

MINUTES OF THE PLAN COMMISSION
June 13, 2022

The regular meeting of the Plan Commission was called to order by Temporary Chairman Eric Steffe at 7:09 p.m. at the Village Hall.

Commissioner Oakley moved, seconded by Commissioner Rankin, to appoint Commissioner Steffe as Temporary Chairman of the Plan Commission in Chairman Mark Moore's absence.

Motion carried 4 - 0.

Members present: Temporary Chairman Eric Steffe, Walter Oakley, Richard Pyter, and Thomas Rankin.

Members absent: Chairman Mark Moore, Amy Flores, and Gregory Wheeler.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development, and David Smith, Senior Planner.

Others present: Brooke Lenneman, Village Attorney.

Commissioner Oakley moved, seconded by Commissioner Pyter, to approve the May 23, 2022, Plan Commission meeting minutes.

Motion carried 4 - 0.

OLD BUSINESS:

**PC 22-09 Community Partners for Affordable Housing, Applicant
500 Peterson Road**

Request is for a Special Use Permit for a Planned Development in order to develop a mixed-use building with office on the first floor and residential on the second and third floor of a three story building located in the C-3 General Commercial District.

**PC 22-04 Community Partners for Affordable Housing, Applicant
500 Peterson Road**

Request is for a Planned Development Concept Plan in order to develop a mixed-use building with office on the first floor and residential on the second and third floor of a three story building located in the C-3 General Commercial District.

**PC 22-05 Community Partners for Affordable Housing, Applicant
500 Peterson Road**

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Request is for a Special Use Permit for dwellings on the second and third floor containing commercial (office) use on the first floor in order to develop a mixed-use building with office on the first floor and residential on the second and third floor of a three story building located in the C-3 General Commercial District.

PC 22-06 Community Partners for Affordable Housing, Applicant
500 Peterson Road

Request is for a Special Use Permit for a Senior Citizen Housing Development in order to develop a mixed-use building with office on the first floor and residential on the second and third floor of a three story building located in the C-3 General Commercial District.

The applicant requested that these items be continued to the Monday, July 11, 2022, Plan Commission meeting.

In the matters of PC 22-09, PC 22-04, PC 22-05, and PC 22-06, Commissioner Oakley moved, seconded by Commissioner Pyter, to continue these items to the July 11, 2022, Plan Commission meeting.

Motion carried 4 - 0.

Ayes: Steffe, Oakley, Pyter, Rankin

Nays: None

Absent: Moore, Flores, Wheeler

NEW BUSINESS:

PC 22-18 Andrew Nast, Brick & Mortar, Applicant
416 N. Milwaukee Avenue

Request is for a Text Amendment to Sections 26-2-2 and 26-5-2 of the Libertyville Zoning Code regarding Lessors of Nonresidential Buildings (except Miniwarehouses) limited to a Shared Workspace Provision as a Special Permit Use in the C-1 Downtown Core Commercial District.

PC 22-19 Andrew Nast, Brick & Mortar, Applicant
416 N. Milwaukee Avenue

Request is for a Special Use Permit for Lessors of Nonresidential Buildings (except Miniwarehouses) limited to a Shared Workspace Provision for property located in the C-1 Downtown Core Commercial District.

Mr. John Spoden, Director of Community Development, introduced the request for Text Amendment and Special Use Permit. He stated that the applicant, Brick & Mortar, was previously in front of the Zoning Board of Appeals requesting variations from the Zoning Code Section 26-

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5-2.4(c) that limits certain land uses from occupying more than 25% of the first floor area and from occupying the front thirty five (35) feet of any first floor space within a building with street frontage on Milwaukee Avenue within the C-1 district. He stated that the Village Board denied these variation requests. He stated that the applicant is back before the Plan Commission seeking a Text Amendment to Sections 26-2-2 and 26-5-2 of the Libertyville Zoning Code regarding Lessors of Nonresidential Buildings (except Miniwarehouses) limited to a Shared Workspace Provision as a Special Permit Use in the C-1 Downtown Core Commercial District and a Special Use Permit for Lessors of Nonresidential Buildings (except Miniwarehouses) limited to a Shared Workspace Provision for property located in the C-1 Downtown Core Commercial District.

Mr. Andrew Nast, applicant representing Brick & Mortar, stated that their proposal as a shared workspace provider will serve a niche market much like a boutique hotel would in certain areas. He stated that the floor area of the subject site suits their needs very well. He stated that they will make the subject site a very beautiful office space and that it has plenty of parking. Mr. Nast listed the other Brick & Mortar locations that include Deerfield, Arlington Heights, LaGrange, etc.

Mr. Mark Anderson, 1132 Kristin Drive, stated that the applicant should work within the existing Code and not apply for the Text Amendment. He stated that he is concerned that the downtown will turn into too many offices. He stated that he is concerned that the subject site is dead center in the downtown area. He stated that once the subject site becomes office that it will be too difficult to turn it back into retail. He stated that the applicant will create long term lease agreements with future office type uses for the subject space.

Mr. Nast, stated that 34 spaces are provided for this subject tenant space. He stated that currently the subject empty building is a void in the center of downtown Libertyville and they are proposing to make a substantial investment into the building space and make it attractive. He stated that their proposal will benefit the downtown. He stated that their business model requires client membership with the expectation that there will be recurring rollover of client membership.

Mr. M.J. Seiler, 1765 River Birch Way, stated that he opposes the application by the petitioner. He stated that he has owned and co-owned a number of businesses and buildings in the Village of Libertyville. He stated that he co-authored the 10% rule and the current regulation for use limitations in the C-1 Downtown Core Commercial District. He stated that the success of the downtown has been due largely to the partnership between the Village, MainStreet, and the residents. He stated that if the applicant's request is approved it will be a 20 year setback. He stated that the current ordinance that regulates use limitations in the C-1 District has been success. He stated that he is concerned about the impact that this will have on the downtown.

Mr. Nast stated that the I-Phone and Facebook did not exist 20 years ago and it is hard to imagine what will exist 20 years in the future.

Mr. Ben Lovinger, 512 East Sunnyside Avenue, stated that he is the owner of 536-542 North Milwaukee Avenue. He stated that the proposed application will set the Village of Libertyville back. He stated that the first floor in a building fronting Milwaukee Avenue is not a good location for the proposed shared workspace occupant. He stated that he is opposed to the application.

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Mr. Nast stated that the economic model for their type of business will help to make the downtown successful.

Mr. Dan Timm, 15555 West Timber Lane, stated that the downtown should be a retail and community center. He stated that the Zoning Code 10% rule is structured so that there is a preference for retail in the downtown. He stated that he is concerned about a precedent being set by allowing Brick & Mortar in the downtown first floor space fronting Milwaukee Avenue.

Mr. Nast stated that they are proficient at making attractive spaces in downtown areas. He stated that if a competitor such as another shared space company wanted to come in to the downtown then it would demonstrate that Brick & Mortar is successful.

Mr. Elliot Khayat, representative of the building located at 416 N. Milwaukee Avenue, stated that Brick & Mortar will provide support to the surrounding restaurants and will provide a new aspect to the tenant mix in the downtown.

Mr. Anderson stated that the Brick & Mortar business model is not good for the Village of Libertyville downtown. He stated that the application is being presented with a short term view and is not realistic. He stated that he visited the Park Ridge, Illinois, Brick & Mortar branch location and noted that there are tenants there that are renting for the long term with no turnover.

Mr. Nast stated that they are projecting to bring in over 600 people from outside of the Village of Libertyville corporate limits into the downtown.

Mr. Lovinger stated that he is concerned about the disposition of the existing parking availability in the downtown. He stated that the Village should consider relaxing some of its parking regulations.

Commissioner Pyter stated that he is concerned about the precedent that would be created. He stated that he is concerned about the lack of parking in the downtown. He stated that if the petitioner is anticipating 60 people per day that will use the Brick & Mortar space then it will displace parking availability for others. He stated that the existing building has no character. He asked if this proposed use will generate sales tax. Mr. Nast stated that there will be snacks and swag (*promotional products that many businesses use to promote their brand*) sales at the proposed location.

Commissioner Pyter stated that the Comprehensive Plan does not contemplate this type of land use in the downtown area without the stipulated Zoning Code use limitations. He stated that the proposed Text Amendment will have a lasting impact on the Village.

Commissioner Rankin stated that he is impressed with the Brick & Mortar business model but the proposed location is not the right location for this type of land use. He stated that he is not concerned about the parking issue.

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Commissioner Oakley stated that the Village overcame a lot of commercial tenancy problems in the downtown since the early 1990's because of the regulations that imposes certain non-retail land use limitations. He stated that the 2017 T.O.D. plan also supports and encourages better downtown pedestrian traffic in the downtown area.

Temporary Chairman Steffe stated that the proposed land use is a good business model but 416 N. Milwaukee Avenue is a bad location for this type of land use. He stated that he loves the concept but not at the proposed location.

Temporary Chairman Steffe asked the petitioner if they are ready for the Plan Commission to make their recommendation on the requested zoning actions. Mr. Nast stated that they are ready for the Plan Commission to render their recommendations.

In the matter of PC 22-18, Commissioner Oakley moved, seconded by Commissioner Pyter, to recommend that the Village Board of Trustees approve a Text Amendment to Sections 26-2-2 and 26-5-2 of the Libertyville Zoning Code regarding Lessors of Nonresidential Buildings (except Miniwarehouses) limited to a Shared Workspace Provision as a Special Permit Use in the C-1 Downtown Core Commercial District.

Motion failed 1 - 3.

Ayes: Steffe
Nays: Oakley, Pyter, Rankin
Absent: Moore, Flores, Wheeler

In the matter of PC 22-19, Commissioner Rankin moved, seconded by Commissioner Pyter, to recommend that the Village Board of Trustees approve a Special Use Permit for Lessors of Nonresidential Buildings (except Miniwarehouses) limited to a Shared Workspace Provision for property located in the C-1 Downtown Core Commercial District, in accordance with the plans submitted.

Motion failed 1 - 3.

Ayes: Steffe
Nays: Oakley, Pyter, Rankin
Absent: Moore, Flores, Wheeler

STAFF COMMUNICATIONS AND DISCUSSION:

Commissioner Pyter moved, seconded by Commissioner Oakley, to adjourn the Plan Commission meeting.

Motion carried 4 - 0.

Meeting adjourned at 8:12 p.m.