

MINUTES OF THE PLAN COMMISSION
December 12, 2011

The regular meeting of the Plan Commission was called to order by Chairman Mark Moore at 7:22 p.m. at the Village Hall.

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

Members absent: None.

A quorum was established.

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

Commissioner Adams moved, seconded by Commissioner Semmelman, to approve the November 14, 2011, Plan Commission meeting minutes.

Motion carried 7 - 0.

Commissioner Oakley moved, seconded by Commissioner Donahue, to approve the February 14, 2011, Plan Commission meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

Libertyville Municipal Code - Sexually Oriented Business Ordinance

Mr. David Smith, Senior Planner, stated that the draft Adult Use ordinance was before the Plan Commission for their consideration at their November 28, 2011 meeting. During the course of the November 28, 2011 meeting, the Plan Commission identified three areas and requested Staff to review them for possible revisions.

Mr. Smith stated that the Plan Commission requested that consideration should be given to increasing the minimum separation between an Adult Use and more vulnerable land uses such as places of worship, pre-schools, public schools, and the like. Mr. Smith stated that Staff has offered to revise the draft ordinance in Section XIII(B) of the draft ordinance to amend the separation from 750 feet to 1000 feet. Mr. Smith stated that Staff is also proposing that the 1,000 feet separation not include the width of public rights-of-way thus further extending the separation in those cases a public street is within the 1000 foot separation area.

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Mr. Smith stated that the Plan Commission requested that consideration be given to further clarifying how the separation is measured. Mr. Smith stated that Staff has offered to revise the draft ordinance in Section XIII (E) & (F) so that the points of measurement are to be taken from the property lines.

Mr. Smith stated that the Plan Commission requested that consideration be given to further clarifying how the term 'Escort' is defined in the proposed ordinance in order to alleviate possible confusion between someone who is employed by a business that would be classified as an Adult Use per this ordinance and someone who is employed by a Non-Adult Use business that may otherwise give the job title "Escort" to their employees. Mr. Smith stated upon further review, Staff has removed the term "guide" from the definition of Escort, but otherwise believes that the term "Escort" in the context of the Adult Use ordinance will not present a problem of interpretation with respect to businesses that would not otherwise fall within the intended reach of this ordinance.

Commissioner Donahue asked if the proposed ordinance will also regulate Adult Uses in unincorporated areas. Mr. Pardys stated that the Village would not have any jurisdiction in those cases. He stated that the Village does have some jurisdiction in those instances when land is being subdivided within 1½ miles of the municipal boundary.

Commissioner Schultz made a motion, seconded by Commissioner Donahue, to recommend the Village Board of Trustees approve the language as outlined Planning Division memorandum dated December 9, 2011 regarding the draft Adult Use ordinance.

Motion carried 7 - 0.

Ayes: Moore, Adams, Cotey, Donahue, Oakley, Schultz, Semmelman

Nays: None

Absent: None

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, stated that three different developers have shown interest in the vacant 1600 South Milwaukee Avenue site, formerly known as the Fresh Food's site.

Commissioner Adams moved and Commissioner Semmelman seconded a motion to adjourn.

Motion carried 7 - 0.

Meeting adjourned at 7:41 p.m.