

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

March 26, 2009

7:30 P.M.

1. Roll Call/Call to Order
2. Approval of minutes of Zoning and Planning Commission / Zoning Board of Appeals for Meetings held on 02/12/2009 and 3/12/2009.
3. Case Number 09P-02 / Delphi Academy Conditional Use  
Request for approval of a Conditional Use for the purpose of establishing an Educational Institution on property commonly known as 905 S. Kent Avenue (PIN 06-13-114-001), said property being wholly located in the R1 Single-Family Residence District.  
**Continued Public Hearing from January 22, 2009 and February 26, 2009.**
4. Case Number 09P-03 / Real Estate Elmhurst LLC request for Map Amendment  
Request for Map Amendment (Rezoning) from CR Conservation/Recreation to any of the four following Zoning District Classifications: R4 Limited General Residence, C1 Local Shopping District, C2 Community Shopping and Service District or C3 General Commercial District for the purpose of creating an economically viable use for the property. The common address is 621 W. North Avenue (formerly 313 N. Route 83). (PIN's 03-34-411-006, 007 & 008).  
**Public Hearing – All properties within 500 feet have been notified.**
5. Other Business

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

Commissioner Members Absent: McCoyd

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 February 12, 2009 and March 12, 2009 minutes of the Zoning and Planning Commission meetings.

Commissioner Corrado moved to approve the minutes of the February 12, 2009 Zoning & Planning Commission/Zoning Board of Appeals meeting as written. Commissioner Slone seconded and, with a voice vote being all ayes, the motion passed.

Commissioner Brinkmeier moved to approve the minutes of the March 12, 2009 Zoning & Planning Commission/Zoning Board of Appeals meeting as written. Commissioner Frolik seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the continued Public Hearing for Case # 09P-02 / Delphi Academy Conditional Use. Mr. Mike Roth, attorney at law, continued the presentation of their request. Mr. Paul Buikema, attorney representing the seller Elmhurst Christian Reformed Church (ECRC), briefed the Commission on the activities that used to take place at the church when it was still operated by ECRC. Mr. Peter Lemmon, senior traffic engineer with Metro Transportation, answered questions about the traffic study he prepared for Delphi Academy. Mr. Roth summarized the application and addressed the Standards for Conditional Uses outlined in the Zoning Ordinance. People in the audience then addressed the Commission with their concerns, both in favor and against the proposed school use. After all testimony was received, Chairman Whistler closed the Public Hearing portion of this case.

Chairman Whistler then opened the Public Hearing for Case # 09P-03 / Real Estate Elmhurst, LLC, which is a request to rezone property located on the northeast corner of Route 83 and North Avenue just north of the new Gables shopping center. Mr. Scott Day, attorney at law, presented the case on behalf of his client. Mr. Day stated that the request is a Constitutional issue in that the City of Elmhurst rezoned the property in 1992 resulting in property that cannot be economically viable under the classification of CR Conservation/Recreation in the Zoning Ordinance. Because of the Constitutional issues involved, and the lateness of the hour, the Commissioner Ernst moved to continue the Public Hearing to April 9, 2009 for the purpose of having the City Attorney present to represent the Commission. Commissioner Frolik seconded and, with a voice vote being all ayes, the motion passed.

Under Other Business the Commission discussed upcoming cases and scheduling.

The meeting was adjourned at 11:30 PM.

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