

MINUTES OF THE ZONING BOARD OF APPEALS
February 23, 2009

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

Members present: Chairman Mark Moore, William Cotey, Kurt Hezner, Howard Jaffe, Walter Oakley, and Andy Robinson.

Members absent: Terry Howard.

A quorum was established.

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

Board Member Cotey moved, seconded by Board Member Robinson, to approve the January 26, 2009, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

**ZBA 08-23 Elena Shapiro, Rockland Project, LLC, Applicant
114 W. Rockland Road**

Request is for a variation to reduce the minimum required Perimeter Landscaped Open Space from 10 feet to approximately 8 feet along the rear property line in order to construct an office building with accessory parking in a C-3, General Commercial District

Mr. David Smith, Senior Planner, stated that the petitioner, Rockland Project, LLC, was before the Zoning Board of Appeals at their January 26, 2009 meeting requesting approval for variations to reduce the minimum required Perimeter Landscaped Open Space, to reduce the minimum required number of parking spaces, and the minimum required length of parking spaces in order to construct an office building with accessory parking in a C-3, General Commercial District located at 114 W. Rockland Road.

Mr. Smith stated that during the course of the January 26, 2009 meeting, the Zoning Board of Appeals continued the requested items in order to provide the petitioner an opportunity to revise their plans in response to Zoning Board of Appeals and Staff review comments.

Mr. Smith stated that the petitioner has revised their plans and is now proposing to construct a two story office building with partial basement that will comprise approximately 7,604 square feet, a

Minutes of the February 23, 2009, Zoning Board of Appeals Meeting
Page 2 of 8

reduction from 8,233.1 square feet last seen by the Zoning Board of Appeals. Mr. Smith stated that the revisions have also eliminated the parking variations.

Mr. Terry Weppler, agent for petitioner, stated that the petitioner has relocated the basement window wells so that they no longer encroach into the perimeter landscaped open space. He stated that the basement area has been reduced as well. He stated that the rear door landings are a reasonable encroachment into the rear perimeter landscaped open space.

Mr. Stephen Klumpp, architect for petitioner, stated that the revised plans show a reconfigured parking lot and that they are still providing the minimum required interior parking lot landscaping.

Board Member Robinson asked the petitioner if they would be willing to move the building forward so that it does not encroach into the rear perimeter landscaped open space.

Mr. Klumpp stated that to move the building any further forward would cause a conflict with accessing the refuse enclosure and handicap parking spaces.

Board Member Jaffe asked if there should be any documented restrictions for the uses on the second floor.

Mr. David Pardys stated that deed restrictions are an option, but the tenants may not be made aware of the deed restrictions unless the owner provides that information.

Board Member Jaffe stated that the owner could sell the building which may make it more difficult to inform tenants of the deed restrictions.

Mr. John Spoden, Director of Community Development, stated that all tenants are required to have occupancy permits.

Board Member Hezner asked for clarification about the basins in the landscaped areas. He asked if the proposed coverage will require approval of the Storm Water Management Commission.

Mr. Pat Sheeran, Village Project Engineer, stated that the scale of the property is not large enough to require SMC approval.

Board Member Hezner asked for clarification for the proposed basin locations along the two sides. Mr. Sheeran stated that it appears that the petitioner has attempted to incorporate vegetative swales.

Board Member Hezner stated that the proposed parking lot and the adjacent landscaping do not incorporate 'Best Management' practices. He stated that the petitioner had options by making minor changes to the existing submitted plans to bring the project's proposed planning within compliance with current Code. Therefore, he was not in support of the variation due to the fact that the petitioner did not need to submit the project to the Zoning Board of Appeals for the variance.

Minutes of the February 23, 2009, Zoning Board of Appeals Meeting
Page 3 of 8

Mr. Sheeran stated that the overall storm water management will be assessed at time of permit.

Board Member Cotey asked how the site plan can be adjusted per Staff's review comments. Mr. Spoden stated that the drive aisle on either end of the parking lot has some width that could be reduced in order to allow space for the building to come forward.

Mr. Klumpp stated that there may not be enough width in the drive aisles to make that kind of adjustment.

Board Member Cotey stated that he is not in favor of deed restrictions.

Mr. Pardys stated that any deed restrictions would be tied to the land perpetually.

Board Member Cotey stated that the Village would be in a difficult position to control who the tenants would be.

Chairman Moore asked if the petitioner would like for the Zoning Board of Appeals to render their recommendation for the requested variation tonight. Mr. Wepler stated that he would like for the Zoning Board of Appeals to make a recommendation tonight on the requested variation.

In the matter of ZBA 08-23, Board Member Robinson moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open Space from 10 feet to approximately 8 feet along the rear property line in order to construct an office building with accessory parking in a C-3, General Commercial District, in accordance with the plans submitted.

Motion failed 2 - 4.

Ayes: Jaffe, Oakley
Nays: Moore, Cotey, Hezner, Robinson
Absent: Howard

**ZBA 08-18 Gilfillan Callahan Nelson Architects, Authorized Agent for Cook Memorial
Public Library District
413 N. Milwaukee Avenue**

Request is for a variation to reduce the minimum required Perimeter Landscaped Open Space from 25 feet to 6 feet along the Cook Avenue right-of-way property line for the building, 10 feet from the Brainerd Avenue right-of-way property line for the building and 6 feet for the reconfigured parking lot, and approximately 7 feet from the Church Street right-of-way property line for the reconfigured parking lot in order to construct a building addition to the Cook Memorial Library in an IB, Institutional Buildings District.

Minutes of the February 23, 2009, Zoning Board of Appeals Meeting
Page 4 of 8

**ZBA 08-19 Gilfillan Callahan Nelson Architects, Authorized Agent for Cook Memorial Public Library District
413 N. Milwaukee Avenue**

Request is for a variation to increase the maximum permitted number of wall signs from 1 to 2 in order to re-locate two quasi-public signs on the Cook Memorial Library building in an IB, Institutional Buildings District.

**ZBA 08-28 Gilfillan Callahan Nelson Architects, Authorized Agent for Cook Memorial Public Library District
413 N. Milwaukee Avenue**

Request is for a variation to reduce the minimum number of parking spaces from 62 to 47 in an IB, Institutional Buildings District.

Mr. David Smith, Senior Planner, stated that the petitioner was before the Zoning Board of Appeals at their November 24, 2008 meeting and again at their January 12, 2009 meeting requesting approval for variations to reduce the minimum required Perimeter Landscaped Open Space, reduce the minimum required number of parking spaces, and increase the maximum number of permitted signs in order to construct a building addition, reconfigure its parking lot, and relocate nonconforming wall signage for the Cook Memorial Library located in an IB, Institutional Buildings District at 413 N. Milwaukee Avenue.

Mr. Smith stated that during the course of the January 12, 2009 meeting, the petitioner presented multiple site plans with various parking lot and access configurations for consideration. Mr. Smith stated that at the conclusion of the January 12, 2009 meeting, the petitioner then requested to be continued to the February 23, 2009 Zoning Board of Appeals meeting in order to have an opportunity to revise their plans in response to concerns provided by Staff and members of the Zoning Board of Appeals primarily relative to the driveway access points for the reconfigured parking lot.

Mr. Smith stated that the petitioner has submitted revised plans showing a one-way 47 space parking lot with an entrance from Brainerd Avenue and an exit out onto Church Street.

Mr. Pat Callahan, architect for the petitioner, stated that they have settled on one site plan configuration that was chosen from several alternative plans presented at the last Zoning Board of Appeals meeting. He stated that during construction, contractors will have full access to the site and that the library will be temporarily located elsewhere.

Board Member Robinson asked how many parking spaces will be lost along Church Street because of the proposed plan.

Mr. Callahan stated that there will be three spaces lost along Church Street.

Minutes of the February 23, 2009, Zoning Board of Appeals Meeting
Page 5 of 8

Board Member Robinson asked for clarification of the proposed tree removal. Mr. David McCallum, landscape architect for the petitioner, stated that trees identified on the plan as number 9 is rotted at the base; tree numbered 18 is in close proximity to the proposed excavation, is a River Birch, and will be replaced with an Oak tree; trees numbered 3 and 4 are to be removed as they are not expected to live long after completion of the parking lot improvements; and the condition status for tree number 14 has changed to a worse condition.

Board Member Hezner asked if Staff concurred with the proposed tree removal plan. Mr. Pat Sheeran, Village Project Engineer, stated that the Engineering Division will rely on the Parks Department for their review of the proposed tree removal and tree preservation plan.

Mr. McCallum stated that trees numbered 29 and 30 are also not good trees and they will be too close to the parking lot curb improvements. He stated that tree number 14 is in poor condition as it seems to retain only half of its leaves in the summer season.

Board Member Cotey asked what type of Oak tree species is proposed. Mr. McCallum stated that the Oak species recommended include the Chinquopin Oak and the Regal Prince English Oak.

Board Member Cotey asked about the root systems of the Oak trees and if there would be interference from the underground utility lines. Mr. McCallum stated that the Oak trees have a deeper root system.

Mr. Sheeran stated that there are utilities coming from the north side of the building, but that there would be no conflicts with the trees.

Board Member Robinson asked what the minimum number of required handicap parking would be. Mr. John Spoden, Director of Community Development, stated that the proposed plan with 47 parking spaces must include a minimum of two handicap parking spaces.

Board Member Robinson stated that he has not seen an update to the traffic study as previously requested. He stated that he does not believe that people will park in the new parking deck and walk to the library.

Mr. Callahan stated that the Libertyville location has the benefit of being in an accessible location in the downtown area. He stated that in the broader context, it works well with its proximity to the future parking deck and other Village amenities.

Board Member Robinson stated that the proposed development diminishes its usability.

Board Member Jaffe stated that people will use the parking deck and walk to the library. He asked for clarification of the Brainerd Avenue driveway. Mr. Callahan stated that upon further consideration, it was determined that an entrance only at the Brainerd Avenue driveway location and an exit only at the Church Street driveway location are best.

Minutes of the February 23, 2009, Zoning Board of Appeals Meeting
Page 6 of 8

Board Member Jaffe stated that Staff seems to support the design.

Mr. Spoden stated that Staff has met with Main Street to discuss the library expansion. Mr. Spoden stated that regarding the impact on the Church Street summer activities, he was told by Zoning Board of Appeals to not plan permanent improvements around temporary uses.

Board Member Jaffe stated that the proposed layout is not good. He stated that the parking lot layout as proposed may cause traffic circulation conflicts, but it seems to be the best of all alternatives presented so far.

Board Member Hezner stated that he is concerned about the tight turning radius that vehicles must make after pulling away from the book drop window.

Mr. Callahan stated that the turning radiuses were calculated and should work.

Board Member Hezner stated that some of the parking spaces will require three-point vehicle movements to maneuver in and out of them. He stated that the proposed building addition does not meet the objectives of the Village and that the development of the new children's wing of the library does not address its intent to provide a conducive space for them.

Mr. Callahan stated that they will continue to meet with Village Staff in order to tweak the plan.

Board Member Cotey asked if parking spaces are lost along Church Street, could they be gained on Cook Avenue. Mr. Spoden stated that any proposal to install additional on-street parking spaces will be investigated by Staff.

Board Member Cotey stated that he does not like the service window proposal. He stated that the future parking deck will have a positive affect on the library and that there should be efforts to promote the positive relationship between the library and the parking deck. He stated that there should be a safety plan for the patrons of the library as well. He stated that the library should include parking spaces for patrons with special needs such as mothers with small children and the parking spaces should be signed accordingly.

Board Member Oakley asked if there will be any 15 minute parking restrictions on the lot. Mr. Callahan stated the library board has been discussing the time limit parking restrictions.

Board Member Oakley stated that valet parking service should be considered. He stated that the driveway exit onto Church Street should have a stop sign posted.

Chairman Moore asked the petitioner if they would like the Zoning Board of Appeals to render their vote tonight. Mr. Callahan stated that they would like for the Zoning Board of Appeals to render their recommendation tonight.

Minutes of the February 23, 2009, Zoning Board of Appeals Meeting
Page 7 of 8

Mr. Terry Weppler, 121 W. Church Street, stated that the proposed library improvements with the exit onto Church Street will have a negative impact on MainStreet activities. He stated that he objects to the removal of any of the on-street parking spaces along Church Street because many senior citizens use those parking spaces when visiting the Civic Center.

In the matter of ZBA 08-18, Board Member Hezner moved, seconded by Board Member Jaffe, to recommend the Village Board of Trustees approve a variation to reduce the minimum required Perimeter Landscaped Open Space from 25 feet to 6 feet along the Cook Avenue right-of-way property line for the building, 10 feet from the Brainerd Avenue right-of-way property line for the building and 6 feet for the reconfigured parking lot, and approximately 7 feet from the Church Street right-of-way property line for the reconfigured parking lot in order to construct a building addition to the Cook Memorial Library in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 4 - 2.

Ayes: Moore, Cotey, Jaffe, Oakley
Nays: Hezner, Robinson
Absent: Howard

In the matter of ZBA 08-19, Board Member Hezner moved, seconded by Board Member Cotey, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted number of wall signs from 1 to 2 in order to re-locate 2 quasi-public signs on the Cook Memorial Library building in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Moore, Cotey, Hezner, Jaffe, Oakley, Robinson
Nays: None
Absent: Howard

In the matter of ZBA 08-28, Board Member Hezner moved, seconded by Board Member Cotey, to recommend the Village Board of Trustees approve a variation to reduce the minimum number of parking spaces from 62 to 47 in an IB, Institutional Buildings District, in accordance with the plans submitted.

Motion failed 3 - 3.

Ayes: Moore, Cotey, Jaffe
Nays: Hezner, Oakley, Robinson
Absent: Howard

NEW BUSINESS: None.

Minutes of the February 23, 2009, Zoning Board of Appeals Meeting
Page 8 of 8

COMMUNICATIONS AND DISCUSSION:

Board Member Jaffe moved, seconded by Board Member Hezner, to adjourn the Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Meeting adjourned at 8:11 p.m.