

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

August 12, 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 July 22, 2010
3. 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
Continued Public Hearing from July 8 & 22, 2010 – All properties within 500 feet have been notified
4. 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.
Public Hearing – All properties within 500 feet have been notified
5. 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 will be continued to August 26, 2010
6. Case Number 10ZBA-09/Hipskind Variation – 121 S. Chandler
Request for building height variation on property commonly known as 121 S. Chandler
Public Hearing – All properties within 500 feet have been notified
7. Other Business.

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

Commissioner Members Absent: McCoyd

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 July 22, 2010. Commissioner Corrado moved to approve the minutes of the July 22, 2010 Z&P Commission meeting as written. Commissioner Mushow seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler opened the continued Public Hearing 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). Mr. Frank Dobbs submitted final NEPA screening report requested by the Commission. After all testimony was received from the Applicant, and there being no one in the audience concerned with this petition, Chairman Whistler closed the Public Hearing; this case will be deliberated on August 26, 2010.

Chairman Whistler explained that he will be recusing himself from the proceedings of Case # 10P-10 because he is a member of the Board of Governors 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 Corrado seconded and, with a roll call vote being all ayes, the motion passed.

Mr. Scott Day, Attorney at Law, presented the application on behalf of Elmhurst Memorial Health Care. After testimony from both the applicant and interested persons in the audience, Attorney Day requested a continuance of the Public Hearing for the purpose of providing the responses to the questions raised by interested persons in the audience. Commissioner Brinkmeier moved to continue the Public Hearing for Case # 10P-10 to August 26, 2010. Commissioner Slone seconded and, with a roll call vote being all ayes, the motion passed.

Chairman Whistler opened the Public Hearing for Case # 10ZBA-08/FedEx Fence Height Variation and noted that the Applicant has requested a continuance of the Public Hearing to August 26, 2010. Commissioner Brinkmeier moved to continue the Public Hearing for Case # 10ZBA-08 to August 26, 2010. Commissioner Corrado seconded and, with a roll call vote being all ayes, the motion passed.

Chairman Whistler opened the Public Hearing for Case # 10ZBA-09/Hipskind Variation. Mr. Michael Roth, Attorney at Law, presented the application with Nora and Stephen Hipskind, owners of subject property. After all testimony was received from both the Applicant and interested persons in the audience, Chairman Whistler closed the public hearing portion of this case. Commissioner Frolik moved to deliberate this case this evening. Commissioner Mushow seconded and with a roll call vote being 6 ayes and 2 nays, the motion passed. The Zoning Board of Appeals then deliberated the case resulting in a unanimous approval of the petitioners request.

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

The meeting was adjourned at 10:45 PM.

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