

MINUTES OF THE PLAN COMMISSION
November 10, 2008

The regular meeting of the Plan Commission was called to order by Chairman Kurt Hezner at 7:09 p.m. at the Village Hall.

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

Members absent: William Cotey.

A quorum was established.

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

Commissioner Robinson moved, seconded by Commissioner Oakley, to approve the October 13, 2008, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

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

Request is for Text Amendments to the Libertyville Zoning Code in order to regulate Outdoor Vending Machines.

Mr. David Smith, Senior Planner, stated that the proposed Text Amendment to the Zoning Code was before the Plan Commission at their September 22, 2008 meeting. Mr. Smith stated that new language for the Zoning Code would require the screening of outdoor vending machines on commercial properties. Mr. Smith stated that during the course of the September 22, 2008 meeting, members of the Plan Commission presented questions and concerns for Staff to reconsider in order to revise the proposed text amendment. Mr. Smith stated that Staff requested a continuance of the matter to the November 10, 2008 Plan Commission meeting.

Mr. Smith stated that upon further consideration, Staff concluded that outdoor vending machines fit more logically into the current Use Limitation sections of the affected commercial zoning districts under the subsection of Outdoor Display and Sales. Mr. Smith stated that the Zoning Code currently provides limitations on location and amount of land area permitted for outdoor display and sales for the C-3 and C-4 Districts. Mr. Smith stated that currently there is no Zoning Code text language that addresses outdoor sales and display in the C-2 District. Mr. Smith stated that Staff is recommending that new subsections be added to include Outdoor Sales and Display in the C-2 District.

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Mr. John Spoden, Director of Community Development, requested to poll the Commissioners for their opinion regarding the proposed Text Amendment prior to them making a motion with a recommendation to the Village Board.

Commissioner Oakley stated that he is not in favor of the amendment as it is too difficult to enforce. He stated that the screening indicated in the amendment would be ugly and unsafe.

Commissioner Moore stated that he does not support the amendment. He stated that outdoor vending machines are not offensive or excessive and that the commercial property owners are merely maximizing the use of the property.

Chairman Hezner stated that he is not in favor of the proposed text amendment as it is not able to be legislated.

Commissioner Jaffe stated that he is not supportive of the proposed amendment. He stated that now is not a good time to be more restrictive on businesses.

Commissioner Howard stated that the proposed restriction on the number of outdoor vending machines is arbitrary. He stated that the outdoor vending machines should be left alone or that they all should be gotten rid of. He stated that the purpose of vending machines is for advertisement.

Commissioner Robinson stated that he is not supportive of the proposed text amendment. He stated that any screening imposed upon outdoor vending machines would make the site less attractive.

In the matter of PC 08-18, Commissioner Howard moved, seconded by Commissioner Robinson, to recommend the Village Board of Trustees approve Text Amendments to Sections 2-2, 5-3.2, 5-3.3, 5-3.4(f), 5-4.4(c)(2), 5-5.4(b)(2) of the Libertyville Zoning Code.

Motion failed unanimously.

Ayes: None

Nays: Hezner, Howard, Jaffe, Moore, Oakley, Robinson

Absent: Cotey

NEW BUSINESS: None.

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development stated that the First Presbyterian church has requested a continuance to the December 8, 2008, Plan Commission meeting.

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Commissioner Moore moved, seconded by Commissioner Howard, to approve the 2009 Plan Commission meeting dates with the change to the September meeting date from September 28, 2009 to September 21, 2009.

Motion carried 6 - 0.

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

Motion carried 6 - 0.

Meeting adjourned at 7:35 p.m.