

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**September 24, 2012**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:44 p.m. at the Village Hall.

Members present: Chairman William Cotey, Scott Adams, Dan Donahue, David Semmelman, and Kurt Schultz.

Members absent: Mark Moore and Walter Oakley.

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 Semmelman, to approve the August 27, 2012, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 12-16 St. Lawrence's Church of Libertyville, Illinois, Applicant  
125 W. Church Street**

**Request is for a variation to increase the maximum permitted height for a quasi-public sign from six (6) feet to approximately ten (10) feet in order to install a freestanding, quasi-public identification sign for property located in an IB, Institutional Buildings District.**

Mr. John Spoden, Director of Community Development, stated that the applicant is requesting approval for a variation for a sign in order to install a freestanding quasi-public sign approximately 10 feet in height with approximately 48.5 square feet in sign area. He stated that the proposed sign identifies the St. Lawrence Episcopal Church with panels to identify worship service days, times, and special events. He stated that the sign is proposed to be located at the northeast corner of the property between the church building and the Church Street right-of-way.

Mr. Spoden stated that the Zoning Code permits a maximum height for freestanding quasi-public signs to not exceed six (6) feet as measured from adjacent grade. The petitioner is seeking a height of ten (10) feet.

Mr. James Babowice, attorney representing the petitioner, stated the proposed sign shall maintain the same architectural integrity as the 1917 church building with a brick arch encompassing the

**Minutes of the September 24, 2012, Zoning Board of Appeals Meeting**  
**Page 2 of 5**

sign panels and that the panels themselves shall not exceed six (6) feet, but it will be the brick arch structure that supports the panels that will reach the ten (10) feet height. He stated that the sign design shall complement the church's architecture.

Mr. Art Solis, North Shore Sign Co., stated that the sign arch shall be made with brick and stone. He stated that it will not be externally illuminated. He stated that the sign panels will not exceed six (6) feet in height, but that the supporting brick arch shall have a ten (10) foot height.

Mr. Babowice made reference to a freedom of religion case law to support the variation proposal.

Mr. Don Anderson, 616 Bridle Court, stated that the variation should be granted.

Board Member Adams stated that the proposed sign is a great addition to the church property.

Board Member Semmelman stated that he has no problem with the proposed sign.

Board Member Donahue stated that he has no problem with the proposed sign.

Chairman Cotey stated that he has concerns about the ease of maintenance of the landscaping around the bottom panel of the sign as it appears to be very close to the ground landscaping.

Mr. Rob Guarnaccio, 978 Winchester Road, discussed the landscape plan and stated that the sign shall not impede the maintenance of the landscaping.

Chairman Cotey asked the petitioner what action he would like for the Zoning Board of Appeals to take. Mr. Babowice stated that he would like for the Zoning Board of Appeals to make their recommendation to the Village Board tonight.

*In the matter of ZBA 12-16, Board Member Adams moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted height for a quasi-public sign from six (6) feet to approximately ten (10) feet in order to install a freestanding, quasi-public identification sign for property located in an IB, Institutional Buildings District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

*Ayes: Cotey, Adams, Donahue, Semmelman, Schultz*

*Nays: None*

*Absent: Moore, Oakley*

**ZBA 12-17 Paragon Real Estate, LLC, Applicant**  
**1600 S. Milwaukee Avenue**

**Request is for a variation to reduce the minimum required Perimeter Landscaped Open Space from ten (10) feet to zero (0) feet along the both sides of the property**

**Minutes of the September 24, 2012, Zoning Board of Appeals Meeting**  
**Page 3 of 5**

**line separating Lots 1 and 2 for the Paragon Libertyville Subdivision for property located in a C-3, General Commercial District.**

**ZBA 12-18 Paragon Real Estate, LLC, Applicant**  
**1600 S. Milwaukee Avenue**

**Request is for a variation to increase the number of permitted business signs from two (2) to four (4) in order to have one freestanding business sign and three (3) wall signs for the proposed grocery store located in Lot 1 of the Paragon Libertyville Subdivision for property located in a C-3, General Commercial District.**

Mr. David Smith, Senior Planner, introduce the petitioner's request. He stated that the applicant, Paragon Real Estate, LLC, is requesting approval for a Map Amendment in order to rezone approximately 3.15 acres of land from C-4, Shopping Center Commercial District to C-3, General Commercial District; a Preliminary Plat of Subdivision in order to subdivide approximately 3.15 acres of land into two lots; a variation to reduce the minimum required Perimeter Landscaped Open Space; and sign variations for property located at 1600 S. Milwaukee Avenue which is at the southeast corner of Milwaukee Avenue and Artaius Parkway.

Mr. Smith stated that the Plan Commission and the Zoning Board of Appeals may recall that the site was subject to a prior petition in 2006-2007 for a proposal to develop the Fresh Foods Grocery store, but the developer was not able to complete construction before going into arrears. He stated that the property was been vacant since that time.

Mr. Smith stated if the requests are granted, the petitioner is proposing to develop a two building retail center at the southeast corner of Milwaukee Avenue and Artaius Parkway.

Mr. Scott Day, attorney representing the petitioner, introduced the petitioner, their architect, landscape architect, and civil engineer. Mr. Day stated that the proposal is in line with the Village's Comprehensive Plan by the rezoning to C-3, General Commercial District. He stated that cross access easements shall be created and the minimum required perimeter landscaped open space reduced between the two lots so that the two retail buildings can share parking and permit access across the two lots.

Mr. Peter Zelenko, architect for the petitioner, presented the architectural drawings to the Plan Commission. He stated the site plan includes a shared parking design between the two proposed buildings, that each building will have its own freestanding business sign. He stated that the north building will be a single tenant grocer with three wall signs and the south building will have up to five commercial tenants thereby necessitating the proposed freestanding multi-tenant sign.

Mr. Gary Weber, landscape architect for the petitioner, described the proposed landscape plan for the site. He stated that the landscape plan includes the addition of canopy trees along the south property line and several landscaped parking lot islands.

**Minutes of the September 24, 2012, Zoning Board of Appeals Meeting**  
**Page 4 of 5**

Mr. Day addressed standards for the sign and perimeter landscaped open space variations. He stated that the proposed Map Amendment to rezone the subject property from C-4 to C-3 is in keeping with the plan and purposes of the Zoning Code. He stated that the plan is consistent with the proposed uses. He stated that he proposed development will increase retail traffic and needed economic synergy. He stated that Milwaukee Avenue is an I.D.O.T. Strategic Regional Arterial with aggressive traffic thereby necessitating the sign variations requested. He stated that the prior petitioner, Fresh Foods, was granted a sign variation for more wall signs than they are seeking.

Ms. Barb Erickson stated that she owns the property to the east of the subject site. She stated that she is concerned about the drainage as it currently has a negative impact upon her property.

Mr. Jim Caneff, civil engineer for the petitioner, stated that the current drainage issue is temporary and was created when Fresh Foods began grading the property previously. He stated that a barrier curb and filter system will resolve the drainage impact issue. He stated that when this proposal is complete there will be an eleven (11%) percent increase in pervious surface from the Fresh Food's plan.

Board Member Schultz asked if there is a storm water issue. Mr. Caneff stated that there will be a decrease in impervious surface which will help to mitigate the storm water impact.

Board Member Schultz stated that the aisle behind the southern retail building appears to be substantially wide on the site plan.

Mr. Caneff stated that the wider aisle will help to provide a more conducive turning radius for delivery trucks.

Ms. Erickson stated that she is concerned about the delivery hours and the truck sizes.

Mr. Caneff stated that the delivery trucks are anticipated to be the standard semi-tractor truck with trailer size.

Mr. Greg Van Landingham, petitioner, stated that the deliveries for the grocery store are anticipated to take place before and after standard business hours and the truck trailers are typically 75 feet in length.

Board Member Donahue asked what the grade difference is between the subject site and the neighboring lot. Mr. Caneff stated that the difference is approximately five (5) feet.

Board Member Donahue asked if the petitioner can reveal who the proposed grocer is.

Mr. Day stated that they are obligated to not reveal who the proposed grocer is as they are still negotiating an agreement.

Board Member Adams asked for clarification regarding the requested zoning change and the surrounding zoning.

**Minutes of the September 24, 2012, Zoning Board of Appeals Meeting**  
**Page 5 of 5**

Mr. Spoden stated as a C-4 district zoning, the property is too small for development without the need for variations. He stated that there is office zoning to the north of the property, and an auto dealer to the south. He stated that the proposal for 1600 S. Milwaukee Avenue is in line with the Comprehensive Plan.

Chairman Cotey asked the petitioner what action he would like for the Zoning Board of Appeals to take regarding the requested proposals. Mr. Day stated that he would like for the Zoning Board of Appeals to render their recommendation to the Village Board.

*In the matter of ZBA 12-17, Board Member Donahue moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open Space from ten (10) feet to zero (0) feet along the both sides of the property line separating Lots 1 and 2 for the Paragon Libertyville Subdivision for property located in a C-3, General Commercial District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

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

*In the matter of ZBA 12-18, Board Member Schultz moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to increase the number of permitted business signs from two (2) to four (4) in order to have one freestanding business sign and three (3) wall signs for the proposed grocery store located in Lot 1 of the Paragon Libertyville Subdivision for property located in a C-3, General Commercial District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

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

**COMMUNICATIONS AND DISCUSSION:**

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

Motion carried 5 - 0.

Meeting adjourned at 8:56 p.m.