

**DEVELOPMENT REVIEW COMMITTEE MEMORANDUM**

**VILLAGE OF LIBERTYVILLE  
COMMUNITY DEVELOPMENT DEPARTMENT  
200 EAST COOK AVENUE  
LIBERTYVILLE, ILLINOIS 60048-2090**

**FROM:** PLANNING DIVISION

**DATE:** September 22, 2022

**SUBJECT:** Development Review Committee (DRC) Reports for Cases Scheduled for Consideration on **Monday, September 26, 2022**

The DRC Meeting was held on **Monday, August 15, 2022**. DRC members present included:

David Smith	Senior Planner
Chris Sandine	Associate Planner
Heather Rowe	Economic Development Manager
David Fischer	Building Commissioner
Harrison Meyer	Senior Project Engineer
Mike Weaver	Fire Prevention Bureau

Attached herewith are the DRC Reports for the following cases:

Zoning Board of Appeals

ZBA 22-05

ZBA 22-27 and ZBA 22-28

Plan Commission

PC 22-30 and PC 22-31

**CASE NO.: ZBA 22-05, Variation for Street Frontage**

**DATE FILED:** March 11, 2022

**REQUESTED ACTION:**

**ZBA 22-05** Request is for a Variation from Zoning Code Section 26-17-5.3 in order to reduce the amount of frontage that a lot of record or zoning lot has on an improved public street located in an R-6 Single Family Residential District at 252 East Ellis Avenue a.k.a. Lot 28 in Garrison’s Subdivision.

**APPLICANT INFORMATION:**

Applicant: Wendy Antrim, Successor Trustee, William K. Willard Living Trust  
Owner: Wendy Antrim, Successor Trustee, William K. Willard Living Trust  
Agent: Jeffrey S. Braiman, Atty  
Address: 252 East Ellis Avenue a.k.a. Lot 28 in Garrison’s Subdivision.

**SITE INFORMATION:**

Location: 252 East Ellis Avenue a.k.a. Lot 28 in Garrison’s Subdivision.  
Current Zoning: R-6, Single Family Residential District  
Size: The lot is approximately 15,586 square feet.  
Surrounding Zoning:  
    *North:* R-4 and R-5, Single Family Residential District  
    *South:* R-6 Single Family Residential District  
    *West:* R-6, Single Family Residential District  
    *East:* R-4, Single Family Residential District  
Land Use Plan: Single Family Residential (SFR)  
Road Classification: East Ellis Avenue is classified as Minor Street, owned and maintained by the Village of Libertyville.  
Physical Characteristics: The site is a vacant undeveloped lot.

**STAFF ANALYSIS:**

***Background:***

The Zoning Board of Appeals may recall that the applicant, Wendy Antrim, was before them at their April 11, 2022 meeting requesting approval for a Variation from Zoning Code Section 26-17-5.3 in order to reduce the amount of frontage that a lot of record or zoning lot has on an

improved public street located in an R-6 Single Family Residential District at 252 East Ellis Avenue a.k.a. Lot 28 in Garrison's Subdivision.

During the course of the April 11<sup>th</sup> ZBA public hearing the request for this variation was continued to a future date in order to provide the applicant the opportunity to submit additional information including preliminary engineering plans for the development of the subject lot 28 and an updated tree survey.

Lot 28 is the most easterly lot on East Ellis Avenue which dead ends in front of said lot. Ellis Avenue dead ends approximately 20 feet from the east end of Lot 28. Lot 28 is approximately 112.37 feet wide along the front property line and has frontage on the paved, "improved" portion of Ellis Avenue of approximately 92 feet, with the remaining frontage of approximately 20 feet on the "unimproved" portion of Ellis Avenue. Lot 28 is part of the 47 lot Garrison's Subdivision that was platted and recorded in 1948, see attachment. Staff notes that East Ellis Avenue right of way stops at the east end of Lot 28. It does not appear to indicate an intention for East Ellis to continue to Sandstone.

Zoning Code Section 26-17-5.3(b) states that no vacant lot of record or zoning lot shall be developed with a building unless such vacant lot of record or zoning lot shall have frontage on an improved public street. Zoning Lot Frontage is defined as all of the property of a zoning lot fronting on a street measured along the front and corner side lot lines. The Village Board has the authority to grant a variation from this regulation with the limitation that no variation from said subsection 26-17-5.3(b) shall be approved which would permit the erection of a building on a vacant lot of record or a vacant zoning lot unless at least one-third (1/3) of the length of the front lot line of said lot of record or zoning lot fronts upon an improved public street. Staff notes that the improved portion of Ellis Avenue fronts at least 82% of the lot frontage of Lot 28 thus exceeding the minimum require one-third (1/3) but less than full frontage nevertheless and still requiring a variation before a building permit can be issued.

During the April 11, 2022 the Zoning Board of Appeals meeting, the ZBA requested additional information on for Lot 28 including a tree survey and preliminary engineering to determine if construction of a house on this lot would have any detrimental effect on surrounding properties. The applicant has provided an Existing Topography exhibit that includes a Tree Survey with Tree Inventory dated August 24, 2022 by Greengard Inc. and a Concept Site & Stormwater Management Plan dated September 1, 2022 by RWG Engineering, LLC. for Village Staff and Zoning Board of Appeals review and recommendation. **Staff notes that the RWG Engineering plan is a concept plan only and not intended to be a plan for permit for construction. The applicant is requested to show how the storm water management could be addressed with a future development.**

*History on Lot 27 East Ellis Avenue:*

Please note that the agent for the applicant, Mr. Braiman, has stated that the lot across the street (Lot 27 addressed as 253 E. Ellis Av.) is exactly the same as Lot 28 and is now fully developed with a single family residence. However, Lot 27 has full frontage on an improved public street. In other words, the improved paved portion of East Ellis runs across the entire frontage of Lot 27.

On October 9, 2015, DRH Cambridge Homes applied for approval of a Plat of Resubdivision for Lots 27 and Lot F located in the Garrison’s Subdivision on East Ellis Avenue and Variation to allow a single family home to be built on a residential lot having frontage on an improved public street which does not extend across the entire frontage of the lot for Lot F. Lot 27 and Lot F are next to each other located on the south side of East Ellis Avenue across the street from Lot 28.

Lot F is approximately 51 feet wide and is the very end lot and Lot 27 abuts Lot F on its western side property line. Lot 27 is approximately 70 feet wide. The petitioner requested to adjust the dividing property line that separates the two lots by moving it approximately ten (10’) feet to the west thereby creating two equally wide lots for future single family home development.

The improved paved portion of East Ellis Avenue stops short approximately halfway across Lot F. As the Zoning Code requires that no vacant lot of record or zoning lot shall be developed with a building unless such vacant lot of record or zoning lot shall have frontage on an improved public street, the petitioner sought approval of a Variation from this code requirement in order to not have to extend East Ellis Avenue any further to the east. In January 2016 the Plan Commission recommended denial for the Plat of Resubdivision and the Zoning Board of Appeals recommended denial for the street frontage variation request. The Village Board concurred with the Plan Commission and ZBA recommendations and denied the two requests by the petitioner.

In 2017 the property owner of Lot F sold it to the adjacent owners located to the east that front Sandstone Drive effectively expanding their rear yard. In 2018 the Village issued a permit for construction for a new single family residence for Lot 27 as it did have and still has full frontage on an improved paved public street. In March of 2020 a permit for use and occupancy was issued for the new single family residence located on Lot 27, 253 East Ellis Avenue.

***Regarding Current Application for Lot 28:***

Lot 28 is located in a sensitive drainage area as has been identified within the Village’s Master Stormwater Management Plan. Furthermore, development of Lot 28 will result in a net increase of impervious area in excess of 400 square feet and will require the provision of stormwater detention in accordance with the Village’s Appendix P Stormwater Management Regulations. A plan prepared by RWG Engineering, LLC has been provided as part of the Variation application submittal to demonstrate how stormwater management will be addressed upon future development of the property with consideration to these items.

Staff requested that an updated Tree Survey with Tree inventory be completed by a certified arborist and submitted with this variation petition as well. Staff notes that the applicant has provided an updated Tree Survey & Inventory updated topography dated August 24, 2022.

***Standards for Variations:***

Please note that the applicant has provided a written response to the Standards to the Variation in their application materials.

***Development Review Committee Review and Report Format:***

Staff has completed a review of the petitioner’s application and offers review comments formatted in two (2) components as follows:

1. A separate Supplemental Review Memorandum from the Development Review Committee lists review comments that Staff recommends that the petitioner address satisfactorily prior to application for any site development or building permits for construction and are not deemed to be required as conditions for the ordinances for the Variation. See attached memorandum.
2. The remaining Development Review Committee review comments are provided in this report are recommended conditions for approval to be incorporated into the Ordinance for the Variation.

**PLANNING DIVISION COMMENTS:**

1. Due to the proximity and sensitive stormwater conditions of the properties immediately east of this parcel, Staff recommends that the east side yard setback requirement be increased to not less than 40 feet for any structural or other impervious surface improvements.
2. The Zoning Code lists a number of Standards for variations to be granted. Item 26-16-8.7(g) Essential Elements of the Area states “The variation would not result in a use or development on the subject lot that: (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property or improvements permitted in the vicinity:”

To that end, at the April 11, 2022 meeting, the Zoning Board of Appeals requested a tree survey and preliminary engineering to determine if construction or a house would have a detrimental effect on surrounding properties. Village Staff has reviewed the tree survey and the preliminary engineering plan and find that a house can be built on the lot and meet engineering and tree requirements.

**ENGINEERING DIVISION COMMENTS:**

1. A *Concept Site & Stormwater Management Plan* prepared by RWG Engineering, LLC, dated 9/1/22, has been provided for the site. Staff acknowledges that the plan demonstrates the provision of adequate stormwater detention volume in accordance with the Village’s Appendix P Stormwater Management Regulations.
2. In conjunction with comment #4 from the review letter provided by the Village’s stormwater review consultant Kimley Horn, dated 9/13/22, and with consideration to the sensitive drainage conditions around this property, staff also has concerns about the long-term maintenance and observability of the proposed ‘dry well’ detention system. As designed, the system consists of a large bed of buried stone which is wrapped in fabric, and the required detention storage is to be provided within the void space of the stone. While this is a standard and allowable practice,

it would be staff's preference to implement a system that better provides for the ability for future observations and maintenance access to ensure proper functionality. The current design would not allow for any means of determining if the system is properly storing water and emptying out after storm events. Staff would recommend an alternative system design, such as a combination of stone and perforated pipe or arc chambers, which would allow for the provision of inspection ports and maintenance access.

3. It is acknowledged that the direction of overland flow routes through the property appear to be properly maintained with the proposed design. In the existing conditions, the property generally slopes from the SW corner towards the NE corner with approximately 4 feet of elevation difference. Runoff from the existing site generally drains off the NE corner towards a drainage structure just off the property, and the proposed design is intending to maintain this path for any overflows leaving the detention system.
4. Staff is aware of concerns from neighboring residents regarding sanitary sewer surcharge events that have occurred along E. Ellis Avenue. It has been identified that these surcharging issues are related to "inflow and infiltration" within the system, which refers to stormwater runoff entering a sanitary system that is not intended or sized to handle these flows. Often times this runoff is caused by items such as improper connections of downspouts or sump pumps to the sanitary system, or by the infiltration of groundwater into the system through cracks or joints along the sanitary sewers. The proposed design is showing all proper connections for sanitary and stormwater discharges from this property, so staff does not have concerns that the proposed development would have adverse impacts on the sanitary surcharging events that have been experienced in this area.
5. The proposed design appears to provide a minimum 20-ft setback from the east property line to the proposed stormwater detention, including the outlet control structure, which is in keeping with staff recommendations in the previous DRC Report. It will be a condition of approval for the variation that, prior to permit issuance, a minimum 20-ft setback shall be provided for all stormwater management system improvements, except for encroachments allowable in the determination of the Village Engineer, where such improvements are deemed beneficial for the purpose of stormwater management.
6. It was noted that this parcel had potential existing wetlands in the rear of the property. On November 27, 2017, the Lake County Stormwater Management Commission provided email correspondence that stated they were unable "*to issue a Letter of No Impact for Lots 28-30 due to the possible presence of wetland/waterway on these lots. The out-of-growing-season conditions and topography of these lots made it difficult for SMC to conclusively rule out the presence of wetlands/waterways.*" The potential for existing wetlands and any associated permit requirements and approvals would need to be further addressed should development of the property be pursued.

**The above comment was provided in previous DRC Reports related to this application. No response has been provided to date, so the comment remains for reference.**

7. Prior to permit issuance, the Applicant shall address additional review comments provided within the separate review letter provided by the Village's Watershed Development Ordinance Enforcement Officer, Scott Griffith with Kimley Horn, dated 9/13/22, as well as those summarized in the Village's Supplemental Review Memorandum dated 9/20/22.

**BUILDING DIVISION COMMENTS:**

1. Removal of trees will require tree replacement in accordance with the Village's Tree Preservation Ordinance. While the documents submitted do not include a tree preservation plan or indicate the proposed tree removals, staff has estimated that trees identified with tag numbers 6 through 24 would need to be removed for the proposed project. In accordance with Village procedures at the time of permit application submittal, the Village Arborist will visit the site to confirm the tree survey information; and Building Division will enforce the required tree replacement based on the Village Arborist report. Using the tree survey information in the document submittal, staff has calculated that 9 replacement trees would be required for the estimated 19 tree removals. Ten (10) of these removals would not be protected according to the ordinance provisions because the tree survey indicates the species is in Group D, the size is too small, or the tree is in dead condition.

**STAFF RECOMMENDATION -- PRIOR TO PUBLIC HEARING:**

Regarding **ZBA 22-05**, Staff recommends **APPROVAL** for a Variation from Zoning Code Section 26-17-5.3 in order to reduce the amount of frontage that a lot of record or zoning lot has on an improved public street from 100% to approximately 82% located in an R-6 Single Family Residential District at 252 East Ellis Avenue a.k.a. Lot 28 in Garrison's Subdivision subject to the following conditions:

1. That no future structure or impervious surface improvements shall be located closer than 40 feet from the east side property line.
2. That any future development on this lot shall comply with the Village's Tree Preservation ordinance by replacing trees as required by the ordinance.
3. The potential for existing wetlands and any associated permits or approvals shall be addressed in accordance with Lake County Stormwater Management Commission requirements prior to permit issuance.
4. An engineering plan for the site shall be submitted that provides for a minimum 20-ft setback for all stormwater management system improvements, except for encroachments allowable in the determination of the Village Engineer, where such improvements are deemed beneficial for the purpose of stormwater management prior to permit issuance.
5. An engineering plan for the site shall be provided that includes a detention system design that provides for adequate means of observation and maintenance, in the determination of the Village Engineer prior to permit issuance.

<b>CASE NO.:</b>	<b>PC 22-30</b>	<b>Special Use Permit</b>
	<b>PC 22-31</b>	<b>Site Plan Permit</b>
	<b>ZBA 22-27</b>	<b>Variation for Parking Setback</b>
	<b>ZBA 22-28</b>	<b>Variation for Parking Space Number</b>

**DATE FILED:** July 8, 2022

**REQUESTED ACTIONS:**

**PC 22-30** Request is for a Special Use Permit for a Warehousing and Storage facility for property located in an I-3 General Industrial District at 410 East Church.

**PC 22-31** Request is for a Site Plan Permit for a Warehousing and Storage facility for property located in an I-3 General Industrial District at 410 East Church.

**ZBA 22-27** Request is for a Variation to reduce the minimum required setback for accessory parking for property located in the I-3 General Industrial District at 410 East Church.

**ZBA 22-28** Request is for a Variation to reduce the minimum required number of parking spaces for property located in the I-3 General Industrial District at 410 East Church.

**APPLICANT INFORMATION:**

Applicant:	Dmitriy Prigorenko and Marina Snopova AMZ Supply
Owner:	Foulds Properties LLC
Agent:	Alena Jotkus, Esq., Shvartsman Law Offices
Address:	410 East Church St.

**SITE INFORMATION:**

Location:	410 East Church Street
Current Zoning:	I-3 General Industrial District
Size:	The subject site is approximately 34,014 square feet.
Surrounding Zoning:	
<i>North:</i>	I-3 General Industrial District
<i>South:</i>	R-7 Single Family Attached Residential District
<i>West:</i>	I-3 General Industrial District
<i>East:</i>	R-8 Multiple Family Residential District
Land Use Plan:	Traditional Downtown Mixed-Use (TDMU)



Road Classification: Church Street and Second Street are classified as Minor Streets, owned and maintained by the Village of Libertyville.

Physical

Characteristics: The site is currently improved with 2 story brick building.

**STAFF ANALYSIS:**

***Background:***

The applicant, AMZ Supply, is seeking approval for a Special Use Permit, Site Plan Permit and variations to reduce the minimum required setback for parking and the minimum required number of parking spaces in order to occupy and space located at 410 East Church Street and operate a warehousing and distribution facility. The property is located in the I-3 General Industrial District. The subject warehouse building was initially constructed in the 1960's and has had a variety of tenants over the years mainly the Foulds macaroni factory had used it for their warehousing purposes.

AMZ Supply is a shipping, packaging, medical and safety supplies company. Operations include the warehousing and distribution of materials. They do not manufacture on site and customers do not come to the site. They have up to four (4) employees on site and have hours of operation Monday thru Friday from 8am to 6pm and Saturdays from 8am to 1pm. The distribution activity includes UPS daily pick-up/deliveries and semi-truck twice weekly pick-up/deliveries.

Warehousing is listed as a Special Permitted Use in the I-3 General Industrial District. Therefore in order to allow AMZ Supply to have occupancy they must be granted a Special Use Permit.

The subject property is located at the northeast corner of East Church Street and Second Street in a single story building that has approximately 25,170 square feet in floor area. Immediately to the east is the Foulds macaroni factory building which is currently vacant. The property owner for both the Foulds building located at 520 East Church Street and the subject warehouse building at 410 East Church Street is leasing approximately 34,014 square feet of land area to AMZ Supply. Due to the leased land area, the applicant is forced to reconfigure their parking area striping. The change to the parking lot striping and the reduction of the truck docks from three to one shall require the approval of a Site Plan Permit.

The size of the warehouse building shall require 23 parking spaces. The applicant has provided a 19 parking spaces and therefore shall require the approval for a variation to reduce the minimum required number of parking spaces. Staff notes that the applicant has indicated that they will not need more than four (4) parking spaces for employees. Staff supports the variation to reduce the number of parking spaces.

The restriping of the parking area places spaces approximately 3 feet from the eastern property line. The Zoning Code requires a minimum of five (5) feet setback for parking from all property lines. Staff supports the setback encroachment from the eastern property line but recommends that

the site plan be revised to stripe out the southernmost parking space that abuts Church Street right of way property line. This will reduce the parking space count to 18 but still sufficient to accommodate this land use.

The architect has drafted two site plan options on behalf of AMZ Supply for the property located at 410 East Church, Libertyville.

The plan sheet by Bleck & Bleck Architects dated September 8, 2022 includes:

Option 1. Parking Plan – Restripe.

Option 2. Parking Plan – Alternate B – Land Banked Parking.

The applicant is requesting review and recommendation for Option 1. Parking Plan – Restripe.

Option 2 which is the Alternate B plan was drafted to show land banked parking only as a case study in the event if the land to the north of the subject building would become available to the applicant. At this point in time the additional land area is not available. The Plan Commission and Zoning Board of Appeals is requested to review and make a recommendation only on Option 1 Parking Plan – Restripe.

Staff has completed a review of the petitioner’s application and offers review comments.

**BUILDING DIVISION COMMENTS:**

The following will be required at the time of building permit application:

1. Provide complete building permit documents prior to building permit review. Show compliance with all applicable Libertyville codes including ICC, NEC, IL Plbg Code, IL Accessibility Code, and Lib Muni Code(LMC).
2. Provide occupancy calculations based on sq ft area, bathroom fixtures per IL Plbg Code, and exit capacity and indicate how the most restrictive shall comply. The single toilet room limits the maximum building occupant load to a maximum of five (5) employees on site at any one time; and the property owner and tenant shall provide a signed letter guaranteeing compliance.
3. The accessible parking space (in the NE corner of bldg) shall be relocated as close as possible to the only existing accessible entrance/exit which is located at the SW corner of the building.
4. Provide 44” min width between racks for aisles.

**FIRE DEPARTMENT COMMENTS:**

The following will be required at the time of building permit application:

1. Provide sprinkler shop drawings for the new racking or a letter from a licensed contractor stating that the existing system is adequate for the new storage configuration and commodity classification(s).
2. Provide shop drawings from a licensed fire alarm company to make the fire alarm system compliant with the new configuration of the space.

3. Provide exit signage that can be seen from the aisles created by the new racking.
4. Fire extinguishers are required within 75 feet of travel distance from any point in the space. Ensure the new configuration does not create extended travel distance(s) to fire extinguishers. Note that extinguishers shall be minimum 10 pounds, type ABC, have a current service tag, and be permanently mounted with a 3D sign above at 80” AFF.
5. Illuminated exit signs required at ends of each racking aisle and leading all the way to every exit door.
6. Emergency lights to illuminate all means of egress at min 1 footcandle all the way to every exit door throughout.
7. Emergency and exit lights required in toilet room.
8. Emergency lights required outside exit doors.
9. Emergency light to shine on electrical panel.

**PLANNING DIVISION COMMENTS:**

This comment shall be addressed prior to the issuance of a Certificate of Occupancy.

1. Staff recommends that the site plan be revised to stripe out the southernmost parking space that abuts Church Street right of way property line.
2. Any outdoor trash dumpsters shall be screened in accordance with the Zoning Code regulations.

**STAFF RECOMMENDATION -- PRIOR TO PUBLIC HEARING:**

Regarding **PC 22-30**, Staff recommends **APPROVAL** for a Special Use Permit for a Warehousing and Storage facility for property located in an I-3 General Industrial District at 410 East Church.

Regarding **PC 22-31**, Staff recommends **APPROVAL** for a Site Plan Permit for a Warehousing and Storage facility for property located in an I-3 General Industrial District at 410 East Church subject to the following condition.

1. Revise the site plan to stripe out the southernmost parking space that abuts Church Street right of way property line prior to the issuance of a Certificate of Occupancy.

Regarding **ZBA 22-27**, Staff recommends **APPROVAL** for a Variation to reduce the minimum required setback for accessory parking from 5 feet to approximately 3 feet from the east side property line for property located in the I-3 General Industrial District at 410 East Church.

Regarding **ZBA 22-28**, Staff recommends **APPROVAL** for a Variation to reduce the minimum required number of parking spaces from 23 to 18 for property located in the I-3 General Industrial District at 410 East Church.