

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

September 25, 2008

7:30 P.M.

1. Roll Call/Call to Order
2. Approval of minutes of Zoning and Planning Commission / Zoning Board of Appeals Meeting held on 9/11/2008
3. Case Number 08P-08/Insite (Chase Bank) request for Conditional Use and Associated Variations
Request for Conditional Use Permit for the purpose of constructing and operating a bank drive-through, a Conditional Use Permit for two (2) pylon signs and associated variations for the height of the pylon signs as well as the area of the wall signs on property commonly known as 534-538 W. St Charles Road (PIN # 06-10-211-025).
Continued Public Hearing from August 14, 2008 and September 11, 2008.
4. Case Number 08P-12/ Cricket Communications Conditional Use
Request for Conditional Use Permit for the purpose of co-location of cellular antenna on an existing tower, and increasing the tower height from 75' to 90', on property commonly known as 211 W. Spangler Avenue (PIN #03-26-406-021) said property being located within the I1 Restricted Industrial District.
Public Hearing – All properties within 500 feet have been notified.
5. Case Number 08P-11/City of Elmhurst request for Zoning Ordinance Text Amendment
Request for amendment to Section of Chapter 7, Section 7.2-5 of the Zoning Ordinance with respect to the RE - Residential Estates District interior side yard requirements.
Public Hearing.
7. Other Business

Commission Members Present: DeWitt, Ernst, McCoyd, Slone, Whistler

Commissioner Members Absent: Brinkmeier, Corrado, Frolik, Mushow

City Staff Present: Werner

Chairman Whistler opened the meeting at 7:30 P.M. and requested a roll call. After the roll call determined that there was a quorum, Chairman Whistler requested a motion to approve the September 11, 2008 minutes of the Zoning and Planning Commission meeting. Commissioner Slone noted that the minutes needed to be corrected to reflect that she voted against requiring the applicant, Insite development, to provide a traffic study. Commissioner Ernst moved to approve the September 11, 2008 Zoning & Planning Commission/Zoning Board of Appeals meeting minutes as amended. Commissioner DeWitt seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the continued Public Hearing for Case # 08P-08/Insite (Chase Bank) request for Conditional Use Permit for a bank drive through, Conditional Use Permits for two pylon signs, and associated variations for pylon sign height and wall sign area. 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 Ernst moved to deliberate this case this evening after the other cases on the agenda. Commissioner Slone seconded the motion and, with a voice vote being all ayes, the motion carried.

Chairman Whistler then opened the Public Hearing for Case # 08P-12/Cricket Communications Conditional Use, which is a request to increase the height of an existing cellular antenna tower at 211 W. Spangler from 75' to 90' for the purpose of co-locating cellular antenna. Chairman Whistler asked the applicant if the property owner was present or if the owner provided a letter allowing the applicant to make the request. The applicant stated that they tried to contact the owner but have had no response to date. Commissioner Ernst moved to continue the Public Hearing to October 9, 2008. Commissioner McCoyd seconded and, with a voice vote being all ayes, the motion passed. Chairman Whistler continued Case # 08P-12 to October 9, 2008 for the purpose of receiving verification of owner approval of the subject application.

Chairman Whistler then opened the Public Hearing for Case Number 08P-11/City of Elmhurst request for Zoning Ordinance text amendment relating to the RE Residential Estates district interior side yard requirements. Mr. Werner presented the application on behalf of the City stating that the RE interior side yard requirements require a minimum side yard of 10% but in no case less than 10 feet, no matter the width of the lot. For lots less than 100 feet wide, the 10 foot requirement exceeds the 10% side yard otherwise required in other residential districts; for 50 and 60 foot lots, the 10 foot minimum is too restrictive. Two people were in the audience and provided additional testimony and suggested that the proposed change could affect the character of the RE district. Audience members provided other ideas to allow lots with non conforming lot widths to maintain their existing setbacks. Mr. Werner stated that there is no rush to change the text; the request is a housekeeping effort to have logical consistency in the Zoning Ordinance and all options should be explored. The Commission agreed that this issue needs more

discussion during deliberation. After all testimony was received, Chairman Whistler closed the Public Hearing portion of this case.

Chairman Whistler then opened the deliberation for Case # 08P-08 / Insite (Chase Bank) request for Conditional Use Permit for a bank drive through, Conditional Use Permits for two pylon signs, and associated variations for pylon sign height and wall sign area.. The Commission agreed that the request for Conditional Use permits for the drive-through and pylon signs met the Standards for Conditional Use. However, the Commission also agreed the pylon sign height be modified from 24 feet down to 20' to conform with the Zoning Ordinance without variation. The Commission also requested that the Applicant eliminate a wall sign on the south wall which faced the residential neighborhood; the remaining wall sign variations were appropriate. The Applicant agreed to these changes. After discussion, the Commission voted unanimously to recommend that the City Council approve the applicant's request as modified.

Under Other Business the Commission discussed the upcoming case schedule and recent DPZ Committee decision on previous cases.

The meeting was adjourned at 9:45 PM.

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