

Development Site: 725-747 North Milwaukee Avenue / 126-140 Lake Street
Applicant: Libertyville Land LLC

**VILLAGE OF LIBERTYVILLE
LAND USE APPLICATION
PLANNED DEVELOPMENT + SPECIAL USE**

PROJECT NARRATIVE

The Applicant – *Libertyville Land LLC*, is seeking a *Planned Development*¹, in conjunction with two *Special Use Permits*², which – if approved, will allow for the construction and occupancy of a new multi-unit/multi-family residential building with accessory improvements to be located at the property commonly known as and comprising 725-747 North Milwaukee Avenue / 126-140 Lake Street, Libertyville, Illinois (“subject property” or “site”). The subject property is generally bounded by Brainerd Avenue (west), Lake Street (south), Milwaukee Avenue (east) and the Libertyville Metra Station (north). Accordingly, the new proposed building will encompass the northeast corner / intersection of Lake & Brainerd.

The subject property carries a *C-1 Downtown Core Commercial District* classification yet is situated outside of the *Libertyville Historic District*.

The subject property represents and is comprised of 96,062 square feet of total “Site Area”, which is to be sub-divided into individual Parcels A, B, and C, as further described herein. Parcel A (67,641 square feet) will most generally and relevantly involve the proposed new multi-unit residential development, the principal building (with underground garage) for which will represent approximately 137,000 square feet of total floor area.³ Parcel B (14,041 square feet) will be held and maintained for a future phase of development, not included in the current proposal. Parcel C (14,380 square feet) will serve as a new internal drive, with parallel surface parking, that will functionally connect the development site to Milwaukee Avenue, while providing unencumbered vehicular access and circulation through and around the site. **[The Applicant will be reusing the existing access point/curb-cut off of Milwaukee Avenue, but restricting movements in and out of the same in an effort to improve traffic conditions at and around the site.]*

¹ The current C-1 zoning designation establishes generalized *Bulk & Density Standards* controlling standard developments. The Libertyville Zoning Code provides for supplemental *Planned Development* review and approval, to allow the relaxation of otherwise substantive standards and limitations, so to encourage and permit more significant developments. The proposed development contemplates moderated deviations to the following *B&D Standards*: density (minimum lot area per unit), height, off-street parking and loading.

² The current C-1 zoning designation allows for *residential* developments – by right, when such development is anchored by a *commercial* use (on the ground floor), while “all residential” developments are allowed pursuant to a *Special Use Permit*. Furthermore, no “use” located in the *C-1 Downtown Core Commercial District* is permitted to occupy more than 10,000 square feet of any building, without obtaining a *Special Use* permit.

³ The allowable FAR for the C-1 zoning district is 3.0. The new building, as designed, has an FAR of +/- 2.0, less than the maximum allowed. The Applicant is seeking a *Special Use* permit to allow for the *residential use* to occupy more than 10,000 square feet of floor area within the new proposed four-story multi-family building.

The programming for the proposed development calls for the erection of a new four-story building, with an underground (lower level) parking garage below grade. The building, as rendered, will measure 62 feet in height (*to the top of the rooftop access stair structure*). Due to significant grading inconsistencies affecting the site, the building will “appear” lower along the south side (Lake Street), in consideration of the closest residential improvements.

The new building will be primarily rendered in masonry, with a reinforced concrete foundation and steel column-beam supports at the lower parking level. The above-grade floors will be supported by non-combustible load bearing exterior walls, along with load bearing wood stud interior walls, and wood truss floor/ceiling assemblies. The 4th floor will be rendered in a mansard style, with dormers and a metal standing seam to reflect the traditional character of the neighborhood.

As already briefly described, the new building will introduce a total of ninety-one (91) new rental housing units into the community. The 1st floor will contain twenty-three (23) units, with the 2nd and 3rd floors each containing twenty-four (24) units – as represented by a mix of one-bedroom and two-bedroom units, all with private balconies.⁴ The 4th floor is conscientiously inset five feet (5’-0”) from the lower floors, with a standing seam mansard roof style. The 4th floor⁵ will contain twenty (20) units - similarly representing a mix of one-bedroom and two-bedroom units, all with private walkout terraces. The units will range in size according to functionality and modality – averaged and anticipated, as follows: one-bedroom units at 720 square feet; two-bedroom units at 1,050 square feet and two-bedroom plus den units at 1,200 square feet.

Accessory features of the proposed new development include new surface parking lots along the north end of the site, in addition to an internal garage below the building. The lower-level garage⁶ contains a total of eighty-five vehicular parking spaces, with two ADA spaces (with access aisle). Secured parking and designated storage for at least twenty-eight bicycles will also be provided within the lower level. The garage is accessed by two interior stairs, as well as by two elevators, which similarly serve every upper floor of the building. Exterior doors provide direct pedestrian access to the outside from the garage, flanking three overhead garage doors for vehicular access. The outdoor parking lots will boast an additional thirty and eighteen vehicular spaces, respectively, with low-emission affixed lighting to enhance the safety and for the convenience of residents and pedestrians. In sum, therefore, the new development will offer off-street parking accommodations for at least 115 vehicles (1.26 ratio),⁷ with the interior parking specifically reserved for residents and the outdoor parking retained for visitors and unanticipated tenant over-flow/demand.

⁴ 1st-3rd Floors = 27,100 gross square feet per floor (footprint).

⁵ 4th Floor = 20,500 gross square feet (footprint).

⁶ Below ground garage = 35,200 gross square feet

⁷ Additional parking data tracked for other of the Applicant’s comparable suburban developments is available upon request and further set forth in the corresponding *Special Use Standards*. In sum, all such occupied and operating developments yield an average parking utilization ratio of at or LESS than one to one (1:1).

Utilities, including a designated electrical and water room are located at the lower level, as well as a trash & recycling center for residents.

The afore-mentioned “internal drive” will bisect the site – laterally (east-west) at the north end, with access and circulation to the west from Milwaukee Avenue and to the east through the internal surface parking on to Brainerd Avenue. A secondary outlet will extend to the north, providing access to the Metra parking lot. The programming for the new residential complex also calls for the provision of an off-street u-shaped loading zone at the front of the building – directly accessible from Brainerd Avenue, which is intended and designed to accommodate rideshare and delivery drop-off and pickup for residents of the new development and their guests.⁸

A new outdoor courtyard space will also be introduced at the front of the building, providing a communal oasis for residents and enriching the pedestrian experience along Brainerd Avenue. Of additional attraction and relevance, a new landscaped pedestrian path will be installed along the east side of the building, running the entire length of the site, thereby providing a safer pedestrian route from Lake Street to the Metra Station that may be enjoyed by tenants of the building and other local residents and visitors, alike. Accordingly, above and beyond the physical improvements, the new development will feature over 18,500 square feet of functional and ornamental “open space”.

The Applicant – *Libertyville Land LLC*, is under contract to purchase the property, with the intent and desire to introduce transit- served multi-family housing amongst Libertyville’s historic single-family dominated neighborhoods and within immediate proximity to the Metra train station and the bustling downtown commercial corridor, thereby expanding the footprint and accessibility of downtown Libertyville. Working in tandem with and represented by - *Space Architects & Planners* (Architects & Designers) and *Gozdecki, Del Guidice, Americus & Brocato LLP* (Zoning & Land Use Counsel), the Applicant strives to provide a new development that conforms to and compliments the well-established character of Libertyville, striking a delicate balance between old-world charm and moderated modern enhancements, as a meaningful modulation between the traditional residential neighborhoods comprising the Historic District and the evolving core Commercial Corridor along Milwaukee Avenue.

⁸ *A professional “Traffic Impact Study” has been completed for the new development to consider potential effects the development may have on the existing traffic conditions. Such *Study* is part of the public record for this Land Use Application.

The Applicant and their Development Team spent well over a year at the drawing board, with and in comparison, going feedback from community representatives and stakeholders, creating the programming for the new proposed development, with incredible deference and attention given to scale (height & massing), circulation, density, and materiality – especially as it relates and in comparison to other recent and anticipated developments in the immediate area, so to mitigate any even incidental or perceived undesired impact on the existing framework of the neighborhood and to maximize the broader reaching community benefits being delivered with construction and occupancy of the project. Accordingly, and in furtherance of these collaborative and community-driven efforts, the *Libertyville Committee of the Whole* has been informed of the project and has expressed conditional support for the development and corresponding zoning relief required to permit the same.

STANDARDS FOR PLANNED DEVELOPMENTS

16-13.5 Standards for Planned Development Approval.

- a. Special Use Permit Standards. No special use permit for a planned development shall be recommended or granted pursuant to this Section 16-13 unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special permit uses pursuant to Section 16-9 of this Code.

Response: The proposed new development satisfies and conforms to all of the standards for a *Special Use* (§ 16-9), as further set forth and explained herein and in the accompanying *Standards for Special Use* exhibit.

By way of additional relevant note, the Applicant is seeking *Special Use* permits (i) for *Planned Development* (Concept/Final); (ii) to allow residential use on the ground floor in the C-1 Downtown Core Commercial District; and (iii) to allow for a “land use” that exceeds 10,000 square feet of floor area in/for a new proposed for-story multi-family *residential* building located in the C-1 Downtown Core Commercial District.

- b. Additional Standards for All Planned Developments. No special use permit for a planned development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:

- 1) *Unified Ownership Required.* The entire property proposed for planned development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any lot shall be deemed a violation as to all owners and all lots.

Response: Title to the subject property is currently held by *Suydam Limited Partnership* (“Property Owner” or “Seller”). The Applicant – *Libertyville Land LLC*, is under contract to purchase the subject property, which such contract is contingent on approval of this proposed *Planned Development* and corresponding *Special Uses*, by the Village Board of Libertyville and all other recommending bodies. If approved, the Applicant (and its respective “Owners/Members”) and/or a subsidiary permitting entity (comprised of the same “Owners/Members”) will wholly own and control the subject property and will maintain complete control and oversight on all matters related to the effectuation of the proposed new development.

The Applicant is proceeding with the subject petition(s) with the express and informed written consent of the current Property Owner.

- 2) Minimum Area. The district regulations of this Code establishing standards for particular types of planned development specify the minimum area required for planned developments (See Table 16-1). In addition to meeting that specific standard, the applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned developments may be established pursuant to this Section 16-13.

Response: The subject property contains and comprises 96,069 square feet of total lot area.¹ The zoning classification for the subject property is C-1 Downtown Core Commercial District. The subject property [and the Development Site] exceed(s) the” Minimum Lot Area” - of 20,000, for a Planned Development in the C-1 Zoning District, as set forth in Table 5.1 of the Zoning Ordinance.

- 3) Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.

Response: The Applicant has no present intent to execute any covenants, deed restrictions, easements or other similar restrictive land use agreements in furtherance of or in connection with the proposed development. If, however, this intent or necessity changes prior or subsequent to a final determination on the pending and corresponding petition(s), then the Applicant will properly advise the Village and draft and execute any such agreements in full compliance with the applicable rules and procedures adopted by the Village Board and its Trustees.

- 4) Public Open Space and Contributions. Whenever the Official Comprehensive Plan or Official Map indicates that development of a planned development will create a need for land for public purposes within the proposed planned development, the Board of Trustees may require that such area be designated and, to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the Village or other appropriate government for such use. In addition, the Board of Trustees may require evidence that all requirements of Village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned development, whether or not such proposed development would be otherwise subject to such ordinances.

¹ The “Development Site” – comprised of Parcel A and Parcel C, contains 75,305 square feet of total and combined lot area.

Public Open Space and Contributions (continued).

Response: Not applicable. As prescribed in the Official Comprehensive Plan and pursuant to the uses and allowances codified for the C-1 District, the Applicant is not presently aware of any need or desire to have a any portion of the subject property [*Development Site*] dedicated for public use.

5) Common Open Space.

i) Amount, Location, and Use. The failure of a planned development to provide common open space as follows:

<u>Amount of Open Space Districts</u>	<u>(Percent of Total Area)</u>
All Residential	30
All Commercial, and Office	15
IB Institutional Buildings	20
All Industrial	10

shall be considered to be an indication that it has not satisfied the objectives for which planned developments may be approved pursuant to this Code. When common open space is provided in a planned development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the Final Plan as appropriate to the intended leisure and recreational uses for which such open space is intended.

Response: The proposed new development is yielding over 18,500 square feet of *open space* (on and between Parcels A & C), which meets and exceeds all applicable and minimum standards for the amount, location and use of *open space*, for the C-1 District, as set forth in the Zoning Ordinance.

ii) Preservation. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved Final Plan. The restrictions must be permanent and not for a given period of years and must run with the land.

Response: Noted. The Applicant will maintain ongoing compliance with this standard, accordingly.

- iii) Ownership and Maintenance. The Final Plan shall include such provisions for the ownership and maintenance of common open space, including all improvements thereto, as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with pre-determined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned development or the Village.

Response: The Applicant will be establishing and registering a separate ownership entity that will be wholly responsible for and control the proposed new development at and after the time of occupancy. The newly formed entity will be wholly owned by the Applicant. The Applicant will also be contracting with a reputable and experienced real estate company, which will be the full-time and permanent leasing agent for the proposed new development. Together, the afore-identified parties will establish and adopt a “Plan of Operation” that will specifically recognize the duties of such parties and will mandate procedures and protocol for the ongoing management of the development – including as it relates to all interior and exterior (*open space*) areas within and comprising the Development Site. As part of this initiative, the Applicant – by and through its respective and associated agents, will employ a full-time licensed and bonded building and grounds maintenance technician, and will contract with additional professionals in the landscaping and green space industry to ensure the ongoing inspection, maintenance and care of all *open space* within this planned development.

- iv) Property Owners’ Association. When the requirements of Section 16-13.5.b.5.iii are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners’ association, such association shall meet each of the following standards:
- a) the by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded must be approved as part of the Final Plan prior to becoming effective;
 - b) the by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded shall each provide that it shall not be amended without the prior written consent of the Board of Trustees;
 - c) the association must be established and all covenants and restrictions must be recorded prior to the sale of any property within the area of the planned development designated to have use of the proposed open space or improvements;

- d) the association must be responsible for property and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it;
- e) membership in the association must be mandatory for each property owner and any successive owner having a right to the use, enjoyment or benefit of such open space or improvements;
- f) every property owner having a right to the use, enjoyment or benefit of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois;
- g) the association must have the right to adjust the assessment to meet changed needs by a membership vote of not more than a majority of the members voting on the issue;
- h) the Village must be given the right to enforce the declarations, covenants, and restrictions; and
- i) the Village must be given the right, after ten (10) days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment and, for this purpose alone, all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

Response: The proposed new *residential* development is intended to operate as a “rental” building, with ninety-one (91) “apartments” that will be available on the open market to lease, by and through the Applicant’s Property Management and Leasing Teams. This is not a “for-sale” (condominium) development, and – therefore, there will be no transfer of ownership or management rights to a resident association. As explained further in item (iii) – above, the Applicant will be contracting with a reputable and experienced residential real estate company, which will be the full-time and permanent leasing agent for the proposed new development. In addition thereto, the Applicant will be establishing and registering a separate ownership entity that will be wholly responsible for and control the proposed new development at and after the time of occupancy. Together, the afore-identified parties will establish and adopt a “Plan of Operation” that will specifically recognize the duties of such parties and will mandate procedures and protocol for the ongoing management of the development – including as it relates to all interior and exterior (*open space*) areas within and comprising the Development Site.

Response (continued): Any subsequent, but unanticipated, changes in ownership and management of the development will be subject to compliance with the express terms and conditions set forth herein, in perpetuity, unless otherwise modified with the informed and expressed consent of the Village Board and its Trustees or other formal act of law or legislation.

- v) Landscaping and Perimeter Treatment. Any area of a planned development not used for structures or circulation elements shall be landscaped. The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or man-made buffers. Every planned development shall provide a perimeter landscaped open space along each of its boundaries; each such open space shall have a minimum depth equal to the minimum front yard required in the district in which it is located or which it abuts, whichever is greater.

Response: The proposed new development will feature over 18,500 square feet of landscaped *open space* (on and between Parcels A & C), which includes a large outdoor courtyard at the front of the building – along Brainerd Street, as well as several islands (with greenery, grass foliage, plants and trees) situated throughout the impervious portions of the Development Site. Such natural and green enhancements will be implanted around and enveloping the entire perimeter of the site, consistent with the other surrounding uses and improvements and in full compliance with the applicable provisions of the Zoning Ordinance, for planned developments in the C-1 District, including – in relevant part, landscape and building setbacks and coverage area.

- vi) Building Spacing. Building spacing shall be as determined by the Board of Trustees; provided, however, that no part of any building shall be closer to any part of any other building than ten (10) feet.

Response: The proposed new building, as designed and situated on the Development Site, complies with the ten-foot (10'-0") minimum spacing requirements.

- vii) Private Streets. Private streets are prohibited unless expressly approved by the Board of Trustees. If so approved, they shall meet all construction and right-of-way standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association meeting the requirements set forth in Section 16-13.5.b.5.iv.

Private Streets (continued).

Response: The programming for the proposed development includes the introduction of a new internal “access drive” (24 feet wide) that will allow for vehicular movement and circulation into, out of and through the Development Site. The “internal drive” will bisect the site – laterally (east-west), along the south edge of Parcel B, with access and circulation to the west from Milwaukee Avenue and to the east through the internal surface parking on to Brainerd Street. A tributary outlet will extend to the north – intersecting the surface parking lot and Parcel B, providing access to and from the Metra parking lot. The new “internal drive” will remain a part of the Development Site, under the exclusive ownership and control of the Applicant and its successors. It is the intent of the Applicant to have such drive available to residents of the new building, as well as to the general public, for managed shared use and enjoyment. By and through this petition for *Planned Development* and *Special Use*, the Applicant seeks the approval of the Board of Trustees to allow for public use of the “internal drive”, while under and pursuant to private ownership by the Applicant and its successors. The Applicant will undertake and effectuate any related land use agreements and/or approvals to ensure compliance with all applicable provisions and standards of the Zoning Ordinance for the construction and maintenance of a vehicular right-of-way.

- viii) Sidewalks. Unless expressly waived by the Board of Trustees, a sidewalk meeting the standards of the Subdivision Code shall be provided along each side of every street in or abutting a planned development.

Response: The programming for the proposed development complies with this standard. The existing public sidewalks along Milwaukee Avenue, Lake Street and Brainerd Street – which abut and/or border the Development Site will be maintained and/or improved in full compliance with all applicable standards. An additional internal pedestrian walkway will be introduced along the east side of the Development Site (Parcel A), providing a naturally enhanced and functional border between the new proposed development and the independently occupied parcels to the east (with frontage on Milwaukee Avenue). The new proposed internal walkway will also comply with all applicable standards of the Subdivision Code and other relevant codes and ordinances.

- ix) Utilities. All utility lines shall be installed underground.

Response: Confirmed. All utilities servicing the proposed development will be installed underground, beneath the subject property.

- 6) *Vehicular Trip Reduction Features.* Features for reducing the number of vehicular trips expected by a development shall be incorporated into a planned development. Such features include but are not limited to pedestrian/bicycle linkages within and between land uses, the use of traffic mitigation plans, and the incorporation of elements to encourage and facilitate the use of public transportation.

Response: The programming for the proposed development complies with this standard. Traffic mitigation was at the core of the programming for the proposed new development. In consideration of the site's immediate proximity to the *Metra Station* and the heart of Downtown Libertyville (Commercial/Retail Corridor), and in a proactive effort to promote local tenancy, walkability and reliance of more sustainable forms of public and private transportation, the programming has moderated the parking-to-unit ratio for the new development to just under 1.3 – with off-street residential parking for 115 vehicles to serve 91 total residential units, which is exclusive of an additional 18 vehicular spaces intended for visitors and guests. Such prudent programming allows for every unit within the new development to be allotted at least one (1) off-street parking space, with larger units having the opportunity to lease two (2) spaces, upon demand and necessity. ²Such prudent and intentional programming has also been tested and shown to attract tenants who do not own a private motor-vehicle and/or who own one (1) vehicle for the household. In addition to and in furtherance of these considerations and efforts, the programming for the development features onsite storage and parking for bicycles and electric scooters, as well as several new pedestrian and bicycle paths and linkages within, throughout and around the Development Site. Keeping with these same intentions, the Applicant will be introducing an off-street designated standing/loading area to facilitate ride share operations and deliveries without obstructing the abutting public ways.

- c. *Additional Standards for Specific Planned Developments.* When the district regulations authorizing any planned development use in a particular district impose standards to be met by such planned development in such district, a special permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

Response: Noted. The Applicant will comply with this standard, accordingly.

² The Applicant owns and manages several other residential developments of this typology and density in similar suburban transit-served localities. Parking utilization data and tenant demands has been maintained and evaluated at each of these developments, yielding an average parking utilization ratio of LESS than one to one (1:1), even for buildings with larger units (two-bedroom-plus), with parking vacancies present at almost all of the Applicant's comparable developments.

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STANDARDS FOR SPECIAL USE PERMITS

16 9.5 Standards for Special Use Permits.

****The Applicant is seeking Special Use Permits (i) for Planned Development (Concept/Final); (ii) to allow “residential use” on the ground floor in the C-1 Downtown Core Commercial District; and (iii) to allow for a “land use” that exceeds 10,000 square feet of floor area in/for a new proposed for-story multi-family residential building located in the C-1 Downtown Core Commercial District.***

a. General Standards. No special use permit shall be recommended or granted pursuant to this Section 16-9 unless the applicant shall establish that:

- 1) Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.

Response: Established. The proposed new moderate density, economically modest, rental multi-family residential complex was designed and programmed in harmony with and in consideration of the general and specific purposes of the Libertyville Zoning Ordinance (for developments in the C-1 Downtown Core Commercial District), Building Code and corresponding Official Comprehensive Plan, and in compliance with all of the applicable standards and regulations further codified therewithin. The proposed new development will be activating an otherwise idle site, located at the heart of Libertyville’s bustling downtown corridor, thereby providing natural and functional connectivity between the single-family residences to the west and the commercial establishments comprising Main Street and Milwaukee Avenue to the east. The proposed development will also introduce ninety-one (91) new housing units to the area, in turn creating new patronage to further support and enhance downtown vibrancy by and through the local businesses, schools, and civic organizations, while – too, increasing the available tax base and diminishing tax burdens for other property owners in the community.

- 2) Adverse Impact. The proposed use and development will not have a substantial adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

Adverse Impact (continued).

Response: Established. The proposed new moderate density, economically modest, rental multi-family residential complex was purposefully and conscientiously designed and programmed so to have a beneficial effect on the few adjacent properties that abut the development site, and to retain and strengthen the existing and evolving character of downtown Libertyville, while also promoting the general social welfare, health and safety of the community and the many diverse individuals that comprise the same.

By way of relevant example and description, the development site is bordered by public ways/streets to the west (Brainerd Avenue), east (Milwaukee Avenue), and south (Lake Street), with the Metra Station (parking lot) traversing the property to the north. The only “adjacent” properties, therefore, are a few one-story commercial establishments with frontage on Milwaukee Avenue, which are further separated from the development site by a paved surface parking lot. To even better mitigate any even incidental perceived impact on such adjacent properties/improvements, the programming for the proposed development calls for the installation of a new landscaped pedestrian path running along the entirety of the east side of the site. This part of Downtown Libertyville is comprised of a variety of improvements of diverse architectural representation, scale and function, most ranging from three-story and four-story mixed-use developments enveloping entire blocks, with commercial presence on the ground floor and residential units on the upper floors, in conjunction with some one-story and two-story commercial and office complexes. The Applicant and its Design Team spent many months surveying the improvements in the downtown and immediately surrounding areas, drawing contextual and architectural inspiration for the programming of the proposed development, resulting in a design that captures, reflects and enriches the distinctive character of the community, as is demonstrated in the accompanying exhibits.

- 3) Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

Response: Established. The proposed new four-story, moderate density, multi-family residential complex was purposefully and conscientiously designed and programmed, and – if approved, will be constructed and managed so to not dominate the land and/or improvements that comprise the immediate vicinity or to otherwise interfere with the use and enhancement of the abutting properties.

Interference with Surrounding Development (continued).

Response (continued): The proposed development, as purposefully designed and arranged, has the bulk of the physical improvements oriented and moderated in the center of the development site, surrounded by lush landscaped and/or functional “open spaces” on all sides, so that no portion of the physicality of the building will be even incidentally interfering with the surrounding properties and improvements. Moreover, and toward these same ends, the massing/height of the proposed new building actually lowers at the south end, in consideration of the only immediately “adjacent” improvements with their frontage on Milwaukee Avenue and the single-family residences on the other side of Brainerd Avenue. Further demonstrating these proactive mitigation efforts intended to mitigate any even incidental perceived impact on such adjacent properties/improvements, the programming for the proposed development calls for the installation of a new pedestrian path running along the entirety of the east side of the site, as well as a large landscaped “courtyard” occupying much of the frontage on Brainerd Avenue. A surface parking lot, planned for use by visitors and guests, has been introduced at the north end of the site, providing a functional buffer between the proposed development and the Metra Station.

- 4) *Adequate Public Facilities.* The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

Response: Established. The proposed new four-story, moderate density, multi-family residential complex will not create a measurable or undue burden on the existing public facilities, conditions and services, as is further set forth and explained in the accompanying “Expert Studies and Reports” and “Development Agreement.” In a further effort to mitigate any even incidental or perceived impact on such public improvements and infrastructure, the Applicant will continue to engage with the Village’s Community Development Department, in conjunction with the Public Works Department, toward ensuring the provision and maintenance of adequate facilities and services, accordingly.

- 5) *Traffic Congestion.* The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through local streets and will, when required by the Board of Trustees, incorporate appropriate vehicular trip reduction features such as, but not limited to, pedestrian/bicycle linkages within and between land uses, the use of traffic mitigation plans, and the incorporation of elements to encourage and facilitate the use of public transportation.

Traffic Congestion (continued).

Response: Evaluated and established. The proposed new four-story, moderate density, multi-family residential complex will not create or cause undue traffic congestion in the neighborhood. The programming for the proposed development complex calls for the introduction and adaptive reuse of new and existing infrastructure improvements specifically intended to mitigate and control vehicular and pedestrian circulation and access to and around the subject property.

By way of relevant example, the programming for the proposed development includes the introduction of a new internal “access drive” that will allow for vehicular movement and circulation into, out of and through the Development Site, with vehicular access effectuated using an existing drive/curb-cut off of Milwaukee Avenue. The “internal drive” will bisect the site – laterally (east-west), along the south edge of Parcel B, with access and circulation to the west from Milwaukee Avenue and to the east through the internal surface parking on to Brainerd Street. A tributary outlet will extend to the north – intersecting the surface parking lot and Parcel B, providing access to and from the Metra parking lot. The new “internal drive” will remain a part of the Development Site, under the exclusive ownership and control of the Applicant and its successors. It is the intent of the Applicant to have such drive available to residents of the new building, as well as to the general public, for managed shared use and enjoyment. Moreover, in consideration of the site’s immediate proximity to the *Metra Station* and the heart of Downtown Libertyville, and in a proactive effort to promote local tenancy, walkability and reliance of more sustainable forms of public and private transportation, the programming has moderated the parking-to-unit ratio for the new development to just under 1.3 – with off-street residential parking for 115 vehicles to serve 91 total residential units, which is exclusive of an additional 18 vehicular spaces intended for visitors and guests. Such prudent programming allows for every unit within the new development to be allotted at least one (1) off-street parking space, with larger units having the opportunity to lease two (2) spaces, upon demand and necessity. ¹Such prudent and intentional programming has also been tested and shown to attract tenants who do not own a private motor-vehicle and/or who own one (1) vehicle for the household. In addition to and in furtherance of these considerations and efforts, the programming for the development features onsite storage and parking for bicycles and electric scooters, as well as several new pedestrian and bicycle paths and linkages within, throughout and around the Development Site.

¹ The Applicant owns and manages several other residential developments of this typology and density in similar suburban transit-served localities. Parking utilization data and tenant demands has been maintained and evaluated at each of these developments, yielding an average parking utilization ratio of at or LESS than one to one (1:1), even for buildings with larger units (two-bedroom-plus), with parking vacancies present at some of the Applicant’s comparable developments.

Traffic Congestion (continued).

Response (continued): Keeping with these same intentions, the Applicant will be introducing an off-street designated standing/loading area to facilitate ride share operations and deliveries without obstructing the abutting public ways.

In addition hereto, per the accompanying *Traffic Impact Study* - prepared by *Kenig, Lindgren, O'Hara, Aboona, Inc.*, the following conclusions have been made:

- The vehicular traffic generated by the proposed development will be reduced due to the proximity and ample availability of multiple modes of public transportation serving the immediate area and the location of the development in the heart of downtown Libertyville.
- The new restricted intersection of the proposed internal drive (“circulation road”) with Milwaukee Avenue will replace the Liberty Square full-movement access drive, which will reduce the existing turning movement conflicts and backups on Milwaukee Avenue.
- The proposed access system will be adequate in accommodating the traffic projected to be generated by the proposed development with limited impact on the external road.
- The roadway network has sufficient reserve capacity to accommodate the traffic that will be generated by the proposed development. The projected impact of the proposed development on the area roadway system, particularly the intersections of Lake Street with Milwaukee Avenue and Lake Street with Brainerd Avenue/Metra station access road, will be reduced due to the following:
 - With multiple access drives on several different roads the development traffic will be distributed along the roadway system which will reduce the volume development traffic at any one intersection.
 - The proposed internal drive (circulation road) will provide direct access between the development and southbound Milwaukee Avenue as well as direct inbound access from southbound Milwaukee Avenue to the Metra train station, all of which will reduce the volume of traffic along the Lake Street corridor.

- 6) *Destruction of Significant Features.* The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: Evaluated and established. The proposed new multi-family residential complex will not cause or result in the destruction, loss or damage of any natural, scenic or historic improvements of significant importance.

- 7) *Compliance with Standards.* The proposed use and development comply with all additional standards imposed on it by the particular provision of this Code authorizing such use.

Response: Evaluated and understood. In order to permit the proposed new multi-family residential complex and in conjunction with the corresponding application for *Planned Development*, the Applicant is seeking deviations from strict compliance with the Zoning Ordinance, for the following bulk and density standards and regulations:

- Residential units (*dwelling*s) on the ground/first floor, in *C-1 Downtown Core Commercial District*.
- Reduction in the *minimum lot area* (MLA) per dwelling unit of 1,500 square feet per unit to +/- 901 square feet per unit (Parcel A + Parcel C), resulting in an increase in maximum allowable dwelling unit count from 64 units to 91 units.
- Increase in the maximum allowable height – from 45 feet / three-story to 62 feet (*to the top of the rooftop stair access structure*) / four-story.
- Reduction in the minimum required off-street vehicular parking – from 166 spaces to 115 spaces.
- Reduction in the required *parking lot setback* off of Milwaukee Avenue – from 50 feet to 32 feet.²
- Reduction and/or waiver from the required exterior parking standards to allow for all of the bicycle parking to be within the interior of the building.
- Reduction and/or waiver of the one (1) required off-street *loading space*.

² Please Note: This portion of the subject property is already used for off-street parking, servicing the existing retail establishments. The Applicant will be maintaining the existing surface parking area and corresponding drive isle in the same location as presently exists and has been endorsed by the Illinois Department of Transportation, The Applicant is merely seeking to cure an existing non-conforming condition.

Compliance with Standards (continued).

Response (continued):

**Please see: Landscape Narrative, prepared by Teska Associates, Inc., included herewith as “Attachment A.”*

- b. Special Standards for Specified Special Permit Uses. When the district regulations authorizing any special permit use in a particular district impose use limitations that must be met by such use in such district, a special permit use for that use in that district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

Response: Noted.

- c. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Board of Trustees shall consider:
- 1) Public Benefit. Whether, and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: The proposed new moderate density, economically modest, rental multi-family residential complex was designed and programmed with public convenience and community interest as the core considerations. As already explained herein, the proposed new development will be activating a site that has not been operating at its highest and best use for a very long time, especially in light of the progress and evolution occurring in and around Libertyville’s otherwise bustling downtown corridor. Such mindful activation with new infrastructure and tenancy provides natural and functional connectivity between the single-family residences to the west and the commercial establishments comprising Main Street and Milwaukee Avenue to the east. Towards these very same ends, the proposed development will introduce ninety-one (91) new households to the area, in turn creating expanded patronage to further support and enhance downtown vibrancy by and through the local businesses, schools, and civic organizations, while – too, diversifying the available tax base and diminishing tax burdens for other property owners in the community. Such increased density will be filling a persistent demand for “new” larger-format, economically attainable, rental housing units in the downtown, with immediate access to the Metra and the surrounding commercial corridor and establishments comprising the same.

Public Benefit (continued).

Response (continued): Moreover, and demonstrating these same communal benefits, the programming for the proposed residential development also calls for the introduction of a new landscaped pedestrian path – from Lake Street up to the Metra Station, providing unencumbered walkability and connectivity for residents and visitors patronizing the downtown business establishments, as well as local parks and recreational facilities. The programming also features multiple new vehicular access and circulation areas, keeping automobiles off of the shared public ways and mitigating traffic congestion in and around the neighborhood accordingly, especially on the abutting arterial streets.

The programming and design for the proposed new moderate density, midrise, multi-family rental residential development very adequately meet and advance the needs, goals and progression outlined in the 2030 Comprehensive Plans, as follows – *inter alia*:

- Introduction of new housing developments that capitalize on proximity to the Metra train station and which reinforce the pedestrian-oriented character of downtown.
- Introduction of new rental housing developments (*apartments*) geared toward young professionals, local workforce and empty nesters.
- Creation of pedestrian linkages between residential areas, the Metra train station and the downtown commercial corridor.
- Infrastructure and streetscape enhancements that slow traffic to safe speeds, promote walkability and provide intimate public open spaces for managed communal gathering.
- Expansion of Downtown’s footprint and patronage through the implementation of transit-oriented development,

- 2) Alternative Locations. Whether, and to what extent, such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Response: This particular development site is ideal the proposed moderate-density multi-family residential complex, in that it is one of the only idle multi-parcel properties that is bordered by both lower density single-family residential districts and the downtown core commercial districts, providing unconditioned connectivity and transition between the two diverse land use patterns. Furthermore, all of the “Conceptual Plans” outlined in the 2030 Comprehensive Plan specifically identify this particular site as being ripe for

development and land use substantially similar to and consistent with that proposed by the Applicant by and through this petition, a program that was sensibly and collaboratively vetted with the Village's Community Development Department for well over a year before formal and public advancement.

- 3) *Mitigation of Adverse Impacts.* Whether, and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Response: Noted and already established. The proposed new moderate density, economically modest, rental multi-family residential complex was purposefully and conscientiously designed and programmed so to have a beneficial effect on the immediate vicinity and the diverse individuals and properties that comprise the same. [Please see: **Response** to 2) *Adverse Impact* - above.]

ATTACHMENT A
LANDSCAPE NARRATIVE



Development Site: 725-747 North Milwaukee Avenue / 126-140 Lake Street
Applicant: Libertyville Land LLC

**VILLAGE OF LIBERTYVILLE
LAND USE APPLICATION
PLANNED DEVELOPMENT + SPECIAL USE**

LANDSCAPE NARRATIVE

Section 26-13-2(b) - Perimeter landscaped open space. For all multiple-family structures within the *R-8 Multiple-Family Residential District*, there shall be provided a perimeter landscaped open space with a minimum width of no less than ten (10) feet along every lot line.

Response: The current zoning classification for the development site is *C-1 Downtown Core Commercial District*, which such District is not identified in the Libertyville Landscape Ordinance for the *perimeter open space* regulations and requirements. As such, and in the exercise of utmost prudence, the Applicant is applying and complying with the requirements for the *R-8 Multiple-Family Residential District*, since the proposed use and development for the subject property is a multi-tenant residential complex. Accordingly, the design for the new improvements, as advanced by the Applicant, generally conforms to the *perimeter landscaped open space* requirements for the *R-8 Multiple-Family Residential District*, in so far as there will be at least (10) feet of landscaped open space around the entire border of the development site - except along the west property line where portions of the building façade are 8 feet-5 inches from the property line. Therefore, the Applicant is seeking a reduction of approximately 1 feet-7 inches from the otherwise required 10-foot *perimeter landscape setback* at these segments since there is more than 50-feet of distance between the proposed new building facade and the Brainerd Avenue curbline.

Section 26-13-3.2(c). – Parking Lots & Structures: *Parking lot interior landscaping - Tree planting islands.* Interior landscaping shall consist of tree planting islands with a minimum area of 171 square feet and a minimum width of 9 feet, measured from back of curb to back of curb. One shade tree having a minimum trunk size of 3 inches in diameter shall be included for every 171 square feet of tree planting islands. However, at no time shall a shade tree be planted closer than 20 feet to any other shade tree. The remaining area of such islands shall consist of groundcover or decorative paving material.

Section 26-13-3.2(c). – Parking Lots & Structures: *Parking lot interior landscaping - Tree planting islands (continued).*

Response: Based on the priority of providing a safe and convenient pedestrian access sidewalk to the adjacent Metra train station and parking lot, the Applicant is seeking a waiver for providing parking lot trees in three of the internal planting islands located within and adorning the surface parking lot at the north end of the development site. In consideration of the new pedestrian sidewalk connection, landscape urban tolerant groundcover and shrubs will be provided in the three affected parking lot islands. Landscape compensation on the north, west, south and east parking lot perimeter plantings will provide a diversity of shrub hedging, deciduous canopy and ornamental trees, evergreen trees and screen type shrubs.