

**MINUTES OF THE PLAN COMMISSION**  
**March 15, 2021**

The regular meeting of the Plan Commission was conducted virtually due to public health concerns and called to order by Chairman Mark Moore at 7:07 p.m.

Members present: Chairman Mark Moore, Amy Flores, Walter Oakley, Richard Pyter, Kurt Schultz, and Eric Steffe.

Members absent: Matthew Krummick.

A quorum was established.

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

Commissioner Schultz moved, seconded by Commissioner Pyter, to approve the February 22, 2021, Plan Commission meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:**

**PC 21-01      4th Street Broadway, LLC, Applicant  
                  232 Fourth Street**

**Request is for an Amendment to the Zoning Map of the Village of Libertyville in order to rezone property from O-1, Professional Services Office District to R-7, Single Family Attached Residential District for property located in an O-1, Professional Services Office District.**

**PC 21-02      4th Street Broadway, LLC, Applicant  
                  232 Fourth Street**

**Request is for a Text Amendment to the Libertyville Zoning Code Article 4, Part C, Table 4-1 and Article 16, Table 16-1 regarding Minimum Lot Area required for Planned Developments in the R-7, Single Family Attached Residential Districts and R-8, Multiple Family Residential Districts.**

**PC 21-03      4th Street Broadway, LLC, Applicant  
                  232 Fourth Street**

**Request is for a Special Use Permit for a Planned Development in order to develop a single family attached residential development for property located in an O-1, Professional Services Office District.**

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**PC 21-04      4th Street Broadway, LLC, Applicant**  
**232 Fourth Street**

**Request is for a Planned Development Concept Plan in order to develop a single family attached residential development for property located in an O-1, Professional Services Office District.**

Mr. Bernard Citron, attorney for the applicant, presented revisions to the proposed development plans. He stated that the stand-alone detached garage has been removed from the plans. He stated that they have provided a second driveway access to the neighboring alley. He stated that they have reduced the width of the dwelling units which has enabled them to increase the setback from the Fourth Street right-of-way property line. He stated that they have kept the height of the units at 36 feet. He stated that they have relocated certain HVAC ground-mounted units to be Code compliant.

Mr. Citron stated that the proposal to reduce the minimum required land area for Planned Developments in the R-7 and R-8 Districts will have a Village-wide benefit as there are other smaller infill development opportunities throughout the Village. He stated that they are proposing six (6) market rate townhome dwelling units plus one (1) attainable townhome dwelling unit for a total of seven (7) units. He stated that the Planned Development standards are designed for a site such as the subject parcel. He stated that the proposed land use satisfies the Comprehensive Plan land use designation and that it meets the standards for the Planned Development.

Ms. Debra Ader, 223 Fifth Street resident, stated that she has concerns about the driveway accessing the alley and that she is concerned about the increase in traffic. Mr. Citron stated that since there are only seven (7) dwelling units proposed the impact on local traffic will be minimal.

Mr. Tim Doran, traffic engineer for the applicant, stated that with the revised site plan design that allows exiting out to the alley, garbage trucks can enter from Fourth Street and then exit out onto the alley without the need to back out onto the street.

Ms. Ader stated that traffic backs up on Route 176 as it is today. Mr. Doran stated that the vehicular trips generated from the proposed development will be very low.

Ms. Ader stated that she is concerned about the maintenance of the sidewalks. Mr. Steve Spinell, applicant, stated that the Homeowners' Association will be responsible.

Mr. Perry Zukowski, stated that the alley is currently in poor condition. Mr. Jeff Cooper, Village Engineer, stated that the alley should be maintained by the Village of Libertyville. He stated that the Village may do some spot patch repairs in the alley this coming summer. He stated that no construction traffic is permitted in the alley.

Mr. Zukowski stated that the adjacent house property should be incorporated into the development. Mr. Citron stated that they do not intend to purchase the adjacent property.

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Mr. Jamie Sefton, stated that he is concerned about the number of variations and the proposed density that the applicant is seeking.

Mr. David Smith, Senior Planner, stated that the applicant is seeking approval for a Planned Development. He stated that a Planned Development allows for the relaxation of certain Zoning Code requirements in lieu of the requirement to request variations.

Mr. John Spoden, Director of Community Development, stated that the proposed gabled roof does increase the height of the structures and that corner lots do seem to trigger more variations or in this case deviations from the Zoning Code.

Ms. Nicole Drake stated that she is concerned that the proposed parking lot empties into the alley.

Ms. Katia Chernik stated that she is concerned that the proposed development will have an impact on the nearby school.

Commissioner Pyter asked about the adjacent private driveway to the east and if it poses an opportunity for cut through traffic from the development. Mr. Citron stated that there should be no reason for traffic to cut through to Fifth Street. He stated that proper signage can be installed to control potential cut through traffic.

Mr. Doran stated that people do not generally drive down alleys.

Commissioner Pyter stated that he is concerned about vehicles getting in and out of the townhome garages and he is concerned about the traffic movement in general.

Commissioner Schultz stated that he likes the changes that the applicant has made to the site plan.

Commissioner Steffe stated that he likes the revisions to the plan as well. He stated that including access from the alley has made an improvement to the plan.

Commissioner Oakley stated that the revisions to the plan are better. He asked if the applicant has approached the neighboring property owner about acquiring their property. Mr. Citron stated that the development will not change even with the incorporation of the neighboring property.

Commissioner Oakley asked how the development will connect to the water main. Mr. Citron stated that they will tie into the water main to the east.

Commissioner Flores stated that the changes have made the plan better. She stated that she is concerned about the proposed location of the AC units next to the garage doors. Mr. Steve Francis, architect for the applicant, stated that the garage doors are 10 feet wide and should be wide enough for vehicles to maneuver in and out without being encumbered by the AC units but they can review the site plan to see if there are alternate locations for the AC units.

Chairman Moore stated that he does not support the text amendment to reduce the Planned Development minimum required land area. He stated that the six (6) deviations from the Zoning

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Code are a lot. He asked the applicant if they are ready for the Plan Commission to proceed with their vote. Mr. Citron stated that they are ready for the Plan Commission to render their recommendation.

*In the matter of PC 21-01, Commissioner Oakley moved, seconded by Commissioner Steffe, to recommend that the Village Board of Trustees approve an Amendment to the Zoning Map of the Village of Libertyville in order to rezone property from O-1, Professional Services Office District to R-7, Single Family Attached Residential District for property located in an O-1, Professional Services Office District.*

*Motion carried 6 - 0.*

*Ayes: Moore, Flores, Oakley, Pyter, Steffe, Schultz*  
*Nays: None*  
*Absent: Krummick*

*In the matter of PC 21-02, Commissioner Flores moved, seconded by Commissioner Steffe, to recommend that the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code Article 4, Part C, Table 4-1 and Article 16, Table 16-1 regarding Minimum Lot Area required for Planned Developments in the R-7, Single Family Attached Residential Districts and R-8, Multiple Family Residential Districts.*

*Motion failed 3 - 3.*

*Ayes: Flores, Steffe, Schultz*  
*Nays: Moore, Oakley, Pyter*  
*Absent: Krummick*

*In the matter of PC 21-03, Commissioner Oakley moved, seconded by Commissioner Schultz, to recommend that the Village Board of Trustees approve a Special Use Permit for a Planned Development in order to develop a single family attached residential development for property to be located in an R-7, Single Family Attached Residential District at 232 Fourth Street, in accordance with the plans submitted.*

*Motion carried 5 - 1.*

*Ayes: Flores, Oakley, Pyter, Steffe, Schultz*  
*Nays: Moore*  
*Absent: Krummick*

*In the matter of PC 21-04, Commissioner Flores moved, seconded by Commissioner Steffe, to recommend that the Village Board of Trustees approve a Planned Development Concept Plan in order to develop a single family attached residential development for property to be located in an*

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*R-7, Single Family Attached Residential District at 232 Fourth Street, subject to the following conditions:*

- 1. That at the time of Planned Development Final Plan application submittal all of the review comments in the Civiltech Engineering, Inc. Technical Memorandum dated March 8, 2021 shall be addressed with the appropriate revisions to the site plan and with a written response to each comment.*
- 2. That at the time of Planned Development Final Plan application submittal correspondence from Groot Waste Management Services shall be submitted that stipulates their requirement for the location of the waste bins for trash and recycling pick-up.*
- 3. That at the time of Planned Development Final Plan application submittal the proposed townhome garage floor plans shall comply with the dimensional requirements as stipulated in Zoning Code Article 26-10.1.5(c)(5)(a).*
- 4. That at the time of Planned Development Final Plan application submittal the site plan and civil engineering plans shall show compliance with Zoning Code Article 26-10.1.4(d)(6) as it relates to the parking lot bordered by a six (6) inch high concrete curb.*
- 5. That at the time of Planned Development Final Plan application submittal additional evergreen landscaping shall be added along the east end of the outdoor parking spaces for screening per the Zoning Code and shown on the Final Landscape Plan.*
- 6. The parcel boundary shown on the Plat of Survey for Lot 7 does not match the boundary for this parcel shown on the Lake County tax map. According to the tax map, the northerly ½ of the vacated portion of the alley is part of this parcel (PIN 11-16-418-009). This discrepancy, if applicable, shall be rectified at the time of Planned Development Final Plan application submittal.*
- 7. That the remaining Engineering Division review comments provided in the DRC Staff report dated March 9, 2021 be addressed on a point by point basis at the time of Planned Development Final Plan application submittal.*

*Motion carried 4 - 2.*

*Ayes: Flores, Oakley, Steffe, Schultz*  
*Nays: Moore, Pyter*  
*Absent: Krummick*

**NEW BUSINESS:**

**PC 21-05 Wynkoop Holdings LLC, Applicant**  
**216 Peterson Road**

**Request is for a Text Amendment to the Zoning Code Article 26-5-4.3 in order to add “All Other Amusement and Recreation Industries (713990), but limited to Axe Throwing Lounges” as a Special Permit Use in a C-3, General Commercial District.**

**PC 21-06 Wynkoop Holdings LLC, Applicant**  
**216 Peterson Road**

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**Request is for a Special Use Permit for an Axe Throwing Lounge for property located in a C-3, General Commercial District.**

Mr. Steve Martin, stated that the petitioner, Jason Wright, Lumberjaxe Axe Lounge, is requesting approval for a Text Amendment to the Zoning Code Article 26-5-4.3 in order to add “All Other Amusement and Recreation Industries (713990), but limited to Axe Throwing Lounges” as a Special Permit Use in the C-3 General Commercial District and a Special Use Permit for an Axe Throwing Lounge for property located in the C-3 General Commercial District at 216 W. Peterson Road. Mr. Martin stated that the petitioner is proposing to build-out and occupy the Grand Place Shopping Center tenant space located at 216 W. Peterson Road with an Axe Throwing Lounge to be named Lumberjaxe Axe Lounge. He stated that the tenant space is approximately 4,400 square feet in floor area and will accommodate all ages for entertainment and be very safe and family friendly. He stated that this proposal will be a natural fit for this shopping center.

Ms. Katia Chernik stated that she is concerned about safety for the nearby schools and the message that this sends to children.

Mr. Jason Wright, applicant, stated that the proposed business will be family-oriented and safe. He stated that the business will be conducted entirely indoors.

Mr. Martin stated that the proposal is similar to other indoor recreational activities such as the XGolf golf simulator located at the Green Tree Plaza Shopping Center.

Ms. Chernik stated that this proposal will promote unsafe behavior.

Mr. Patrick Morici, 227 Cater Lane, stated that he is concerned about the traffic noise, liquor sold on the premises, and the hours of operation.

Mr. Martin stated that all of the business activities will be conducted indoors.

Mr. Wright stated that any food sold on site will be finger food. He stated that he has requested a liquor license from the Mayor and is waiting to hear back. He stated that the hours of operation will be from 4pm to 9pm Monday thru Thursday, 3pm to 11pm on Fridays, 11am to 11pm on Saturdays and closed on Sundays.

Mr. Morici stated that the headlights coming from vehicles going through the Dunkin Donuts drive-through cast glare into the back of his house. He stated that he would like to see a fence installed along the shopping center’s rear property line.

Mr. Wright stated that the main focus will be the front entrance of the building. He stated that he will not allow his employees to loiter behind the building.

Mr. Martin stated that in lieu of a fence he is willing to plant additional trees behind the building.

Commissioner Flores asked the applicant to describe the business and floor plan in more detail. Mr. Wright described the business operations and the floor plan layout.

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Commissioner Flores asked what the smash room is. Mr. Wright stated that the smash room is otherwise known as the rage room. He stated that customers will wear full protective gear and be able to smash old TV's etc. to let off steam.

Commissioner Oakley stated that he supports the proposal.

Commissioner Steffe stated that he supports the proposal.

Commissioner Schultz stated that this activity seems similar to XGolf. He asked what is done with the smash room waste. Mr. Wright stated that it is taken to the recycling center.

Commissioner Pyter asked if there is a fire exit in the rear of the building. Mr. Wright stated that there is a fire exit in the rear, but it is not intended as a public rear exit.

Mr. Morici stated that he is concerned about early morning garbage pick-up. He stated that he is concerned about the smash room debris being taken outside late at night. Mr. Wright stated that they will dispense of the trash the next morning.

Chairman Moore asked the petitioner if they are ready for the Plan Commission to render their recommendation. Mr. Martin stated that they are ready for the Plan Commission to vote tonight.

*In the matter of PC 21-05, Commissioner Oakley moved, seconded by Commissioner Steffe, to recommend that the Village Board of Trustees approve a Text Amendment to the Zoning Code Article 26-5-4.3 in order to add "All Other Amusement and Recreation Industries (713990), but limited to Axe Throwing Lounges" as a Special Permit Use in a C-3, General Commercial District.*

*Motion carried 6 - 0.*

*Ayes: Moore, Flores, Oakley, Pyter, Steffe, Schultz*  
*Nays: None*  
*Absent: Krummick*

*In the matter of PC 21-06, Commissioner Oakley moved, seconded by Commissioner Pyter, to recommend that the Village Board of Trustees approve a Special Use Permit for an Axe Throwing Lounge for property located in a C-3, General Commercial District, subject to the following condition: 1) All activities are held within an enclosed building. No outside activities are allowed at the site.*

*Motion carried 6 - 0.*

*Ayes: Moore, Flores, Oakley, Pyter, Steffe, Schultz*  
*Nays: None*  
*Absent: Krummick*

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**STAFF COMMUNICATIONS AND DISCUSSION:**     None.

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

Motion carried 6 - 0.

Meeting adjourned at 8:56 p.m.