

**MINUTES OF THE PLAN COMMISSION**  
**June 10, 2013**

The regular meeting of the Plan Commission was called to order by at 7:01 p.m. at the Village Hall.

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

Members absent: Scott Adams and Kurt Schultz.

A quorum was established.

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

Commissioner Oakley moved, seconded by Commissioner Cotey, to approve the May 13, 2013, Plan Commission meeting minutes.

Motion carried 5 - 0.

**OLD 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.**

Mr. David Smith, Senior Planner, stated that the petitioner is seeking approval for a Special Use Permit for a Microbrewery, a Special Use Permit to construct a land use in the C-1 District that

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exceeds 10,000 square feet in floor area and a Site Plan Permit for property located at 345 North Milwaukee Avenue. He stated that the petitioner has been before the Plan Commission three times thus far for their meetings held in April and May. He stated that they have revised their plans and are back before the Plan Commission again tonight.

Mr. Robert Bleck, petitioner, stated that the area of greatest concern has been access into the west entrance of the proposed restaurant as this access steps directly out onto the neighboring property. Mr. Bleck reviewed the layout of the floor plan and overall site. He stated that during the demolition period of the existing building, the construction contractors have been able to use the existing alley that lies on the petitioner's property without incident.

Mr. Bleck reviewed the accessibility of both the west and south entrances and their relationship to the needed easement across the neighboring property. He stated that if there is question as to the durability of the easement agreement between subject property owner and the neighboring property owner to the west, there is a contingency plan to construct an alternative exit that would have access to the alley owned by the subject property owner that lies on the east side of the owner's building that has ingress/egress to Church Street.

Mr. David Pardys, Village Attorney, stated that the license agreement between the two parties appears to have a 10 year expiration period with an option to renew for brief periods of time, such as a month to month contingency. He stated that it could be terminated with a ninety (90) day notice after the 10 years expires.

Mr. Bleck stated that they are currently negotiating with the neighbor to the south, Mr. Peter Tosto, to access his property for a kitchen refuse disposal location. He stated that they are planning to add additional trees on the neighbor's property to the west on either side of the side walk entrance. He stated that they are proposing planters on either side of the Milwaukee Avenue entrance.

Commissioner Oakley stated that he is concerned about the lack of parking for the site.

Mr. Bleck stated that the license agreement with the property owner to the west includes the leasing of some parking spaces. He stated that the petitioner anticipates the availability of parking in the Civic Center parking lot and there may be an opportunity to lease additional spaces from Mr. Tosto's parking lot.

Commissioner Oakley asked Mr. Bleck if he concurs with the Staff proposed conditions for approval identified in the Staff report. Mr. Bleck stated that he agrees with the conditions.

Commissioner Cotey stated that he is concerned about the potential impact of outdoor dining lighting.

Mr. Bleck stated that the light spillage will be nominal.

Commissioner Cotey asked for clarification of the mechanical units. Mr. Bleck stated that the ground mounted mechanical units as shown are better due to the shape of the roof. He stated that

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some roof top mechanical units will be accommodated with the proper structural supports in place.

Commissioner Cotey stated that he does not have any problem with the west entrance sign projecting above the first story roof line at that entrance.

Commissioner Donahue asked if the proposed building exits are impacted by the license agreement with the neighboring property owner. Mr. Bleck stated that the west and south building exits are tied to the license agreement with the neighboring property owner. He stated that this is the reason for the contingency plan to build out another exit out to the alley if needed.

Commissioner Donahue asked if the license agreement will be recorded. Mr. Pardys stated that the agreement should be recorded.

Chairman Moore stated that he is concerned about the potential impact of noise coming from the restaurant.

Mr. Bleck stated that any live music will play on the Milwaukee Avenue side of the facility and that the south door will remain closed.

Mr. Pardys stated that the notary page for Terry Weppler's signature is still needed in the license agreement.

Chairman Moore asked where smokers will go outside of the restaurant. Mr. Bleck stated that they can stand along Milwaukee Avenue far enough from the entrance to be Code compliant.

Mr. John Spoden, Director of Community Development, asked the petitioner how wide the sidewalk is along Milwaukee Avenue in front of the subject site. Mr. Bleck stated that the sidewalk width is between 6 to 8 feet.

Mr. Spoden stated that it should be noted that the turning radii from Church Street into the alley should be verified.

Mr. Fred Chung, Senior Project Engineer, stated that the proper turning radii should be shown in the Civil Engineering Plans.

Chairman Moore stated that an additional condition for approval can be added relative to the turning radii into the alley from Church Street.

*In the matter of PC 13-09, Commissioner Semmelman moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve 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, subject to the following conditions:*

- 1) *As no easements or agreements have been submitted, there shall be no deliveries or trash pick-up with access from Milwaukee Avenue.*

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- 2) *Future access to and use of the property to the south for a trash enclosure or pedestrian access shall require the submission of an easement agreement in a form acceptable to the Village Attorney.*
- 3) *That at all times, the Petitioner and any subsequent occupant of the building retains the right, through property ownership, easement or license over and across such adjacent properties, as shall be necessary to allow the required pedestrian access from the required emergency exits to a public right of way.*
- 4) *That the petitioner and any subsequent occupant of the building shall immediately vacate the building in the event that such access rights expire or are otherwise terminated.*
- 5) *That the Petitioner provide annual notification to the Director of Community Development, by no later than December 31 of each year, confirming that the aforementioned access right remains in full force and effect.*
- 6) *That the Petitioner acknowledge and agree to the conditions of this Special Use Permit by executing a copy of same and providing such executed copy to the Director of Community Development.*
- 7) *That the man doors shown on the east elevation be recessed to eliminate their conflict with truck traffic in the private alley and that this change be shown on the plans prior to issuance of Building Permit.*
- 8) *Indicate removal of utility pole and lines in the private alley on the plans prior to issuance of Building Permit.*
- 9) *Remove all references to silo from the plans prior to issuance of Building Permit.*
- 10) *Identify on the engineering plans the topographical elevations in order to show compliance with the Illinois Accessibility Code Section 400.310 (a) and all of its requirements and the International Building Code Section 1003.5 and all of its requirements prior to issuance of Building Permit.*
- 11) *Identify all materials and colors consistent with Appearance Review Commission's approval on all elevations prior to issuance of Building Permit.*
- 12) *Identify the location of the east steel and glass canopy on the north elevation plans prior to issuance of Building Permit.*
- 13) *The portion of the subject property which falls within the Church Street right-of-way shall be dedicated to the Village prior to issuance of an occupancy permit.*
- 14) *Provide truck turning radii on the Site Plan in order to document what type and size of delivery truck is able to use the private alley off of Church Street subject to review and approval of the Village of Libertyville Engineering Division.*

*Motion carried 5 - 0.*

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

*In the matter of PC 13-10, Commissioner Semmelman moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve 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, subject to the following conditions:*

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*Motion carried 5 - 0.*

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

*In the matter of PC 13-11, Commissioner Semmelman moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Site Plan Permit for a*

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*Motion carried 5 - 0.*

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

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**NEW BUSINESS:** None.

**COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, stated that Advocate Condell will present their five (5) year update of their Planned Development Master Plan to the Plan Commission in an upcoming meeting.

Mr. Spoden stated that Village Staff is asking the owner of the Mungo Industrial Park to meet with Staff to discuss the Special Use Permit application process relative to the storage of school buses on their property.

Commissioner Cotey moved, seconded by Commissioner Donahue, to adjourn the Plan Commission meeting.

Motion carried 5 - 0.

Meeting adjourned at 7:55 p.m.