

MINUTES OF THE ZONING BOARD OF APPEALS
April 22, 2019

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Kurt Schultz at 7:00 p.m. at the Village Hall.

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

Members absent: None.

A quorum was established.

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

Others present: James Woods, P.E., PTOE, Civiltech Engineering, Inc.

Board Member Oakley moved, seconded by Board Member Steffe, to approve the March 18, 2019, Zoning Board of Appeals minutes.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 19-15 536-42 North Milwaukee LLC, Applicant
536-542 N. Milwaukee Avenue

Request is for a variation to reduce the minimum required lot area in order to construct eight (8) dwelling units for property located in the C-1, Downtown Core Commercial District.

ZBA 19-16 536-42 North Milwaukee LLC, Applicant
536-542 N. Milwaukee Avenue

Request is for a variation to reduce the minimum required number of parking spaces in order to construct eight (8) dwelling units for property located in the C-1, Downtown Core Commercial District.

ZBA 19-17 536-42 North Milwaukee LLC, Applicant
536-542 N. Milwaukee Avenue

Request is for a variation for signage for property located in the C-1, Downtown Core Commercial District.

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Mr. David Smith, Senior Planner, stated that the proposal to rehab the second and third floors in order to convert the space into eight (8) apartments in the existing building located at the southeast corner of School Street and North Milwaukee Avenue will impact two significant Zoning Code regulations currently in place. He stated that based upon the existing lot area of approximately 9,396 square feet, only six dwelling units could be accommodated on this property, in the absence of a variation. The proposed eight dwelling units would require 12,000 square feet of land area. Eight dwelling units would require the minimum required lot area to be reduced by over 21%. He stated that they are seeking a variation to reduce the minimum required land area in order to accommodate the 8 apartments. He stated that the Village Board is limited in their authority in allowing the reduction of the minimum required land area by not more than 10% with the limit of adding not more than one additional dwelling unit otherwise allowed.

Mr. Smith stated that the petitioner is requesting a Text Amendment to Section 16-8 of the Libertyville Zoning Code relating to Village Board Authorized Variations regarding reducing the minimum required land area for property located in the C-1, Downtown Core Commercial District by proposing the following language Section 16-8.5(a) which the Village Board Authorized Variations section of the Zoning Code:

27) Land area with structures containing or proposed to contain dwelling units in the C-1 Downtown Core Commercial District, may be reduced by not more than twenty-five percent (25%) of the minimum required lot area for dwelling units; provided, however, that no such variation shall permit either the development of more than two (2) dwelling units in addition to the number of dwelling units that could be developed in the absence of such variation or any increase in the otherwise permitted maximum floor area ratio.

Mr. David Pardys, Village Attorney, stated that by modifying the Zoning Code in this manner limits the change to the C-1 District and will not have broader impact otherwise.

Mr. Smith stated that the second Zoning Code issue is relative to the parking regulations. He stated that the current code does not require the addition of new parking in the C-1 District as commercial tenants change and occupy existing spaces in the downtown when there is no new floor area constructed. He stated that when there is new construction in the downtown that includes additional or new floor area then new parking is required.

Mr. Smith stated that the petitioner is requesting to build out new floor area within an existing building in order to construct new apartments units. He stated that the Zoning Code currently does not address parking in this circumstance.

Mr. Smith stated that with respect to new floor area for residential purposes there is no intuitive manner of applying Section 10-1.3 (a)(5)(ii) and a text amendment would clearly be required. Therefore, the petitioner is proposing to replace this section with the following language.

Exception from Off-Street Parking Requirements for Existing Buildings and Uses in the C-1 Downtown Core Commercial District.

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- a) Except as may otherwise be provided herein, changes in the use, or intensity of use of a building or lot existing in the C-1 Downtown Core Commercial District on the effective date of this code, which do not increase the floor area located on such lot, shall be exempt from the parking requirements of this Section 10-1.
- b) To the extent that all or a portion of the use of a lot changes from non-residential to residential and such change results in an increase in floor area, 1-1/2 parking spaces shall be provided for each portion of such increased floor area containing at least the lesser of 1,000 square feet or the total floor area of the smallest dwelling unit located within such lot.
- c) To the extent that all or a portion of the use of a lot changes from any use to a different non-residential use, parking shall be provided in such amounts as are required pursuant to Section 10-1 based upon the type of use and the number of square feet of additional floor area.

Mr. Smith stated that the proposed language in item (b) will require three (3) parking spaces or a Special Use Permit for Payment in Lieu of providing parking spaces for the proposed development.

Mr. Pardys stated that the Zoning Code currently does not take into account a parking requirement as applied to square footage for dwelling units. He stated that the Zoning Code does not require new parking in the C-1 District unless there is an increase in floor area. He stated that the proposed text amendment then looks at the extent that all or a portion of the use of a lot changes from non-residential to residential and such change results in an increase in floor area, 1-1/2 parking spaces shall be provided for each portion of such increased floor area containing at least the lesser of 1,000 square feet or the total floor area of the smallest dwelling unit located within such lot.

Mr. Smith stated that the two text amendments to the Zoning Code being requested allow the petitioner to then request the variations being sought.

Mr. Mike Kollman, petitioner, presented the proposal. Mr. Kollman reviewed the history of the subject building and presented historical photos. He noted that it was once the La Villa movie theater. He stated that the building itself consumes most of the parcel from lot line to lot line. He stated that the major portion of the scope of work is to infill the open space mezzanine between the second and third floor equal to approximately 2,250 square feet of new floor area. He stated that they are proposing to construct 8 apartments that will include 4 units on the second floor and 4 units on the third floor. He stated that the infilling of the mezzanine is necessary in order to effectuate the 8 apartments. He stated that the scope of work includes the construction of a refuse enclosure along the east side of the property. He stated that the change in the land uses from the current Dance Center North occupancy to the 8 apartments will in effect reduce the parking demand by 65%.

Mr. Kollman stated that the proposal includes two marquee signs, one for the front entrance facing Milwaukee Avenue and one for the entrance facing School Street. Mr. Kollman described

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the proposed landscape plan that includes various planters near the School Street entrance into the building. He stated that the scope of the construction materials will incorporate recycled or reclaimed materials as they are striving for LEED certification. He stated that this will include solar panels on the roof.

Ms. Pam Hume, Director of MainStreet Libertyville, stated that she supports this proposal. She stated that the Libertyville MainStreet has passed their accreditation.

Board Member Moore asked the petitioner if they have reviewed the Development Review Committee Staff Report and the review comments therein. Mr. Kollman stated that he has and that he concurs with all of the review comments, but indicated that it may be a challenge to reduce the proposed light levels from the proposed lighting on the building where it fronts Milwaukee Avenue.

Mr. John Spoden, Director of Community Development, stated that Village Staff can work out the lighting issue when the applicant applies for their building permit.

Board Member Moore asked the Civiltech representative if they would like to make any comments on the parking impact study for this development. Mr. James Woods, Civiltech Engineering, stated that it his understanding that there is a four (4) hour maximum allowed parking available behind the building for customers. He stated that the residents of the 8 apartments will need to park somewhere. He stated that it is understood that there is a downtown employee and resident parking tag program that can accommodate the new residents although there may be some shuffling around of downtown parking availability.

Mr. Spoden stated that the Village is currently in negotiations with the property owners of those buildings located within the same block relative to anticipated parking lot improvements. He stated that there are various public parking areas throughout the Village that can accommodate both the downtown employees and downtown apartment residents provided they have the parking permit tags.

Board Member Oakley asked if there is an opportunity to consolidate the trash dumpsters for those commercial properties located within the same block. Mr. Kollman stated that they need the cooperation from the other property owners still.

Mr. Spoden stated that they are working on securing lease agreements from the other owners at this time.

Board Member Oakley stated that he is concerned about the residents living above the first floor restaurants in this building.

Mr. Kollman stated that the Dance Center North tenant is currently above the Starbucks and Clucker's Chicken establishments now.

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Board Member Oakley asked the petitioner to explain how a loading area will be accommodated. Mr. Kollman stated that he has been discussing the loading issue with Village Staff and one option discussed so far has been utilizing an area along School Street to accommodate loading.

Board Member Oakley asked if parking permits have been issued to Dance Center North employees. Mr. Jeff Lovinger, Managing Member of 536-42 Milwaukee LLC, stated that Dance Center North has been a tenant in this building for over 40 years. He stated that they have issued eleven (11) permits for their employees. He stated that there are five (5) dance studio rooms in the building and there can be upwards towards 30 children/students in each studio at a time. He stated that there is a lot of in and out movement due to the dance class schedules. He stated that Dance Center North has outgrown its space in this building and that there is a lot of congestion now because of it.

Board Member Flores asked if the Clucker's Chicken restaurant has outdoor dining available on site. Mr. J. Lovinger stated that the outdoor patio that current exists behind the building belongs to the building and is utilized by all the tenants not just Starbucks and Clucker's.

Board Member Pyter asked for clarification regarding the owners of the parking lot. Mr. Spoden stated that there are multiple owners including the Village. He stated that the Village has been in negotiations with the other owners to address parking lot improvement concerns.

Board Member Pyter asked if the one story building behind the subject building can be retail. Mr. Kollman stated that this space may be better suited as an office space.

Board Member Pyter asked about the roof top amenities. Mr. Kollman stated that structurally the building cannot support the previously proposed roof top lounge so it has been eliminated.

Chairman Schultz asked if there was a middle tenant space between the Starbucks and Clucker's tenant spaces. Mr. J. Lovinger stated that there is the Dance Center North retail outlet in the middle first floor space and that the rear one story space is available for lease.

Chairman Schultz asked for clarification of the existing downtown apartments and how they park their tenants. Mr. Spoden stated that as the Village is viewed from the center and then moving out in a concentric expansion it is noted that the parking limitations become less restrictive the further out from the center of the downtown.

Mr. Spoden stated that Manchester Square has 34 apartments and the Whitmore building has 13 apartments and there are a few others.

Mr. J. Lovinger stated he is willing to pay in order to lose three parking spaces as part of this proposal.

Board Member Moore asked if the subject building is structurally sound in order to withstand the conversion into apartments. Mr. Kollman stated that the structure will be engineered and reinforced with steel beams as necessary.

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Board Member Moore stated that the current zoning would permit six (6) apartments and questioned the applicant why they need to go up to eight (8) apartments. Mr. Kollman stated that the economies of scale would not work.

Board Member Moore asked if consideration was given to adding further limitations to the text amendment in order to reduce the likelihood of this variation request to reduce land area in order to increase density would apply to newly constructed floor area by adding new stories or new buildings. Mr. Pardys stated that they can further tweak the proposed text amendment to address this concern.

Board Member Moore stated that this petition should be continued to May 13, 2019 in order to further study and amend the text amendment relative to Village Board's authority to reduce land area for higher density developments in the downtown.

In the matters of ZBA 19-15, ZBA 19-16, and ZBA 19-17, Board Member Steffe moved, seconded by Board Member Pyter, to continue these items to the May 13, 2019, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Ayes: Schultz, Flores, Krummick, Moore, Oakley, Pyter, Steffe
Nays: None
Absent: None

STAFF COMMUNICATIONS AND DISCUSSION: None.

Board Member Steffe moved, seconded by Board Member Pyter to adjourn the meeting.

Motion carried 7 - 0.

Meeting adjourned at 8:25 p.m.