

## MINUTES OF ZONING AND PLANNING COMMISSION / ZONING BOARD OF APPEALS MEETING

August 27, 2009

7:30 P.M.

1. Roll Call/Call to Order
2. Approval of minutes of Zoning and Planning Commission / Zoning Board of Appeals for meeting held on 8/13/2009
3. Case Number 09P-06/Zoning Ordinance Text Amendment  
Request to amend the text of the Elmhurst Zoning Ordinance, Chapter 8, Sections 8.3-1, 8.4-1 and 8.6-1 for the purpose of deleting “Pawn Shops” as a permitted use in the C1, C2 and C4 commercial districts.  
**Public Hearing. Notification published 8/5/2009.**
4. Case Number 09P-05/Sloan (C-E Rentals) Conditional Use 1021 S. Route 83  
Request for a Conditional Use permit for the purpose of constructing a parking lot in a residential district pursuant to Section 10.2-1.C of the City of Elmhurst Zoning Ordinance on the property commonly known as 1021 S. Route 83 (PIN: 06-15-413-041).  
**Continued Deliberation – Public Hearing Held 7/23/2009.**
5. Other Business

Commission Members Present: Brinkmeier, Corrado, DeWitt, Frolik, Hill, McCoyd, Mushow, Slone, Whistler

Commissioner Members Absent: None

City Staff Present: Peppers, Werner

Chairman Whistler began the meeting with a request for a motion to approve the Zoning and Planning Commission meeting minutes for August 13, 2007. Commissioner Brinkmeier moved to approve the minutes of the August 13, 2009 Zoning & Planning Commission/Zoning Board of Appeals meeting as written. Commissioner Slone seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler noted that agenda item # 4, Case # 09P-05/Sloan (CE Rentals) Conditional Use will not be deliberated tonight because the Applicant still has a pending lawsuit against the City on this very issue. Mr. Werner related that the Applicant has stated that he is dropping the appeal against the City and will submit proper documentation to that affect. Mr. Werner related that the Applicant did send a

letter from his attorney, but that letter was not a formal dismissal of the case. Commissioner Brinkmeier moved to continue the deliberation of Case # 09P-05 to September 10, 2009. Commissioner Slone seconded, and with a voice vote being all ayes, the motion passed.

Chairman Whistler opened the Public Hearing for Case # 09P-06/City of Elmhurst Zoning Ordinance Text Amendment. This is a request by the City Council to delete pawnshop uses in the C1, C2 and C4 zoning districts. The pawnshop use would still be allowed as a permitted use in the C3 district under this proposal.

Mr. Werner presented the Application on behalf of the City of Elmhurst. After all testimony was received, and there being no one in the audience concerned with this Application, Chairman Whistler closed the public hearing portion of this case. Commissioner Mushow moved to deliberate this case tonight. Commissioner Slone seconded and, with a roll call vote being 5 ayes to 4 nays, the motion carried.

During deliberation, the Commission agreed that the pawnshop use is not compatible with the C1, C2 and C4 zoning district purpose statements and agreed that pawnshops should not be permitted in these districts. Commissioner Brinkmeier moved to delete pawnshops as a permitted use in the C1, C2 and C4 districts as presented. Commissioner Mushow seconded and, with a roll call vote being all ayes, the motion was approved.

The Commission, after discussion, further modified the Application to restrict pawnshops in the C3 district to a Conditional Use, rather than a permitted use, which is currently the case. After discussion, Commissioner Corrado moved to modify Case # 09P-06 limiting pawnshops in the C3 district to Conditional Uses. Commissioner Brinkmeier seconded and, after a roll call vote, the Commission unanimously voted to limit pawnshops to a Conditional Use in the C3 commercial district.

The Commission then discussed the definitions of pawnshops provided by Staff. The Commission agreed that the Fairfax County, Virginia definition was the most appropriate for our use, and further modified the definition to exclude the pawning of firearms. Commissioner Brinkmeier moved to incorporate the Fairfax County definition of pawnshops as discussed with the additional language to exclude the pawning of firearms. Commissioner Mushow seconded and, after a roll call vote, the Commission unanimously voted to approve the definition of pawnshops as discussed.

Under Other Business, Staff advised the Commission of the status of current cases and upcoming cases.

The meeting was adjourned at 9:20 PM.

Submitted by: Nathaniel J. Werner AICP, Planning and Zoning Administrator