

MINUTES OF THE PLAN COMMISSION
September 22, 2008

The regular meeting of the Plan Commission was called to order by Chairman Kurt Hezner at 7:02 p.m. at the Village Hall.

Members present: Chairman Kurt Hezner, Terry Howard, Howard Jaffe, Mark Moore, and Andy Robinson.

Members absent: William Cotey and Walter Oakley.

A quorum was established.

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

Commissioner Robinson moved, seconded by Commissioner Howard, to approve the August 25, 2008, Plan Commission meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**PC 08-18 Village of Libertyville, Applicant
 118 W. Cook Avenue**

Request is for Text Amendments to Sections 2-2 and 9-2 of the Libertyville Zoning Code in order to regulate Outdoor Vending Machines as accessory uses in all Zoning Districts other than Residential Districts.

Mr. David Smith, Senior Planner, introduce the proposed Text Amendments to the Zoning Code. Mr. Smith stated that due to the proliferation of outdoor vending machines which are viewable from public rights-of-ways throughout the Village, Staff is recommending a text amendment to the Zoning Code in order to regulate their number and appearance. Mr. Smith stated that Staff has reviewed language from ordinances adopted by other municipalities and based upon those ordinances, has prepared the proposed language which it believes addresses the problem posed by these devices. Mr. Smith stated that the proposed language defines vending machines as accessory uses and requires that they be screened from view from the public rights-of-way. Mr. Smith stated that the language limits the number of outdoor vending machines to three (3) on a zoning lot and further provides an amortization period of 120 days for all existing outdoor vending machines to comply with the proposed amendment.

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Mr. John Spoden, Director of Community Development, stated that since the distribution of the Staff Report, Staff has revised the report to eliminate cyclone slat fencing as an acceptable form of screening. Mr. Spoden stated that the development of the proposed language occurred after the recent Zoning Code update was approved by the Village Board. Mr. Spoden stated that consideration was given to determining whether or not vending machines would be considered signs or if the Village has the authority to restrict them completely from outdoors. Mr. Spoden stated that after consultation with the Village Attorney and deliberation, Staff has decided to recommend the outdoor limitation to three (3) vending machines per Zoning Lot and to require their screening from view from the public rights-of-way.

Commissioner Robinson asked if there will be enough space on the sidewalks that most vending machines are located upon to install the screening. Mr. Spoden stated that if there is not enough space then the Village would require their relocation.

Commissioner Robinson asked where the proliferation of vending machines seem to be the most obvious. Mr. Spoden responded that the proliferation seems to be at service stations mostly.

Commissioner Howard asked if there would be any exceptions to the proposed ordinance such as hybrid machines that carry both newspapers and other goods. He asked if size limits on the machines were considered.

Chairman Hezner stated that consideration should be given to how the outdoor vending machine area is to be designed to look aesthetically appealing and organized.

Commissioner Howard stated that he was once on a Task Force to look at this issue. He stated that this task force gave consideration to requiring that vending machines blend into the building that they are next to or are in front of. He stated that consideration could be given to requiring that vending machines be reviewed by the Appearance Review Commission without screening.

Commissioner Robinson asked if the current text amendment proposal contemplates Appearance Review Commission review. Mr. Spoden responded in the affirmative.

Commissioner Jaffe asked how many outdoor vending machines exist in the Village of Libertyville. Mr. Spoden stated that a complete count of outdoor vending machines has not been completed as of yet.

Commissioner Jaffe asked if the Village requires licensing of vending machines in the Village. Mr. Spoden stated that there is an ordinance to regulate indoor amusement machines, but not outdoor vending machines.

Commissioner Jaffe asked if outdoor storage of propane tanks have been considered as part of the proposed definition of vending machines. He asked if there is a setback concern for the proposed regulation of the outdoor vending machines and he asked what the purpose of the proposed restrictions is.

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Mr. Spoden stated that the propane tanks were not considered as part of the proposed text amendment. He stated that the purpose of the vending machine restrictions is to get them indoors as much as possible.

Commissioner Moore stated that caution should be used when drafting the text amendment so that unintended outdoor equipment is not captured in this regulation that should not be, such as gas pumps or tire air pumps or self-serve car wash machines, and so on.

Commissioner Robinson stated that consideration should be given to incorporating size or dimension limitations on vending machines.

Chairman Hezner stated that this kind of regulation will be counter productive.

Commissioner Jaffe asked if ATM's are considered vending machines.

Chairman Hezner stated that the regulation should be to eliminate outdoor vending machines altogether as there is no other clear way to regulate them in a practical manner.

Commissioner Jaffe stated that the Village should license them.

Chairman Hezner stated that requiring some type of enclosure for vending machines could be considered, however this would not be practical at gas stations.

Mr. Spoden stated that caution should be used to not mix the outdoor vending machine issue with other outdoor storage regulations already in place in the Zoning Code. Mr. Spoden requested that this Plan Commission item be continued to the November 10, 2008 Plan Commission agenda.

In the matter of PC 08-18, Commissioner Jaffe moved, seconded by Commissioner Robinson, to continue this item to the November 10, 2008, Plan Commission meeting.

Motion carried 5 - 0.

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, requested that the joint Appearance Review Commission and Plan Commissioner workshop regarding the revisions to the Sign Ordinance be held on November 3, 2008.

All members concurred to attend the joint workshop except for Commissioner Jaffe who has a schedule conflict.

Commissioner Moore moved and Commissioner Robinson seconded a motion to adjourn.

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Motion carried 5 - 0.

Meeting adjourned at 7:36 p.m.