

MINUTES OF THE PLAN COMMISSION
April 24, 2023

The regular meeting of the Plan Commission was called to order by Chairman Eric Steffe at 7:01 p.m. at the Village Hall.

Members present: Chairman Eric Steffe, Amy Flores, Richard Pyter, Thomas Rankin, Gregory Wheeler, and Aaron Zych.

Members absent: Walter Oakley.

A quorum was established.

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

Others present: Brooke Lenneman, Village Attorney.

Commissioner Pyter moved, seconded by Commissioner Rankin, to approve the April 10, 2023, Plan Commission meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS:

PC 23-03 Village of Libertyville, Applicant

Request is for a Text Amendment to the Libertyville Zoning Code in order to further regulate Temporary and Permanent Outdoor Dining and Parking Regulations.

Mr. John Spoden, Director of Community Development, stated that the proposed text amendments have a profound and functional impact upon the parking regulations for the C-1 Downtown Core Commercial District. He stated that prior to 2016 the Zoning Code allowed a 1,500 square foot building addition to structures in the downtown without requiring additional parking. He stated that in 2016 the Village removed that parking exemption. He stated that the proposed text amendment will bring the 1,500 square foot exemption back to the Zoning Code but to limit the building additions to every five (5) years. Mr. Spoden stated that within the last three or four years there have been restaurants that have sought approval to construct partial enclosures in areas that would otherwise be considered outdoor dining areas. Examples of this include the Board Room and Coppolillo's Italian Steakhouse. He stated that the proposed text amendment will also include a clear definition of what outdoor dining.

Commissioner Wheeler asked what the next steps in this process for the proposed text amendment are. Mr. Spoden stated that the next step for the text amendment is for the Plan Commission to make their recommendation to the Village Board. He stated that the Village Board will then take action on the proposed amendments to either approve or deny the request.

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Commissioner Pyter stated that the outdoor dining areas that utilize the patio umbrellas often have advertising on the umbrellas. He asked if this type of advertising should be regulated as signage. Mr. Spoden stated that it will be challenging to circumvent this type of advertising and should be viewed as incidental without imposing additional sign regulations on patio umbrella product branding.

Commissioner Pyter stated that he is concerned about the outdoor dining areas allowing live music.

Mr. Spoden stated that the amendment states that no permanent outdoor dining areas shall be permitted to have amplified live music. He stated that none amplified may be permitted. He stated that the intent was to address big outdoor speakers. He stated that Staff can review the amendment language to address music originating from indoors but broadcasted from outdoor speakers.

Commissioner Pyter asked for clarification regarding the difference between permanent and temporary outdoor dining regulations. Mr. Spoden stated that the temporary outdoor dining regulations will allow for a tent.

Commissioner Rankin stated that the proposed text amendment language looks good. He asked if there were any complaints received by the Village during the Firkin restaurant temporary outdoor dining periods. Mr. Spoden stated that in order to address public access through the alleys between the buildings such as the one next to the Firkin restaurant that it is important to establish and regulate the 48" inch public access path.

Commissioner Zych asked if these proposed Zoning Code regulations will accommodate roof top dining. Mr. Spoden stated that the roof top outdoor dining issue is currently under study by Staff and not part of the current proposal.

Ms. Brooke D. Lenneman, Village Attorney, stated that there should be additional language in the proposed text amendment that clarifies that the proposed amendment contemplates outdoor dining regulations that are at grade or ground level only.

Chairman Steffe stated that the language in the proposed text amendment regarding the time period established for the temporary outdoor dining should be revised to read that temporary outdoor dining facilities may be operated only between May 1 and October 31.

Commissioner Wheeler asked if other Economic Commissions or similar Village Boards or Commissions been given an opportunity to give feedback on the proposed text amendments. Mr. Spoden stated that Libertyville Mainstreet organization has been made aware of the proposed Zoning Code changes and fully support.

Chairman Steffe asked if Staff is ready for the Plan Commission to make their recommendation to the Village Board regarding the proposed text amendment to the Zoning Code relative to permanent and outdoor dining regulations. Mr. Spoden stated that they are ready for the Plan Commission recommendation.

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In the matter of PC 23-03, Commissioner Rankin moved, seconded by Commissioner Wheeler, to recommend the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code in order to further regulate Temporary and Permanent Outdoor Dining and Parking Regulations, as outlined on pages one through seven (1 – 7) in the April 21, 2023, Development Review Committee Report with the following revisions:

- 1. That these regulations shall pertain to outdoor dining areas located at ground or street level outside.*
- 2. That temporary outdoor dining facilities may be operated only between May 1st and October 31st.*

Motion carried 6 - 0.

Ayes: Steffe, Flores, Pyter, Rankin, Wheeler, Zych

Nays: None

Absent: Oakley

NEW BUSINESS: None.

STAFF COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, reminded the Plan Commission members to provide their availability for meeting dates coming up in June, July and August.

Commissioner Wheeler moved, seconded by Commissioner Rankin, to adjourn the Plan Commission meeting.

Motion carried 6 - 0.

Meeting adjourned at 7:30 p.m.