

MINUTES OF THE PLAN COMMISSION
March 10, 2014

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:36 p.m. at the Village Hall.

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

Members absent: Dan Donahue and David Semmelman.

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

Commissioner Adams moved, seconded by Commissioner Cotey, to approve the February 10, 2014, Plan Commission meeting minutes.

Motion carried 5- 0.

OLD BUSINESS:

PC 14-07 Village of Libertyville, Applicant

Request is for a Text Amendment to the Libertyville Municipal Code, including Chapter 26 the Zoning Code, in order to regulate Mobile Venders, Itinerant Merchants, and Transient Merchants in the Village of Libertyville.

Mr. David Smith, Senior Planner, introduced the proposed Municipal Code text amendment regarding the regulation of Mobile Vendors. Mr. Smith stated that Village Staff is proposing an amendment to Article III of Chapter 17 of the Libertyville Municipal Code in order to provide for the licensure and regulation of mobile vendors as transient merchants under the Village of Libertyville Municipal Code.

Mr. Smith stated that over the past several years, mobile vending of both food and goods has surged in popularity, both locally and nationally. He stated that proponents of mobile vending claim that it provides an opportunity to increase jobs and business, as the cost for the operation of a truck can be much lower than the cost of operating a brick-and-mortar establishment. He stated that mobile vending can provide residents with additional options when it comes to food and goods and can increase activity in struggling business districts. He stated that mobile vending can also provide entrepreneurs with an opportunity to test the waters before establishing a brick-and-mortar facility. He stated that opponents of mobile vending argue that the mobile vendors take business away from brick-and-mortar establishments that have heavily invested in the community. He stated that opponents also contend that mobile vending may be associated with issues relating to maintenance, trash, parking, noise, and vehicular and pedestrian circulation.

Minutes of the March 10, 2014 Plan Commission Meeting

Page 2 of 4

Mr. Smith stated that the issues surrounding mobile vendors were discussed at the August 20, 2013, Committee of the Whole meeting. He stated that currently, mobile vendors who are interested in operating in Libertyville must receive a Transient Merchant License and have only been permitted to sell from public rights-of-way, but not from Village-owned or private lots.

Mr. Smith stated that at the Committee of the Whole meeting, Village Board members expressed an interest in requiring that mobile vendors only sell food and goods upon private property and prohibiting such sales upon Village streets.

Mr. Smith stated that Staff has reviewed the Village's current regulations for mobile vendors, staff and the Village Board considered a number of issues, including; Location, Hours of Operation, Products Sold, Types of Permits and Fees.

Mr. David Pardys, Village Attorney, stated that the proposed changes to the Municipal Code will prohibit mobile vendors from selling from public streets with certain exceptions and conditions.

Ms. Gina Lilja, Fashion in Motion, (a mobile vendor), stated that it would be safer for mobile vendors to be on private property. She stated that she hopes that the proposed code amendments will let mobile vendors to do business in the C-1 District.

Mr. John Spoden, Director of Community Development, stated that the proposed code amendment would prohibit mobile vendors from doing business in the C-1 District.

Ms. Lilja stated that she hopes that consideration would be given to allowing special exceptions for the C-1 District.

Ms. Ann Martin, Tropical Chill, (a mobile vendor), stated that they operate tropical ice cream trucks in other communities. She stated that it is a growing business and provides a convenience that a brick and mortar shop may not be able to. She stated that their truck operators are trained and that background checks are conducted. She stated that it is a seasonal business and would love to sell their product in Libertyville.

Commissioner Schultz stated that the proposed amendment to allow sales on a private lot for four (4) days is too long. He stated that he is concerned about allowing mobile vendors in residential districts. He stated that additional regulation language should be added that would require a substantial separation in time between each of the four days in order to prohibit consecutive days. He stated that additional safety regulations should be incorporated.

Mr. Pardys stated that some communities address safety concerns in their regulations.

Ms. Martin stated that some communities also require Health Department permits for mobile vendors.

Commissioner Schultz stated that the Mobile Vendor vehicles should also be inspected.

Minutes of the March 10, 2014 Plan Commission Meeting
Page 3 of 4

Mr. Dominic Balbi, Fashion in Motion, stated that their vehicle is inspected by the State. He stated that the stair steps that come out of the back of their truck have hand rails as required by the State.

Mr. Pardys stated that there may be certain limitations placed upon the Village regarding certain inspections by the Village due to the Village of Libertyville being a 'Non-Home Rule' community.

Commissioner Schultz asked if it is possible for a tattoo mobile vendor to be permitted under the current and proposed amended regulations. Mr. Pardys stated that it is possible that a tattoo mobile vendor could be permitted.

Commissioner Schultz stated that the regulations are too wide open at this point.

Commissioner Cotey stated that consideration should be given to limiting the sales period for a mobile vendor to not exceed two (2) hours per day. He stated that the number of days permitted for mobile vendor operation should not be consecutive.

Mr. Pardys stated that the proposed code amendment can be further amended to regulate days of operation to not be consecutive.

Commissioner Cotey stated that he is concerned about the mobile vendor vehicle overhanging into the right-of-way when parked in a residential driveway. He stated that consideration should be given to enforcing less restrictive regulations for the ice cream vendors and allow them in the right-of-way and provide designated public areas for certain times. He stated that there should be insurance requirements for mobile vendors.

Ms. Martin stated that they have been required to carry a \$1,000,000 Certificate of Insurance for the business.

Commissioner Adams stated that he would support further restrictions on the hours of operation and no consecutive days for business operation.

Commissioner Oakley stated that he concurs with Commissioner Schultz.

Mr. Pardys stated that it may be legally challenging to make a distinction between applying fewer restrictions on one product type versus another product type.

Mr. Balbi stated that he welcomes a process that establishes a legitimate permitting process. He stated that this will help to keep out the bad vendors and creates an open and transparent application process.

Chairman Moore stated that Staff should investigate whether or not the Lake County Health Department should be part of the permitting process for mobile vendors in Libertyville. He stated that the potential problem of trash or litter proliferating from mobile vendors should be addressed in the regulations. He stated that consecutive days of mobile vendor operation as

Minutes of the March 10, 2014 Plan Commission Meeting
Page 4 of 4

discussed by the Plan Commission should be addressed in the regulations. He stated that it is his understanding that the City of Chicago does not issue more than 20 concurrent mobile vendor licenses at a time and stated that consideration should be given to limiting the number in Libertyville as well. He stated that permitting mobile vendors should be done in such a way so that there is not a conflict with other Village or MainStreet sanctioned events.

Commissioner Schultz stated that he is concerned about the potential for external speakers or flashing lights in residential areas.

Chairman Moore stated that he recommends that this item be continued in order to allow Staff to incorporate the changes recommended by the Plan Commission.

In the matter of PC 14-07, Commissioner Oakley moved, seconded by Commissioner Schultz, to continue this item to the April 14, 2014, Plan Commission meeting.

Motion carried 5 - 0.

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

NEW BUSINESS: None.

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 5 - 0.

Meeting adjourned at 8:46 p.m.