

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

August 26, 2010

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 August 12, 2010
3. Case Number 10P-10/Elmhurst Memorial Healthcare
Request for preliminary and final approval of an Amended Planned Development Plan/Conditional Use and Map Amendment on properties commonly known as 1100, 1200 and 1400 S. York Street.
Continued Public Hearing from August 12, 2010
4. Case Number 10ZBA-08/FedEx Variation- 900 N. County Line Road
Request for fence height variation on property commonly known as 900 N. County Line Road
Public Hearing – All properties within 500 feet have been notified
Note- This Public Hearing was continued from August 12, 2010
5. Case Number 10P-11/Thornton’s Conditional Use and Associated Variations
Request for Conditional Use Permit and Associated Variations for the purpose of constructing and operating a gasoline station and convenience store on property commonly known as 476 N. York Street.
Public Hearing – All properties within 500 feet have been notified
6. Case Number 10P-09/BTS Tower – Clear Wireless Conditional Use
Request for Conditional Use Permit for the purpose of erecting a cellular communications tower on property commonly known as 1 Betsy Ware Avenue (behind 782 Industrial Drive) PIN 03-26-400-012
Deliberation – Public Hearings held 7/8/2010, 7/22/2010 & 8/12/2010
7. Other Business.

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

Commissioner Members Absent: Slone

City Staff Present: Werner

After a roll call establishing a quorum, Chairman Whistler requested a motion to approve the Zoning and Planning Commission meeting minutes for August 12, 2010. Commissioner Corrado moved to approve the

minutes of the August 12, 2010 Z&P Commission meeting as written. Commissioner Mushow seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler explained that he will be recusing himself from the continued proceedings of Case # 10P-10 because he is a member of the Board of Trustees of Elmhurst Memorial Healthcare. Mr. Werner requested a motion to install Commissioner Mushow as Acting Chairman for tonight's meeting. Commissioner Brinkmeier moved to install Commissioner Mushow as Acting Chairman for Case # 10P-10. Commissioner DeWitt seconded and, with a roll call vote being all ayes, the motion passed.

Mr. Scott Day, Attorney at Law representing Elmhurst Memorial Health Care, presented additional information regarding neighborhood concerns about flooding. Mr. Day and Mr. Brian Rieger from V3 Engineering explained the process of getting approval of stormwater management plans. They stated that they have met all of the requirements of the DuPage Stormwater Ordinance and that the proposed relocation of the detention pond from Lot 3 to Lot 1 will actually increase the volume of stormwater capable of being stored on the Hospital property. After testimony from both the applicant and interested persons in the audience was complete, Acting Chairman Mushow closed the Public Hearing portion of this case.

Chairman Whistler opened the continued Public Hearing for Case # 10ZBA-08/FedEx Fence Height Variation. After all testimony was received from the Applicant, and there being no one in the audience concerned with this application, Chairman Whistler closed the Public Hearing portion of this case. Commissioner McCoyd moved to deliberate this case this evening after conclusion of the public hearings. Commissioner Brinkmeier seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler opened the Public Hearing for Case Number 10P-11/Thorntons Conditional Use and associated Variations, which is a request for approval of the construction and operation of a gasoline station with convenience store. Mr. Rich Claes presented the application to the Commission. After testimony was received from the Applicant and interested persons in the audience, the Commission requested additional information including a traffic study and a modified drawing of the monument sign. Commissioner McCoyd moved to continue the Public Hearing to September 23, 2010. Commissioner Brinkmeier seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler opened the deliberation for Case Number 10P-09/BTS Tower – Clear Wireless Conditional Use, which is a request for Conditional Use Permit for the purpose of erecting a 140 foot tall cellular communications tower on property commonly known as 1 Betsy Ware Avenue (behind 782 Industrial Drive).

After discussion, Commissioner Corrado moved to recommend approval of the Applicant's request as presented. Commissioner DeWitt seconded the motion. The vote was a 4 to 4 tie resulting in there being, essentially, no recommendation from the Commission of the Applicant's request.

Under Other Business Mr. Werner advised the Commission of upcoming cases and the status of current cases.

The meeting was adjourned at 11:45 PM.

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