fairly flat and that there are areas that do not drain well. He stated that the Village's infrastructure was designed to accommodate no more than a 10 year storm event. He stated that the Christopher Burke study is a year and a half process and Village Staff anticipates that their recommendations will cost millions of dollars to implement.

Mr. Spoden stated that after the summer floods the Village Board issued a 60 day moratorium this past September on any building permits that would increase the impervious surface. He stated that at the end of the moratorium Staff reported to the Village Board that there are a number of things that could be implemented through the Municipal Code, not the Zoning Code, to begin with. He stated that the Village Board adopted those proposed Municipal Code changes. He stated that some of those Municipal Code changes include a minimum clearance between grade and the bottom of fences to be not less than two inches, window wells extend a minimum of six inches above grade and sealed at the foundation, support and restatement of the Illinois drainage law that prohibits increasing of overland storm water drainage flow downstream over adjacent properties, and orientation of downspouts so as to not be pointed at neighboring properties.

Mr. Spoden stated that in the past it was the practice to tie a home's down spouts directly to the storm sewer system, but in an effort to reduce the strain on the Village's storm sewer system it is now a requirement to let downspouts discharge onto the yard, but to not direct the downspouts towards the neighbor.

Mr. Spoden stated that another change to the Municipal Code is to replace clay sanitary sewer pipe connections with upgraded pvc piping.

Mr. Spoden that in many circumstances other communities have regulated their lot coverage with either a building coverage regulation or with a Floor Area Ratio regulation. He stated that Libertyville has used both building coverage and lot coverage, but not F.A.R. He stated that Libertyville has one of the most restrictive lot coverage regulations in Lake County. He stated that Staff is not recommending changes to the Village's lot coverage regulations, but instead is suggesting that discussion should center upon the Village's building coverage regulations to see if there are opportunities to make changes there.

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Mr. David Smith, Senior Planner, stated that the focus in the Staff presentation will focus more so on the Building Coverage regulation and less so on the Lot Coverage regulation. He stated that the Village of Libertyville has one of the most restrictive lot coverage regulations in Lake County. He stated that Staff is proposing that part of the discussion should include at grade impervious surfaces such as driveways and patios. He stated that the current Zoning Code does not require setbacks for these at grade improvements from property lines. He stated that many situations there are detached garages located in the rear portion of single family lots with driveways that run along the side and abutting, but against side property lines. He stated that consideration could be given to requiring setbacks for driveways in these situations in the future in order to allow swales to channel storm water in an appropriate manner.

Mr. Smith stated that the Plan Commission could give consideration to amending the reduced side yard setbacks for undersized lots of record in width found in Zoning Code Section 14 regarding nonconforming lots of record.

Mr. Smith stated that consideration should be given to eliminating ribbon driveways and requiring minimum driveway widths in the Zoning Code.

Mr. Smith stated that consideration could be given to reducing the percentage for which the Village Board has the authority to increase the maximum permitted lot coverage for a variation application.

Mr. Smith presented a table from the Zoning Code that illustrates the current Code requirement for maximum permitted Building Coverage for each residential zoning district. He indicated on the table that the data includes the maximum permitted footprint for structures on a lot relative to the maximum permitted Building Coverage for that lot. He stated that for example a 7,500 square foot lot in the R-6 District would permit a building foot print of 2,625 square feet which reflects 35% building coverage.

Mr. Smith presented another graph that represented permits issued for new construction for single family homes for the past three years and the calculated building coverage for each dwelling. Mr. Smith noted that 29 of the total 37 new homes constructed in those past three years lie within the R-6 District. He further noted that the preponderance of those units in the R-6 were constructed with a building coverage that fell between 20% and 25%. He reminded the Plan Commission that the maximum permitted building coverage is 35%. He stated that there were a few outliers in the R-6 District in which their building coverages fell between 30% and 35% ,but still met Code.

Commissioner Flores asked if any of those home built with building coverages that fell between 30% and 35% were force to design their site plans by cutting back on front walk, patio space or driveway area just so that they could have a bigger house because of the impact upon the impervious area. Mr. Spoden stated that in the past when consideration was given to incorporating an F.A.R. regulation one of the local builders advised Staff to instead give consideration to reducing the Building Coverage instead of looking at an F.A.R. regulation.

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Mr. Smith stated that one of the paramount questions for tonight is how building coverage affects the overall lot coverage and if consideration should be given to reducing the maximum allowed building coverage so that homeowners will have the ability to have the patios they want and not need the ribbon driveways or need a lot coverage variation.

Mr. Smith presented two more illustrations, one that represents a single family property site plan on a lot that is a Code compliant 60 feet in width and the second site plan that represents a single family property that is a legal non-conforming lot in width. He stated that consideration could be given to requiring driveway setbacks to provide space for a drainage swale between the driveway and the side property line. He stated that consideration could also be given to implementing a minimum driveway width as well.

Mr. Spoden stated that the second slide showing the 50 foot wide lot just meets the maximum allowed lot coverage, but is well under the maximum allowed building coverage requirement.

Mr. Jeff Cooper, Village Engineer, stated that the lot coverage regulation may dictate the size of the house.

Mr. Spoden stated that the Zoning Code is fairly black and white when addressing lot coverage. He stated that anything that is not grass or soft-scape landscaping is considered lot coverage in the Zoning Code. He stated the Zoning Code considers lot coverage to include pervious brick pavers, wooden decks, etc. He stated that the Engineering Division does give some credit to property owners when at-grade property improvements include permeable brick pavers that do allow a certain amount of storm water infiltration.

Commissioner Oakley asked for clarification of the fence regulation relative to the allowed location along driveways. Mr. Spoden stated that fences are allowed up to the property lines unless there is an encroachment into Site Distance Triangle.

Commissioner Flores stated that it seems like that property owners in some cases may be forced to install the fence posts into the black top of the driveway.

Mr. Cooper stated that this is in part why a minimum nine (9') foot driveway is recommended in an effort to obtain at least 18" of greenspace between the edge of the driveway and the side property line.

Mr. Cooper stated that the way that the Engineering Division views ribbon driveways is that the intended impact of the grass surface between the driveway ribbons often times do not serve their intended purpose. He stated that the grass strip often becomes compacted by vehicles driving over it or they eventually get filled in by the owner anyway after the permit is issued. He stated that for these reasons the Engineering Division has recommended the minimum driveway width as discussed tonight.

Mr. Smith stated that the Village Board has the authority to increase the maximum permitted lot coverage an additional 20% of the maximum allowed in response to a variation request. He stated that consideration could be given to reducing the variation ceiling.

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Mr. Smith stated that consideration could be given to increasing the side yard setbacks for non-conforming lots of record.

Ms. Haley Spinell, 515 Kenwood Avenue, stated that her company has an investment in residential development in the Village of Libertyville and is interested to know how the Village's regulations evolve over time and will impact home size restrictions.

Commissioner Pyter asked how swales are defined. Mr. Cooper stated that a landscaped ditch intended to channel drainage is another way to understand what a swale is.

Commissioner Krummick asked if the Village is also studying commercial properties as well regarding further restrictions on lot or building coverage.

Mr. Spoden stated that Staff would investigate storm water management regulations for commercial properties at the direction of the Plan Commission. He stated that the recent Zoning Code update included additional landscaping in commercial parking lots. He stated that the County now requires additional storm water detention and improved storm water quality controls.

Mr. Cooper stated that the Village applies the Appendix P of the SMC ordinance to both residential and commercial properties. He stated that Staff has been reviewing the Appendix P language in the regulation in order to determine if it needs to be more restrictive or not.

Commissioner Krummick asked if 'daylight plane' has been studied. Mr. Spoden stated that daylight plane is more of a structure massing issue than anything else. He stated that the Plan Commission did look at the daylight plane issue when they were discussing whether or not a Floor Area Ratio regulation should be implemented. He stated that at that time the Plan Commission decided to not move forward with F.A.R. or the daylight plane regulation as it was realized that with the smaller residential lots it became difficult to regulate.

Commissioner Steffe asked for clarification relative to the hearing and recommendation procedure for the issue being discussed tonight. Mr. Spoden stated that it was the intent that Staff will come back on February 12, 2017 with a Zoning Code text amendment recommendation. He stated that if additional information comes to light through the public hearing process that merit's additional study it may be appropriate to continue the matter again into March.

Commissioner Flores asked if the flooding problems will be addressed by these proposed changes to the Code. Mr. Cooper stated that these proposals discussed tonight will not solve the Village's flooding problems, but are intended to help with storm water management on a smaller scale in residential areas. He stated that the intent is to be proactive and make recommendations on a smaller scale as applicable.

Commissioner Flores asked if other alternative methods could be implemented to reduce run-off on a smaller residential scale. Mr. Cooper stated that the Engineering Division views permeable

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pavers as 40% permeable whereas the Zoning Code views them as 100% lot coverage. He stated that Engineering Division is in favor of promoting similar systems for storm water management.

Commissioner Flores stated that she is concerned about narrow driveways and their ability to accommodate outside parking and to allow vehicular maneuverability.

Commissioner Pyter stated that he does not like ribbon driveways. He stated that he is in favor of letting the local contractors provide feedback.

Mr. Spoden stated that Staff shall review the information prior to the next Plan Commission meeting. He said the intent is to get feedback from the local contractors.

In the matter of PC 18-01, Commissioner Flores moved, seconded by Commissioner Krummick, to continue this item to the February 12, 2018, Plan Commission meeting.

Motion carried 5 - 0.

Ayes: Oakley, Flores, Krummick, Pyter, Steffe

Nays: None

Absent: Moore, Schultz

STAFF COMMUNICATIONS AND DISCUSSION: None.

Commissioner Pyter moved, seconded by Commissioner Flores, to adjourn the Plan Commission meeting.

Motion carried 5 - 0.

Meeting adjourned at 8:02 p.m.