

MINUTES OF THE ZONING BOARD OF APPEALS
August 24, 2015

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

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

Members absent: None.

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

Board Member Oakley moved, seconded by Board Member Schultz, to approve the July 27, 2015, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 15-23 Leroy Redman, Applicant
107 W. Church Street and 355 N. Milwaukee Avenue

Request is for a variation from Zoning Code Section 5-2.4 regarding Use Limitations that are applied in the C-1, Downtown Core Commercial District in order to allow more than 25% of the gross floor first floor of a building with street frontage on Milwaukee Avenue within the C-1, Downtown Core Commercial District to be occupied by uses which are denoted by an asterisk in Section 5-2.2 or Section 5-2.3 of the Zoning Code.

Mr. John Spoden, Director of Community Development, introduced the petitioner's variation request. He stated that in 1995, the Village instituted a restriction in the C-1, Downtown Core Commercial District that would place a cap on office type uses to not exceed 10% in that district. He stated that in 2005, the Village changed the 10% rule restricting office and financial institution type uses from occupying the front 40 feet of the ground floor of those buildings that front Milwaukee Avenue in the C-1 District and further, that no office or financial institution uses from occupying more than 25% of the ground floor area for those buildings that front Milwaukee Avenue. He stated that the subject building fronts both Milwaukee Avenue and Church Street. He stated that they are requesting a variation to allow an office type use to occupy more that the maximum allowed 25% of the ground floor area.

Mr. Marc Redman, representing the petitioners, stated that they are requesting a variation to exceed the 25% maximum allowed area devoted office area on the first floor. He stated that the tenant space has been used as an office since the 1970's. He stated that the tenant space has

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frontage on Church Street and currently allows for office use in accordance to the Village Code. He stated that the portion of the building that fronts Milwaukee Avenue is currently occupied by a retail tenant the Lovin' Oven Cakery. He stated that the only conflict with the Code derives from a common hallway and A.D.A. compliant bathrooms located in the rear of the two building spaces. He stated that this common area between the two buildings is what makes it one building.

Mr. M. Redman stated that any realtor calls that they have received did not reveal who the potential occupant would be.

Mr. M. Redman stated that there is a hardship due to the cost involved with separating the two buildings. He stated that it has been office space since the 1970's. He stated that they are not seeking a special privilege above what other Church Street tenants are able to obtain. He stated that there is no other remedy.

Mr. Brian Grano, 611 Stevenson Drive, stated that he lives and works in Libertyville. He stated that he owns his own business and building adjacent to the Redman's building. He stated that he has volunteered to promote economic development for the Village. He stated that the Village is not the Village of the 1970's anymore. He stated that the Village is now a retail and restaurant destination. He stated that the space at 107 W. Church Street should be a retail opportunity.

Board Member Schultz asked if there have been prior variations that were of a similar kind. Mr. Spoden stated that there was Mr. Tosto of the State Farm Insurance office located on North Milwaukee Avenue in the C-2 District. He stated that the Zoning Board of Appeals recommended denial for that particular variation request.

Board Member Semmelman asked the petitioner if there is currently someone with an office use interested in the 107 W. Church Street tenant space. Mr. Leroy Redman stated that there is someone interested in the space.

Board Member Moore asked if there is an opportunity to separate the two buildings. Mr. M. Redman stated that he will have to hire an architect to assess it, but that this would add to the cost.

Board Member Moore asked if there is no other remedy. Mr. M. Redman stated that it would be cost prohibitive to separate the two buildings.

Board Member Moore asked if the petitioner would be willing to have a cost estimate done in order to determine if it is truly cost prohibitive.

Board Member Oakley asked if they were once two buildings in the past. Mr. L. Redman stated that yes they were once two buildings before. He stated that the 355 N. Milwaukee Avenue portion was built in 1895 and the 107 West Church Street portion was built 30 years later.

Chairman Cotey stated that the Tosto case received a negative recommendation from the Zoning Board of Appeals, but that recommendation was overturned by the Village Board. He asked the

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petitioner to both consider getting a cost estimate and continue the case to next month, or he can request that the Zoning Board of Appeals provide their recommendation to the Village Board tonight.

Mr. M. Redman stated that they will request a continuance and obtain a cost estimate for the work to separate the two buildings.

In the matter of ZBA 15-23, Board Member Oakley moved, seconded by Board Member Semmelman, to continue this item to the September 28, 2015, Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Ayes: Cotey, Flores, Moore, Oakley, Schultz, Semmelman
Nays: None
Absent: None

ZBA 15-24 Trader Joe's, Applicant
1604 S. Milwaukee Avenue

Request is for a variation to increase the number of permitted business signs from two (2) to five (5) in order to have one (1) freestanding business sign and four (4) wall signs for the Trader Joe's 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, introduced the variation request. He stated that in 2012, Paragon Real Estate, LLC, requested and was approved 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 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. He stated that this resulted in the development of a Trader Joe's grocer on Lot 1 and a multi-tenant commercial center on Lot 2.

Mr. Smith stated that the sign variation approved in 2012 permitted Trader Joe's 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. He stated that all but the east facing exterior wall now has a wall sign.

Mr. Smith stated that the current owner is proposing to install a fourth wall sign approximately 71 square feet in area on the east facing exterior wall which will require a new sign variation for number of wall signs.

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Mr. Dom Paparella, Broadway National Sign Company, stated that the sign variation request is based upon the building configuration and orientation on the lot. He stated that the rear of the building faces Milwaukee Avenue and the front faces the parking lot. He stated that there would be no negative impact with the additional requested wall sign and it would be an aesthetic improvement.

Board Member Oakley stated that he is concerned about the increase in the number of signs for that site.

Mr. Paparella stated that without the fourth wall sign, the building appears to be an eyesore on the east wall.

Board Member Oakley stated that he is concerned about a precedent being set. He stated that Trader Joe's should be considered a destination use.

Mr. Paparella stated that the building orientation is 180° out of normal with the rear of the building facing Milwaukee Avenue.

Board Member Flores stated that she drove by and was able to view the existing wall sign on the north side of the building. She stated that additional tree trimming could be considered in order to improve the visibility north wall sign.

Board Member Schultz stated he agrees with Board Member Flores and that it seems that Trader Joe's business seems to be doing very well without additional wall signs.

Mr. Paparella stated that Trader Joe's is concerned about the front entrance facing the parking lot is lacking aesthetic appeal with the requested east wall sign.

Chairman Cotey stated that he agrees with board members Flores and Schultz. He stated that the existing monument sign is visible and that he is concerned about over signing the property. He asked the petitioner if they would like a continuance in order to give them an opportunity to revise their petition.

Mr. Paparella stated that he agrees with the continuance.

In the matter of ZBA 15-24, Board Member Oakley moved, seconded by Board Member Schultz, to continue this item to the September 28, 2015, Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Ayes: Cotey, Flores, Moore, Oakley, Schultz, Semmelman

Nays: None

Absent: None

COMMUNICATIONS AND DISCUSSION: None.

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

Motion carried 6 - 0.

Meeting adjourned at 7:40 p.m.