

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

October 23, 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 10/09/2008
3. 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.
Continued Public Hearing from October 9, 2008.
4. Case Number 08P-14/ BP Oil Conditional Use
Request for Conditional Use Permit for the purpose of replacing two pylon signs on property commonly known as 217 E. Butterfield Road (PIN 06-13-125-026), said property being wholly located in the C2 Community Shopping and Service district.
Public Hearing – All properties within 500 feet have been notified.
5. Case Number 08ZBA-10/Comcast Variation
Request for fence height variation in the front yard for the purpose of installing an eight (8) foot security fence on property commonly known as 707 N. Industrial Drive (PIN 03-35-202-001), said property being wholly located in the I1 Restricted Industrial district.
Public hearing – All properties within 500 feet have been notified
6. Case Number 08P-13/ Elmhurst Presbyterian Church Conditional Use
Request for Conditional Use Permit for the purpose of installing an electronic bulletin board sign on property commonly known as 367 S. Spring Road (PIN 06-11-203-027), said property being wholly located in the R2 Single Family Residence district.
Deliberation - Public Hearing held on October 9, 2008.
7. Case Number 08ZBA-09/ Witzel Variation
Request for Interior Side Yard Variation for the purpose of constructing a second floor addition on property commonly known as 277 S. Berkley (PIN 06-02-320-010), said property being wholly located in the R2 Single Family Residence district.
Deliberation - Public Hearing held October 9, 2008.
8. Other Business

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

Commissioner Members Absent: Frolik

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 October 9, 2008 minutes of the Zoning and Planning Commission meeting. Commissioner Corrado moved to approve the October 9, 2008 Zoning & Planning Commission/Zoning Board of Appeals meeting minutes as written. Commissioner Mushow seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the continued 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 if the property owner was present or if the owner provided a letter allowing the applicant to make the request. Mr. Werner then distributed a letter from the owner of subject property authorizing Cricket Communications to make application for a Conditional Use Permit. Ms. Connie Lamberes, representing Cricket Communications, provided testimony relative to the request to increase the height of an existing tower from 75' to 90' for the purpose of co-locating cellular antenna. The Commission requested information be provided prior to deliberation on possible other locations within their search area, and information on the benefit the tower will have to Elmhurst residents. After all testimony was received, and there being no one in the audience concerned with this petition, Chairman Whistler closed the Public Hearing portion of this case. This case will be deliberated on November 13, 2008.

Chairman Whistler then opened the Public Hearing for Case # 08P-14 / BP Oil Conditional Use, which is a request to replace two pylon signs at the gas station located at the northeast corner of Butterfield and York. Mr. Jeff Barmueller, representing State Permits sign company, stated that the signs will be in the same locations, and will be the same height and size as the existing signs. 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 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 # 08 ZBA-10 / Comcast Variation. This is a request for front yard fence height variation, from 3' to 8', for the purpose of constructing a security fence. 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 Corrado 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 7 ayes and 1 nay (Brinkmeier), the motion carried.

Chairman Whistler then opened the deliberation for case # 08 P-13 / Elmhurst Presbyterian Church Conditional Use. This is a request for electronic bulletin board sign to replace the existing manual reader bulletin board sign. The Commission discussed the requested sign and location of the new sign closer to St Charles Road. The Commission noted that the testimony of the Applicant at the Public Hearing indicated that an ash tree was to be removed to allow placement of the sign six feet from the sidewalk (property line). It was the consensus of the Commission that the tree should not be removed for the purpose of installing a sign. The Commission also took issue with the institutional look of the sign (metallic sign with blue color) proposed for this residential neighborhood. The Commission requested the sign be farther from the sidewalk and further requested that the Applicant consider a brick or stone sign and more earth tones for the color of the sign. The Applicant stated that brick or stone would increase the cost of the sign by 25%, but they will consider earth tone colors as an alternative. Chairman Whistler then continued the deliberation of this case to November 13, 2008.

Chairman Whistler then opened the deliberation for case # 08 ZBA-09 / Witzel Variation. This is a request for interior side yard variation for the purpose of constructing a second floor addition. The Commission, acting as the Board of Appeals, reviewed the application, and the additional information provided by the applicant regarding the fireproof materials to be used in the construction of the eave which encroaches the side yard. The Board noted that the Fire Department approved the eave construction plan. The Board discussed the proposed second floor addition noting that only a portion of the proposed eave encroaches the side yard, the wall of the house itself does not encroach the side yard. After discussion, the Board voted unanimously (8-0) to recommend that the City Council approve the Applicant's request.

Chairman Whistler then opened the deliberation for case # 08 P-14 / BP Oil Conditional Use. After discussion, and noting that the replacement signs will be in the same location and have the same height and area, the Commission voted unanimously (8-0) to recommend that the City Council approve the Applicant's request.

Chairman Whistler then opened the deliberation for case # 08 ZBA-10 / Comcast Variation. The Board discussed the proposed fence variation noting that an eight foot fence is allowed in the I1 district, except in the front yard. The fence will enclose the Comcast fleet of vans and trucks which park on the lot across the street from the Comcast offices at 688 N. Industrial Drive. After discussion, and noting the unique circumstances, the Board voted unanimously (8-0) to approve the Applicant's request. The Zoning Board of Appeals has final authority in this case.

Under Other Business the Commission discussed the upcoming case schedule.

The meeting was adjourned at 10:05 PM.

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