

MINUTES OF THE PLAN COMMISSION
May 19, 2014

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

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

Members absent: Walter Oakley.

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

Commissioner Cotey moved, seconded by Commissioner Adams, to approve the April 28, 2014, Plan Commission meeting minutes, amended as follows:

Page 7, Paragraph 10, Line 2, replace the word “should” with the words “may need to”.

Motion carried 6 - 0.

NEW BUSINESS:

PC 14-13 Jimmy John’s, Applicant
1112 N. Milwaukee Avenue

Request is for a Special Use Permit for a Drive-In Establishment accessory to a Full Service Restaurant for property located in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting a Special Use Permit and sign variations in order to allow a Drive-In Establishment accessory to a Full Service Restaurant to occupy a building located in a C-3, General Commercial District at 1112 N. Milwaukee Avenue. Mr. Smith stated that the subject site is located on the northeast corner of Milwaukee Avenue and Winchester Road and was previously occupied by Kentucky Fried Chicken. He stated that the subject site has been vacant for more than two years. He stated that the petitioner is seeking approval for the Special Use and sign variations in order to permit the occupancy for a Jimmy John’s franchisee to take occupancy of the existing building.

Ms. Bobbi Taylor, architect for the petitioner, presented the site plan and changes to the building elevations. She stated that in addition to the new wall signs and branding of the directional signs, they are also replacing the sign face on the existing monument sign.

Commissioner Adams stated that he is concerned that it should not be necessary to brand the directional signs as this would be excessive signage.

Chairman Moore stated that this proposed Jimmy John’s location would be rather close to the existing Jimmy John’s restaurant located at the Adler Square Shopping Center.

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Commissioner Semmelman stated that he does not object to the company branding the direction signs with their logo.

Commissioner Schultz stated that he does not object to the company branding the direction signs with their logo.

Commissioner Cotey stated that he does not object to the company branding the direction signs with their logo.

Chairman Moore asked the petitioner what she would like for the Plan Commission to do tonight. Ms. Taylor stated that she would like for the Plan Commission to render a positive recommendation to the Village Board for their requests.

In the matter of PC 14-13, Commissioner Schultz moved, seconded by Commissioner Donahue, to recommend the Village Board of Trustees approve a Special Use Permit for a Drive-In Establishment accessory to a Full Service Restaurant for property located in a C-3 General Commercial District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

OLD BUSINESS:

PC 13-27 Village of Libertyville, Applicant

Request is for a Text Amendment to the Libertyville Zoning Code in order to regulate the cultivation and dispensing of medical cannabis.

Mr. David Smith, Senior Planner, stated that Staff presented the proposed Zoning Code text amendment regarding the regulation of medical cannabis cultivation centers and dispensary organizations to the Plan Commission at their April 28, 2014 meeting.

Mr. Smith stated that during the course of the Plan Commission meeting, it was noted that the Commissioner's had a concern that the hours of delivery for the dispensaries exceed the hours of operation by one hour. He stated that Staff has amended the proposed ordinance so that both the hours of operation and all deliveries shall conclude at 8:00 p.m.

Commissioner Cotey stated that he is concerned that the dispensaries will have the ability to sell paraphernalia at their locations.

Mr. David Pardys, Village Attorney, stated that the new State law does not provide zoning restrictions regarding the sale of paraphernalia.

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Commissioner Cotey stated that he is concerned with recent developments of vapor producing implements relative to the consumption of Medical Cannabis.

Mr. Pardys stated that he can review current State law regarding the recent developments of vapor producing implements relative to the consumption of Medical Cannabis.

Chairman Moore asked Staff what they would like for the Plan Commission to do tonight regarding this request for a Zoning Code text amendment. Mr. John Spoden, Director of Community Development, requested that the Plan Commission render a positive recommendation of the text amendment to the Village Board of Trustees.

In the matter of PC 13-27, Commissioner Schultz moved, seconded by Commissioner Semmelman, to recommend the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code in order to regulate the cultivation and dispensing of medical cannabis.

Motion carried 6 - 0.

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

PC 14-11 Village of Libertyville, Applicant

Request is for a Text Amendment to Section 10 of the Libertyville Zoning Code relating to the parking requirements.

In the matter of PC 14-11, Commissioner Adams moved, seconded by Commissioner Semmelman, to continue this item to the June 23, 2014, Plan Commission meeting.

Motion carried 6 - 0.

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

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, stated that the billboard sign located at 1441 N. Milwaukee Avenue has been taken down per the lease agreement with the property owner.

Commissioner Donahue stated that he is concerned that the sign ordinance may be too restrictive towards restaurants that wish to display their menus outside of their restaurant.

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

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Motion carried 6 - 0.

Meeting adjourned at 7:29 p.m.