

Request For Board Action

REFERRED TO BOARD: September 16, 2016

AGENDA ITEM NO: 7

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of a "Resolution granting a conditional license to owners of 945 Main Street allowing the conditional use of Village owned property".

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Village Board considered the request of the applicant to use the Village municipal parking lot at the corner of Main Street and Park Avenue for outdoor eating and parking at the Committee of Whole meeting on September 14th, 2016.

As part of the meeting, the applicant outlined their concept to develop the vacant building at 945 Main Street into either a restaurant or retail. As part of this proposed redevelopment the applicant has requested use of the Village's municipal parking lot which is located adjacent to the building. A concept was submitted to the Village Board showing angle parking on Park Avenue and the northern portion of the parking lot for a sidewalk and outdoor plaza area. The outdoor plaza area could potentially be used for outdoor eating.

The Village Board at the COW meeting generally supported the concept and instructed Staff to work with the Village Attorney to come up with a resolution providing the applicant with a license for the aforesaid parking lot. Staff is taking this opportunity to enclose a copy of the "resolution" which outlines the terms of the use of this parking lot.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Staff Report.
2. Resolution granting a conditional license to the owner of 945 Main Street

RECOMMENDED MOTION:

Motion to approve a Resolution Granting a Conditional License to the Owners of 945 Main Street allowing the Conditional Use of Village Owned Property.

RESOLUTION 2016 - _____

**A RESOLUTION GRANTING A CONDITIONAL LICENSE
TO THE OWNERS OF 945 MAIN STREET ALLOWING THE
CONDITIONAL USE OF VILLAGE-OWNED PROPERTY**

WHEREAS, the owners of the commercial building located at 945 Main Street have petitioned the Village seeking a license to use a portion of the Village-owned parking lot adjoining their building for outdoor seating, and

WHEREAS, a true copy of the said petition and all drawings associated with the same is attached as Exhibit A hereto, and

WHEREAS, the Petitioner has explained that there is a pending sale contract on the property which is dependent on the Village allowing the reconfiguration and use of a village-owned parking lot which lies between the subject property and Park Avenue, and

WHEREAS, the Village Board has considered the Petition at two successive Committee of the Whole meetings, and has received limited comments from Staff based on a very conceptual drawing submitted by the petitioner and extremely limited review time by staff or the village consultants which factors prevented Staff from making a full recommendation on the petition, and

WHEREAS, the Village Board finds it necessary to proceed with this matter without a positive recommendation from the staff, and

WHEREAS, Exhibit A includes a copy of the conceptual draft site plan dated September 8, 2016 which graphically depicts the area sought to be used for outdoor seating, along with a reconfiguration of the parking lot, and installation of new sidewalks, curbs, pavement and gutters, and

WHEREAS, the Village Board recognizes the noteworthy intentions of the Petitioner as documented in the concept drawings presented in the Petition and presentation as a greatly improved entryway into the downtown area and a significant improvement over the existing and sometimes underutilized and rather poorly laid out parking lot, and

WHEREAS, the Village Board finds that the proposed improvements will benefit not only the subject property, but will open the door to potential improvements on adjoining properties which could benefit the entire area, and

WHEREAS, the Village Board recognizes that the proposed improvements may not be viewed positively by the current permitted users of the parking lot or the surrounding property owners and their tenants due to the improvements reducing the number of parking stalls in the vicinity of Park Avenue and Main Street, and

WHEREAS, the Petition has not been provided to adjoining landowners, there has been no published notice of this Petition and there has been no formal public hearing thereon, and

WHEREAS, the Village Board finds that the proposed use of the property, while providing specific benefit to the 945 Main Street property and proposed redevelopment thereof, may also provide more generalized benefits for the businesses in the immediate area as well as to the public generally by increasing the number of people visiting the downtown area, and

WHEREAS, the Village Board finds that the proposed improvements would only be compatible with redevelopment of the 945 Main Street property into a retail or restaurant establishment with a site plan and architecture that meets with standards that conform with the downtown form code, all other village ordinance, good and fundamental engineering practice with regard to traffic and pedestrian safety and also meets with the aesthetic approval of the staff and Village Board, and this should be a strict condition on the grant of any license for the use of the Village's parking lot, and

WHEREAS, the corporate authorities find that the Exhibit A Petition generally indicates a potential to meet the foregoing goals in a revised form, and necessitates that certain conditions set forth herein are met including indemnifying the Village for liability that may result from the petitioners use and license of the property in question, and

WHEREAS, the owners of the 945 Main Street property have acknowledged that if they are given this license to use Village-owned property, they would not be receiving any estate or other title to the land involved and that their use of the property is consensual, subject to the terms of this resolution, in the form of a limited and revocable license and that the same will never ripen to an estate or other interest in the land itself,

NOW THEREFORE, BE IT RESOLVED by the Village of Antioch, Lake County, Illinois, as follows:

SECTION ONE: A license shall be granted to the owners of the commercial building located at 945 Main Street to use the area depicted on Exhibit A for the outdoor seating of patrons of their business, subject to strict compliance with the conditions set forth herein and according to this license agreement at all times during the licensing period.

SECTION TWO: The license so granted is strictly conditioned upon the following terms:

- A. The license is revocable by the Village Board for good cause. Any violation of these conditions shall be considered good cause, but the Village Board may find that other good cause exists.
- B. The licensee shall be entirely responsible for maintaining the licensed area in a neat, orderly and sanitary condition at all times.
- C. The license shall not be transferrable, except with the approval of the Village Board.
- D. The licensee shall construct the proposed permanent improvements in the licensed area in conformity with all applicable codes, and in substantial conformity with one of the concepts herewith attached and dated September 8, 2016 if possible and found to meet fundamental and accepted engineering standards. The concepts that are herewith are provided for conceptual purposes only and any final plan will have to be prepared by either a licensed architect or engineer and conform fully to all applicable codes.

- E. The licensee shall further construct a safety barrier along the north curb of the proposed reconfigured parking area, in the form of bollards, wrought iron fencing or other material deemed suitable by Staff to provide a shield to people on the patio area from errant vehicles.
- F. The licensee agrees that they will proceed with a Site Plan Review for any proposed exterior modifications to 945 Main Street, including any outdoor patio area, hardscaping improvements, landscaping, lighting, and parking lot configuration.
- G. Any proposed architectural modifications made to the aforesaid exterior at 945 Main Street will be consistent with the historic character of Main Street and will generally conform to the architectural design guidelines outlined in the “Downtown Façade Guidelines”.
- H. The licensee agrees to work with the Village on providing a space on the subject site and at the intersection of Main Street and Park Avenue for a decorative design feature that may include a clock, sculpture, or other design element approved by the Village Board.
- I. The license shall lapse if the 945 Main Street building is used for any purpose other than a retail establishment or a restaurant, unless the same is extended by specific approval of the Village Board.
- J. The licensee shall be responsible for all maintenance of the entire licensed area, including, but not limited to landscaping, mowing and plowing.
- K. At such time as the license shall end for any reason whatsoever, the licensee shall be entirely responsible for removing all tables, chairs, decorations or other items located on the patio area.
- L. The licensee shall reasonably cooperate with the Village and Staff in any initiative to improve the parking and access to adjoining properties, including specifically any initiative to improve the parking and vehicle flow in the easterly-adjointing parking lot for the “Park Avenue Mall”.
- M. By accepting this license, the licensee agrees and covenants to indemnify and hold the Village and all persons in privity with it harmless of and from any and all claims, demands, suits and causes of action, whether in law or in equity, flowing from or relating to the use of the site, and in furtherance of that covenant, the licensee shall provide the Village with a certificate of insurance, binding its insurer to covering the Village as an additional insured on its liability insurance policy, with minimum bodily injury limits of \$2,000,000.00 per occurrence, combined single limit.

SECTION THREE: This resolution shall take effect immediately upon passage.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS _____ DAY OF _____, 2016.

ATTEST:

LAWRENCE M. HANSON, MAYOR

LORI K. ROMINE, VILLAGE CLERK

Trustees
Mary C. Dominiak
Jerry T. Johnson
Jay Jozwiak



Trustees
Ed Macek
Scott A. Pierce
Ted P. Poulos

Lawrence M. Hanson, Mayor
Lori K. Romine, Village Clerk

REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director
DATE: September 16, 2016
SUBJECT: REPORT TO VILLAGE BOARD

CASE: Flow's – 945 Main Street
Resolution for Conditional License

APPLICANT: Staff

BACKGROUND

Pursuant to the direction of the Village Board, Staff is taking this opportunity to enclose a "Resolution for a Conditional License" for an applicant who is seeking to redevelop the vacant "Flow's" building at 945 Main Street into a restaurant or retail. The applicant is seeking permission to use the Village's municipal parking lot for an outdoor eating area, sidewalk and parking.

Analysis

The applicant is under contract to purchase 945 Main Street and they have submitted a concept plan for the future use of the Village's municipal parking lot. The municipal parking lot at the corner of Main Street and Park Avenue currently contains 16 spaces. The applicant is proposing that the southern perimeter of the lot be used for eleven (11) parking spaces and that the northern perimeter be used for an outdoor plaza area along with a sidewalk and landscape area.

Staff has not had an opportunity to carefully review the "Concept Plan" prepared by the applicant from an engineering or site plan review perspective. The applicant has submitted a hand drawn concept that doesn't provide enough information for a complete review.

In accordance with Village Board direction, Staff is taking this opportunity to enclose a copy of a draft "Resolution for Conditional License" for the use of the subject site. The proposed resolution incorporates a number of conditions which includes a future requirement for a Site Plan Review of the applicant's proposal once they have an end user. At the present time the applicant has identified no end user or users for this proposed redevelopment.

Recommendation

Based on the foregoing analysis and the previous support of the Village Board, staff would make the following motion:

Motion to waive second reading and approve a Resolution Granting a Conditional License to the Owners of 945 Main Street allowing the Conditional Use of Village Owned Property.

