

MINUTES OF THE PLAN COMMISSION
April 8, 2013

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:25 p.m. at the Village Hall.

Members present: Chairman Mark Moore, Scott Adams, William Cotey, Dan Donahue, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: None.

A quorum was established.

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

OLD BUSINESS: None.

NEW BUSINESS:

PC 13-09 Robert Bleck, Applicant
345 North Milwaukee Avenue

Request is for a Special Use Permit for a Microbrewery, but only accessory to an eating or drinking place, for property located in the C-1, Downtown Core Commercial District.

PC 13-10 Robert Bleck, Applicant
345 North Milwaukee Avenue

Request is for a Special Use Permit for an occupancy of more than 10,000 square feet of floor area in a building located in the C-1, Downtown Core Commercial District.

PC 13-11 Robert Bleck, Applicant
345 North Milwaukee Avenue

Request is for a Site Plan Permit for a Microbrewery that is accessory to an eating or drinking place, for property located in the C-1, Downtown Core Commercial District.

(Commissioner Scott Adams recused himself)

Mr. David Smith, Senior Planner, stated that the petitioner is requesting a Special Use Permit for a Microbrewery, but only accessory to an eating or drinking place, a Special Use Permit for an occupancy of more than 10,000 square feet of floor area in a building located in the C-1,

Minutes of the April 8, 2013, Plan Commission Meeting
Page 2 of 9

Downtown Core Commercial District, and a Site Plan Permit for a Microbrewery that is accessory to an eating or drinking place, for property located in the C-1, Downtown Core Commercial District at 345 North Milwaukee Avenue.

Mr. Bob Bleck, architect and agent for the petitioner, presented an overview of the site plan and floor plan. He stated that truck deliveries will most likely be handled with short trucks in order to be able to maneuver through the alley located between two buildings at the southwest corner of Milwaukee Avenue and Church Street with access coming from Church Street and exiting out the same way back out onto Church Street in a straight linear vehicular movement pattern.

Mr. Bleck described the front facade of the proposed Mickey Finn's restaurant that will face Milwaukee Avenue and stated that the proposal includes redesigning that facade in a step gable pattern to mimic more of a Belgian influence in order to be in line with some of Mickey Finn's micro-brewed Belgian type beers. He stated that the front facade canopy will encroach into the Milwaukee Avenue r.o.w. line, but still be well within the allowed encroachment per the Zoning Code regulations.

Mr. Bleck stated that along the north side of the building facing the parking lot located between the subject building and the Lovin Oven Cakery will include an outdoor beer garden most of which will be fenced in with a series of narrow vertical steel rods that is intended to mimic a wheat field. He stated that to the rear and west of the beer garden area will be a cedar fence enclosed area for ground mounted mechanical units and refuse. He stated that the cedar fence is more durable and will include a black horizontal strap as a design feature to convey barrel motif.

Mr. Bleck stated that he has been in discussions with Terry Wepler regarding the crafting of an access easement through his parking lot in order to allow future Mickey Finn's patrons to enter into the building through a proposed west entrance, but the easement agreement has not been finalized as of yet. He stated that the site plan includes a proposed walking path from the west side entrance to the public parking lot located behind and south of St. Lawrence Church.

Mr. Bleck stated that the proposed wall light fixtures will emit light that is below the threshold for a standard photometric plan so they will make a determination of the light cast based upon an estimation of anticipated foot-candle illuminations.

Mr. Bleck stated that they have contemplated the installation of a grain silo on the north side of the restaurant between the outdoor beer garden and the refuse area. He stated that it is conceptual at this point, but if installed and used, it would reduce the frequency of deliveries to the restaurant. He stated that there is a concern from the Fire Department due to a risk of combustion in the grain silo, but stated that proper design will make silo compliant with applicable codes and regulations.

Mr. Bleck stated that there is adequate water supply to the site.

Commissioner Oakley stated that the development of the proposal still seems to be evolving. He asked if the patrons in the beer garden area will be affected by the odor of the refuse area next to

Minutes of the April 8, 2013, Plan Commission Meeting
Page 3 of 9

it. Mr. Bleck stated that the proposed fence between the beer garden area and the refuse area will act as an adequate separation.

Chairman Moore asked the petitioner to respond to the Staff review comments as listed in the DRC Staff report. Mr. Bleck stated he has drafted, but not yet submitted, his written responses to the Standards for the Special Use Permits. He stated that negotiation is ongoing relative to the necessary easement agreements. He stated that deliveries will be straight in/straight out through the alley from Church Street and that the parking lot fronting along Milwaukee Avenue is intended to be avoided for deliveries.

Mr. John Spoden, Director of Community Development, stated that there have been discussions about possible deliveries from Milwaukee Avenue. He stated that if the silo is constructed, the previous comments by the owner included statements that there may be less frequent deliveries but Staff is still uncertain as to whether or not trucks have to still come in from Milwaukee Avenue in order to have access to the silo. He stated that it is these kinds of issues that should be contemplated within the Special Use Permit process.

Commissioner Donahue asked what the width is of the alley located between the subject building and the Lovin Oven Cakery building. Mr. Bleck stated that the alley is approximately 13 to 14 feet wide. He stated that there is a power pole in that alley, but will be removed. He stated that they are working with ComEd to re-route those power lines.

Commissioner Oakley asked for clarification regarding the proposed exterior light fixtures. Mr. Bleck stated that they intend to install heavier residential wall light fixtures. He stated that for the fixtures that they intend to use there isn't a standard photometric plan provided, but they can approximate it with field measurements.

Commissioner Oakley asked if the petitioner will come back later to present signage. Mr. Bleck stated that they would come back later with a sign plan.

Commissioner Oakley asked if the petitioner has a final set of architectural drawings. Mr. Bleck stated that they are in the process of completing the final architectural plans. He stated that there may be some internal aspects that are still being designed, but they feel that they have settled on the exterior design.

Commissioner Oakley asked if there will be future parking conflicts with other events. Mr. Spoden stated that the Zoning Code allows a change in use without requiring additional parking spaces unless there is an additional floor area added that exceeds 1,500 square feet.

Mr. Bleck stated that they do not anticipate using the driveway entrance from Milwaukee Avenue for deliveries, but intend to take deliveries from Church Street.

Mr. Smith asked if there still will be a need to gain access from Milwaukee Avenue for other purposes such as the maintenance of the proposed fence, the installation and maintenance of the proposed silo, etc. Mr. Bleck stated that there is enough space between the proposed fence enclosure and the property line to allow a walking path for installation and maintenance.

Minutes of the April 8, 2013, Plan Commission Meeting
Page 4 of 9

Mr. Spoden asked the petitioner if they anticipate coming back to amend the Special Use Permit for the silo installation if they are not ready to do so at this time. He stated that this may provide the property owner the time needed to work out the logistics for the installation of the silo and any needed access easements across the parking lot that fronts Milwaukee Avenue adjacent to the area dedicated to the proposed location of the silo. He stated that Staff is not certain if any existing parking agreements could accommodate deliveries or other types of access from Milwaukee Avenue without the benefit of reviewing those agreements.

Mr. David Pardys, Village Attorney, stated that he or Staff has not seen any easement documents for the parking lot next to Milwaukee Avenue.

Mr. Bleck stated that there will be about 4 feet between the fence and the property line that abuts the parking lot owned by the landlord for the Lovin Oven Cakery; therefore any type of easement to provide access to maintain the fence would not be necessary.

Commissioner Semmelman stated that anyone coming to repair or maintain the fence would be attempting to park in the parking lot fronting Milwaukee Avenue.

Mr. Bleck stated that Brian Grano, Mickey Finn's owner, has been and will rent out parking spaces in the parking lot that fronts Milwaukee Avenue. He stated that the construction workers have been parking there, as well as utilizing street parking as needed.

Chairman Moore stated that it appears as though the petitioner is confident that the 4 foot area between the proposed fence and the property line shall provide enough area to access the fence for installation and maintenance and that when the petitioner is ready to come back to propose the silo, they can amend the Special Use Permit and include the necessary easements at that time.

Commissioner Oakley stated that it does not appear that the petitioner is ready for the Plan Commission to make a recommendation to the Village Board due to the many unanswered questions listed in the Staff report.

Commissioner Cotey stated that there are still a lot of unanswered questions. He stated that he is concerned about the starkness of the north side and would like to see more landscaping along that side. He stated that it will be seen by both vehicular and pedestrian traffic. He stated that he likes the idea of the metal rod fence enclosing the beer garden area. He stated that he is concerned about the parking arrangement relative to the parking lot fronting Milwaukee Avenue that belongs to Lovin Oven Cakery. He stated that he is concerned about a parking management issue for Mickey Finn's patrons parking in lots not owned by Mickey Finn's.

Mr. Bleck stated that a similar parking management issue is being contended with the owner of Mickey Finn's now at its current location.

Commissioner Cotey stated that it is not clear as to how the new Mickey Finn's location will manage traffic finding the public parking lot to the west.

Minutes of the April 8, 2013, Plan Commission Meeting
Page 5 of 9

Commissioner Cotey asked how the new Mickey Finn's will manage live music. Mr. Brian Grano, owner of Mickey Finn's, stated that live music will take place within the restaurant area of the new Mickey Finn's on Saturday nights only and will be separate from the banquet area.

Mr. Bleck stated that the roof is a barrel shaped roof with bowed trusses. He stated that the building is historical and used to be the Desoto dealership.

Commissioner Cotey asked for clarification regarding the adjacent property to the west and its available parking. Mr. Grano stated that the lot to the west belongs to Terry Weppler and that they will be leasing some of those parking spaces to serve Mickey Finn's. He stated that the most important unresolved issue at this time is the parking lot fronting Milwaukee Avenue that belongs to the Redmond's, landlord for Lovin Oven Cakery.

Commissioner Cotey asked if more handicap parking is needed. Mr. Spoden stated that if the development included the creation of a new parking lot then they would be required to install handicap parking spaces per the code requirement.

Commissioner Cotey stated that he is concerned about the lack of available handicap parking spaces.

Commissioner Semmelman asked about the front facade height. Mr. Bleck stated that it is approximately 27 feet in height.

Commissioner Donahue asked about the intended timing for the development. Mr. Bleck stated that if they had already executed the easement agreements they would have been further along in their planning process. He stated that they are currently estimating costs for demolition and could be a few weeks away from being ready to apply for demo permit.

Mr. Spoden stated that if the petitioner can submit revised materials to Staff for review in time prior to the Plan Commission mid-month meeting of May 13, 2013, they could be on the Village Board agenda with Plan Commission report and approval of ordinances at the end of May. He stated that the building permits can also be applied for at the same time thereby potentially enabling construction ready to go after Village Board approvals.

Commissioner Schultz stated that he likes the proposed east facade of the building. He asked if larger outdoor events will be conducted by Mickey Finn's.

Mr. Grano stated if they do conduct outdoor events they would work with the Village to utilize Church Street.

Commissioner Schultz asked if the petitioner would ever tent the beer garden during the winter. Mr. Grano stated that they are not contemplating the use of the beer garden area to accommodate tenting it at this time.

Minutes of the April 8, 2013, Plan Commission Meeting
Page 6 of 9

Mr. Bleck stated that the beer garden area is planned to include brick pillars so if they ever decide to structurally enclose it they could. He stated that the area is less than 1,500 square feet in area.

Mr. Spoden stated that if it is under 1,500 square feet in area, it would be exempt from additional required parking.

Commissioner Schultz stated that when the petitioner comes back before the Plan Commission that they would like to see an overall aerial of the subject site and of the surrounding adjacent properties in order to have a better idea of the available parking in the vicinity.

Commissioner Schultz stated that the west entrance into the building appears to be an afterthought. He stated that he would like for the petitioner to revise the plans to further enhance this entrance.

Mr. Grano stated that he agrees with Commissioner Schultz's comments about the west side entrance into the building, but there are certain encumbrances due to the easement negotiations currently taking place as the west entrance is exceptionally close to the adjacent neighbor's property line.

Commissioner Schultz stated that he is not certain where the accessibility compliant entrance is located.

Mr. Bleck stated that it does come from the east entrance that faces Milwaukee Avenue.

Chairman Moore stated that he is concerned about the lack of parking available. He stated that he is concerned about the pressure upon the surrounding area's available parking spaces and parking lots.

Mr. Bleck stated that the Village's Parking Commission is currently investigating future parking deck sites.

Chairman Moore stated that he is concerned as to how the parking situation would be exacerbated during the Libertyville Days festival.

Mr. Grano stated that big events typically do not hinder Mickey Finn's operations where they are currently located.

Chairman Moore stated that he is concerned that people will park at the neighboring Pete Tosto's parking lot.

Chairman Moore asked for clarification of the proposed increased production from the micro-brewery. Mr. Bleck stated that the current code allows up to 15,000 barrels of production and they do not anticipate exceeding 15% of the maximum permitted.

Minutes of the April 8, 2013, Plan Commission Meeting
Page 7 of 9

Mr. Bleck stated that the proposal could potentially draw patronage further south from the core downtown area.

Chairman Moore asked for clarification of the proposed landscaping.

Mr. Bleck stated that most of the building lines up to most of the property lines. He stated that they may look at potted plants along that area between the proposed beer garden and the adjacent property line that separates the subject site and the Lovin Oven parking lot.

Mr. Smith did his best to encourage the petitioner to submit complete plans and written response to all of the Staff review comments.

Mr. Bleck stated that they probably will have full architectural drawings with specifications.

Chairman Moore asked Staff when the petitioner is required to have revised materials submitted prior to the May 13, 2013 Plan Commission meeting. Mr. Spoden stated that the Code requires revised plans to be submitted not less than 3 weeks prior to the scheduled Plan Commission meeting.

Chairman Moore stated that revised plans are required to be submitted by April 22, 2013.

In the matters of PC 13-09 thru PC 13-11, Commissioner Schultz moved, seconded by Commissioner Donahue, to continue these items to the May 13, 2013, Plan Commission meeting.

Motion carried 6 - 0.

Ayes: Moore, Cotey, Donahue, Oakley, Schultz, Semmelman

Nays: None

Absent: None

PC 13-14 Village of Libertyville, Applicant

Request is for a Text Amendment to Section 13-6 of the Libertyville Zoning Code relating to Residential Recreational Facilities and Swimming Pools.

Mr. John Spoden, Director of Community Development, stated that the proposed text amendment addresses those circumstances when neighbors are getting along with each other. He stated that the Zoning Code currently has requirements for swimming pools and recreational facilities to screen them and require certain setbacks. He stated that there have been a couple of cases, one in particular, whereby the property owner and his neighbor want to create a circumstance where they can share his back yard sport court and swimming pool, unencumbered by the Zoning Code's required screening of these facilities. He stated that it was then Staff's challenge to draft a Code amendment that would permit a property owner's neighbor to sign off or waive the otherwise required screening, with the caveat that if the subject neighboring property is sold, the owner would have to obtain a new signature from the new neighbor waiving

Minutes of the April 8, 2013, Plan Commission Meeting
Page 8 of 9

the landscape screening requirement or the owner would have to install the required landscape screening.

Commissioner Cotey stated that fencing would still be required.

Mr. Spoden stated that the requirement for fencing for a swimming pool would still be in place as that would be a Building Code issue. He stated that the Building Code requires a minimum height of 4 feet secured around a pool. He stated that it doesn't have to be solid, but has to be gated and lockable. He stated that the house can be used as part of the pool fence enclosure, but then the house must have an alarm system.

Commissioner Donahue stated that the proposed amendment would be a mistake. He asked if there is any type of enforcement policy if the property owners subject to such an agreement are not in compliance. Mr. David Pardys, Village Attorney, stated that they would be subject to fines.

Chairman Moore asked where this idea to change the Code came from. Mr. Spoden stated that it came from Mr. Abington relative to his property on Cook Avenue and the Mayor had also asked Staff to look at the Code as well.

Commissioner Semmelman asked if consideration should be given to having such agreements recorded. Mr. Pardys stated that a recordation requirement could be added, but may not necessarily add any substance to the Zoning Code, as amended.

Mr. Pardys stated that the proposed text amendment is somewhat unusual by allowing property owners, by agreement, to vary from the requirements of the Zoning Code.

Commissioner Cotey stated that the proposed amendment is foolish.

Chairman Moore asked what would happen after an agreement is struck, but then later changed their mind.

Commissioner Semmelman stated that Chairman Moore's comment brings to mind the question as to whether the agreement is irrevocable or not.

Chairman Moore stated that the proposed amendment is fraught with problems and that he cannot support the proposed Zoning Code text amendment. He asked Staff what they would like for the Plan Commission to do tonight. Mr. Spoden asked that the Plan Commission go to a vote and provide their recommendation to the Village Board.

In the matter of PC 13-14, Commissioner Adams moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Text Amendment to Section 13-6 of the Libertyville Zoning Code relating to Residential Recreational Facilities and Swimming Pools, as written in the April 5, 2013 Development Review Committee Staff Report.

Motion failed 3 - 4.

Minutes of the April 8, 2013, Plan Commission Meeting
Page 9 of 9

Ayes: Adams, Oakley, Schultz
Nays: Moore, Cotey, Donahue, Semmelman
Absent: None

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development stated that the Bolander property is currently zoned IB, Institutional Buildings District and is currently on the market. He stated that Staff has not yet seen a market rate proposal for apartments as of yet due to its small size. He stated that proposals have been predominately for Senior Housing, Long Term Care Housing and some residential proposals, but packaged as an affordable housing concept.

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

Motion carried 7 - 0.

Meeting adjourned at 8:40 p.m.