

MINUTES OF THE ZONING BOARD OF APPEALS
August 8, 2016

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:05 p.m. at the Village Hall.

Members present: Chairman William Cotey, Amy Flores, Mark Moore, Walter Oakley, and Kurt Schultz.

Members absent: Matthew Krummick and David Semmelman.

A quorum was established.

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

Board Member Schultz moved, seconded by Board Member Oakley, to approve the July 11, 2016, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS:

ZBA 16-09 David Luaces, DVM, Applicant
1214 W. Park Avenue

Request is for a variation to reduce the minimum required number of parking spaces from 28 to 21 in order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District.

ZBA 16-10 David Luaces, DVM, Applicant
1214 W. Park Avenue

Request is for a variation to reduce the minimum required width of Perimeter Landscaped Open Space from 10 feet to approximately 5 feet order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District.

ZBA 16-11 David Luaces, DVM, Applicant
1214 W. Park Avenue

Request is for a variation to reduce the minimum required setback from 25 feet to approximately 18 feet for parking in the corner side yard in order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District.

Mr. David Smith, Senior Planner, stated that the Plan Commission and ZBA may recall that the

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petitioner was before them at their July 11, 2016 meeting requesting a Text Amendment to the Libertyville Zoning Code in order to include a Veterinary Services as a Special Permitted Use in an O-1, Professional Services Office District, a Special Use Permit for a Veterinary Service establishment, a Site Plan Permit, and variations to reduce the minimum required number of parking spaces, parking setback, and to reduce the minimum width of perimeter landscaped open space in order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District at 1214 W. Park Avenue.

Mr. Smith stated that the petitioner is proposing to construct an Animal Hospital/Veterinarian Office of approximately 6,900 square feet in floor area at the northeast corner of Harding Avenue and Park Avenue. Mr. Smith stated that currently in the Zoning Code, Veterinary Services is not listed as a Permitted or Special Permitted Use for the O-1 District and so the petitioner is seeking the Text Amendment for this use to be a Special Permitted Use for this district.

Dr. David Luaces, petitioner, stated that he is the owner of Care Animal Hospital currently located at 1101 W. Park Avenue in Libertyville and also at Animal Care and Medical Center at 438 W. Peterson Road in Libertyville. He stated that they are here to present their plans to redevelop the lot at 1214 W. Park Avenue. He stated that the proposal is to merge both practices at 1214 W. Park Avenue.

Mr. Mike Matthys, architect for the petitioner, stated that they have brought new information from IDOT and their traffic engineer. He stated that their architects are animal hospital specialist. He stated that Linden Group Architects have done over 50 animal hospitals. Mr. Matthys stated that they are requesting approval for a Text Amendment to the Zoning Code to include Veterinary Services in the O-1 District, a Special Use Permit for Veterinary Services, variations to reduce the minimum required number of parking spaces, parking setback, and to reduce the minimum required width for perimeter landscaped open space.

Mr. Matthys stated that the existing facilities are located at 1101 W. Park Avenue and 438 W. Peterson Road and have been in existence since 1998. He stated that the intent is to consolidate the two facilities into one facility at the subject site. He stated that the proposed building will be 6,900 square feet in floor area. Mr. Matthys presented the floor plan. He stated that the new facility will be a benefit to the Village's tax revenue. He stated that it is not prudent to save any of the trees on site, but that there will be an ample tree replacement program as part of the landscape plan. He stated that the overall site will maintain at least 39% green space. He stated that other site amenities include a six (6) foot solid fence used to help buffer their facility from the residential neighborhood to the north. He stated that in response to Staff's review comment they will relocate the proposed freestanding sign out of the Sight Distance Triangle.

Mr. Matthys stated their attempt with design of the Site Plan and its access is to encourage traffic to not cut through the residential neighborhood. He stated that they will have more than enough parking as they will have not more than nine (9) staff on site. He stated that the other existing facilities do not have more than 12 parking spaces and that has been more than enough, they have never had a problem with parking in the past. He stated that they are asking for a setback from the corner side property line of approximately 17.5 feet. He stated that they have submitted

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an auto-turn exhibit that shows that vehicles are able to maneuver through the site unencumbered.

Mr. Matthys proposed three other existing Veterinary Hospital or Clinic sites that have been able to accommodate on-site parking without difficulty. He stated that number one is the Libertyville Animal Hospital located at 134 S. Milwaukee Avenue located approximately 54 feet from the nearest residence. He stated that number two is the West Suburban Veterinarian clinic located in Westmont Village, which is a facility approximately 7,000 square feet in floor area. He stated that the Westmont location has 27 parking spaces and that after two site visits they counted up to 19 parking spaces filled one time and up to 15 parking spaces filled on another inspection. He stated that number three is the Green Tree Animal Hospital located on West Park Avenue in Libertyville is a 6,000 square foot facility with 30 parking spaces and only 12 were occupied upon a site inspection.

Mr. Matthys stated that the proposed traffic for the subject facility will have little impact. He stated that only 15% of their clients will travel east bound along Rt. 176. He stated that there will be some cut through traffic, but that if properly signed the traffic will have little impact on the area.

Mr. Dan Amos, 319 N. Harding Avenue, stated he is concerned what the impact will be when the proposed business expands. He stated that he is concerned about school bus stops located within the area and that the increase in traffic will increase the risks to the school children going to and from the bus stops.

Dr. Luaces stated that it would take an unrealistic substantial increase in clients to show any significant change in the traffic trips generated above what the area already is experiencing. He stated that each of his customers visit the establishment less than once per year.

Mr. Amos stated that there seems to be an unanswered IDOT question.

Mr. Matthys stated that he is not concerned about the IDOT requirements and has received correspondence from IDOT indicating they will allow right-in and right-out onto Park Avenue provided that there is access onto Harding Avenue.

Mr. Jason Sanderson, agent for petitioner, stated that they have submitted to IDOT and have confirmed that they will allow right-in and right-out onto Park Avenue provided that there is access onto Harding Avenue. He stated that they will further restrict vehicles turn right out onto Harding Avenue in order to minimize patrons from cutting through the neighborhood.

Mr. Bruce Iehl, resident from Des Plaines, stated that animals don't follow a schedule. He stated that three (3) variations are excessive. He stated that he is concerned that the applicant will remove existing Black Walnut trees.

Mr. VJ Kumar, 124 Harding Avenue, stated that he lives adjacent to the site and is a 35 year resident of Libertyville. He stated that he is concerned that the development will only have a solid fence without enough trees which will not be enough of a sound barrier. He stated that he

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is concerned about the increase in traffic along Willow to Harding. He stated that he is concerned about the impact upon the real estate value of his home and that he may have to move elsewhere.

Mr. Brian DeSalle, CivilTech engineer and consultant for the Village of Libertyville, stated that the petitioner's second traffic study indicated that there would be a substantial drop in trips generated and questioned this discrepancy. He stated that it is important for the petitioner to provide traffic data from other like land uses to do a comparison, but this has not been provided as of yet. He stated that he is concerned about eastbound traffic queuing at the intersection of Park Avenue and Butterfield Road and they have asked for a capacity analysis for Rt. 176 and Butterfield Road but have not gotten that yet.

Mr. Daniel Brinkman, traffic engineer for the petitioner from Gewalt Hamilton, stated that the volume of anticipated traffic from the project is not significant. He stated that the anticipated queues and gaps will be manageable. He stated that there may be an increase of five or six additional cars traveling through the neighborhood at the most.

Mr. DeSalle stated that the complexity of congestion is not linear but is exponential. The petitioner's traffic counts are substantially lower than the ITE manual assumes for this type of land use.

Mr. Brinkman stated that the petitioner's floor area is substantially smaller than the samples illustrated in the ITE manual.

Board Member Oakley stated that this is a great project, but is concerned about the removal of the existing trees and impact on the storm water management.

Mr. William Zalewski, civil engineer for the petitioner, stated that the project still needs final engineering and that they will seek any necessary approvals from IDOT.

Board Member Flores asked for clarification of the existing restrictions on Harding Avenue. Mr. Fred Chung, Village Senior Project Engineer, stated that left turns into Harding from eastbound Park Avenue traffic is restricted and enforced by IDOT and Lake County.

Board Member Flores stated that she is concerned about the traffic flow issues.

Board Member Schultz stated that the proposed land use will have a low impact on traffic and wondered what the threshold is that makes it a concern.

Mr. DeSalle stated that he was looking for something to back up the petitioner's traffic data. He stated that it might be more manageable if the left turn restriction on Harding from Park Avenue was removed.

Board Member Schultz stated that the proposal is an appropriate and modest change.

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Chairman Cotey asked for clarification for the parking count variation request. Mr. Matthys stated gross floor area of the building is what throws the parking requirement over the threshold.

Dr. Luaces stated that a significant portion of the floor area is dedicated to animal ward space not for more people who drive cars.

Chairman Cotey stated that consideration should be given to incorporating additional traffic control signage in the area in order to help mitigate the increase in traffic flow throughout the neighborhood.

Mr. Matthys stated that most of the clients will come from the east to the west and be able to right turn into the site. He stated that there will be a learning curve for the clients but will soon be able to navigate to and from the site with little impact on traffic and parking. He stated that this is a good use with minimal traffic.

Mr. Chung stated that the additional traffic trip generation data requested is still needed in order to improve Staff and consultant confidence.

Mr. Sanderson stated that it is not appropriate to use traffic data from other veterinarian services because the petitioner's service is specialized and it would not make a good comparison.

Dr. Luaces stated that the additional traffic data from other establishments would be arbitrary and would not make a good comparison.

Chairman Cotey inquired about the proposal to include the removal of the trees.

Mr. Steve Gregory, landscape architect for the petitioner, stated that almost all of the existing trees are in poor condition and that their proposed replacement schedule will be far better.

Board Member Moore stated that the property is zoned O-1. He stated that Plan Commission is charged with protecting the public and neighborhood and is concerned about not knowing what the number of dropping off visitors will be and the number visitors who stay while the pets are being treated. He stated that the animal clinic will not stay there forever and not knowing who the next tenant will be is a concern. He stated that he is not supportive of the parking lot encroachment into the corner side yard and that he still feels that the proposed development is too much to fit on this site.

Mr. Matthys stated that the building will be designed to accommodate an office user if the animal clinic moves out.

Dr. Luaces stated that the parking will not be an issue with how his business operates with seven to nine employees.

Board Member Moore asked the petitioner what he would like for the Plan Commission and Zoning Board of Appeals to do tonight. Mr. Matthys stated that he would like for the Plan

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Commission and Zoning Board of Appeals to render a positive recommendation for their requests to the Village Board.

In the matter of ZBA 16-09, Board Member Schultz moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required number of parking spaces from 28 to 21 in order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District, in accordance with the plans submitted.

Motion carried 4 - 1.

Ayes: Cotey, Flores, Oakley, Schultz
Nays: Moore
Absent: Krummick, Semmelman

In the matter of ZBA 16-10, Board Member Schultz moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required width of Perimeter Landscaped Open Space from 10 feet to approximately 5 feet order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District, in accordance with the plans submitted.

Motion carried 4 - 1.

Ayes: Cotey, Flores, Oakley, Schultz
Nays: Moore
Absent: Krummick, Semmelman

In the matter of ZBA 16-11, Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required setback from 25 feet to approximately 18 feet for parking in the corner side yard in order to construct a Veterinary Service establishment for property located in an O-1, Professional Services Office District, in accordance with the plans submitted.

Motion carried 4 - 1.

Ayes: Cotey, Flores, Oakley, Schultz
Nays: Moore
Absent: Krummick, Semmelman

NEW BUSINESS: None.

COMMUNICATIONS AND DISCUSSION: None.

Board Member Oakley moved, seconded by Board Member Schultz, to adjourn the Zoning Board of Appeals meeting.

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Motion carried 5 - 0.

Meeting adjourned at 9:06 p.m.