

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

February 12, 2009

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 01/22/2009
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.  
**Deliberation - Public Hearing held on December 11, 2008 and January 8, 2009**
4. Other Business

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

Commissioner Members Absent: None

City Staff Present: Corner, 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 January 22, 2009 minutes of the Zoning and Planning Commission meeting. Commissioner Corrado moved to approve the January 8, 2009 Zoning & Planning Commission/Zoning Board of Appeals meeting minutes as written. Commissioner Frolik seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the deliberation of Case # 08P-16 / North District (Hahn Street Properties) Request for Preliminary Planned Development Conditional Use Approval, which is a request for a planned development consisting of 102 condominium units, 7 townhomes, 20,000 square feet of retail space, and 321 parking spaces on Hahn Street between York Street and Addison Avenue.

The Commission began with a motion to find that the Preliminary Planned Development Plan submitted by the Co-Applicants (Morningside Hahn, LLC and The City of Elmhurst) is substantially similar to, and conforms to, the plan previously approved by City Council in the Development Agreement as Ordinance O-23-2008 dated July 21, 2008, pertaining to the Hahn Street property.

The City Attorney then addressed the Commission regarding the legal and procedural challenges brought forth by an interested party. The City Attorney advised the Commission to proceed in this case as all legal requirements are met, or will be met.

The City Staff then advised the Commission on the challenges made by an interested party regarding the interpretation of Zoning Ordinance requirements. Staff advised the Commission that the Co-Applicant's request is a Planned Development which allows for exceptions to the underlying zoning district.

The Commission then deliberated the requested exceptions to the underlying zoning district. After discussion, the Commission voted on each requested exception resulting in every exception being recommended for approval by the City Council.

The Commission then discussed the requests made by the Normandy Townhome Association. The Commission then voted to recommend that a 5 foot sidewalk be provided on the former Hahn Street right-of-way immediately north of the Normandy Townhome property, and for a 6 foot simulated wrought iron fence (aluminum) to be placed along the east property line of Normandy Townhomes.

The Commission discussed the plowing of snow from the alleys abutting the project and recommended that the alley plowing be done on a priority bases similar to streets.

It is noted that the majority of the Commission disagreed with the overall procedure of the public hearing and deliberation process as it relates to this case. The obligation of the Commission was unclear during the public hearing and deliberation process. It was difficult for the Commission to understand that only certain areas of the application were deemed appropriate for Plan Commission recommendations.

Other Business: The Commission discussed upcoming cases and scheduling.

The meeting was adjourned at 10:05 PM.

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