

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

December 11, 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 11/13/2008
3. Case Number 08P-16/ North District Planned Development Conditional Use (Hahn Street Properties)  
Request for Preliminary Planned Development Conditional Use Approval for the purpose of constructing a Combined Residential and Business Planned Development consisting of 109 dwelling units, approximately 20,000 square feet of retail space, and 321 parking spaces on properties commonly known as 125, 123, 119, 115, 111 W. Hahn Street, and 260, 242, 238 and 236 N. York Street, said properties being wholly located in the C4A North Downtown Business District.  
**Public Hearing – All properties within 500 feet have been notified**
4. Other Business

**\*The transcript of proceedings is the official record of the hearing and it is not intended that these minutes are a substitute for that transcript pursuant to the Open Meetings Act.**

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

Commissioner Members Absent: None

City Staff Present: Borchert, Said, Spiroff, 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 November 13, 2008 minutes of the Zoning and Planning Commission meeting. Commissioner Corrado moved to approve the November 13, 2008 Zoning & Planning Commission/Zoning Board of Appeals meeting minutes as written. Commissioner Slone seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the Public Hearing for Case # 08P-16/North District Planned Development Conditional Use (Hahn Street) which is a request by Morningside Hahn LLC and the City of Elmhurst as co-applicants for approval of a preliminary planned development. Mr. Thomas Borchert, Elmhurst City Manager, began the presentation by reviewing the actions of City Council leading up to this public hearing. Mr. David Strosberg and Ms. Melissa Pittman representing Morningside Hahn LLC, reviewed the preliminary plans for the site. After all testimony was received from the Applicants, Chairman Whistler then allowed the three persons in the audience to address their concerns.

Testimony was given by a person concerned with the environmental remediation of the gas station and cleaners sites. Additional testimony was given by another person who challenged the process and procedures of the Zoning and Planning Commission stating that the Commission should allow cross examination of the Applicants as was done in the 5<sup>th</sup>/3<sup>rd</sup> case a few years ago. Chairman Whistler explained that cross examination was allowed in the 5<sup>th</sup>/3<sup>rd</sup> case as a result of the Illinois Supreme Court decision on the Klaeren Case. Subsequent to the Illinois Supreme Court decision, the State Legislature reestablished that any special use shall be subject to de novo judicial review as a legislative decision. As a result, the Commission was advised by the City Attorney that the traditional procedures of the Commission should be followed wherein the Applicant presents the case, then the general public is allowed to express their concerns and raise questions/issues, and then the Applicant is allowed to respond prior to the closing of the Public Hearing. Commissioner Brinkmeier moved to proceed with the Public Hearing using the established procedures of the Commission as outlined by Chairman Whistler. Commissioner Corrado seconded and with a voice vote being all ayes, the motion carried.

After all testimony was received from people in the audience, Commissioner Corrado moved to continue the public hearing portion of this case to January 8, 2009. Commissioner Mushow seconded, and with a voice vote being 8 ayes and one nay (Slone), the motion carried. Chairman Whistler then stated that the public hearing will be continued to January 8, 2009 allowing the Applicants an opportunity to respond to the concerns expressed by people in the audience.

Other Business:        There was no other business.

The meeting was adjourned at 11:00 PM.

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