

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

April 9, 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 meeting held on 3/26/2009.
3. Case Number 09P-04 / Visitation Church Amended Conditional Use  
Request for approval of an Amended Conditional Use for the purpose of site redevelopment and to construct new structures and additions on property commonly known as 779 S. York Street (PIN 06-13-106-005 & 006), said property being wholly located in the R2 Single Family Residence District.  
**Public Hearing – All properties within 500 feet have been notified.**  
***Note: The Zoning and Planning Commission is continuing this Public Hearing to April 23, 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).  
**Continued Public Hearing from 3/26/2009.**
5. 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 R2 Single-Family Residence District.  
**Deliberation - Public Hearing held 1/22/2009, 2/26/2009 & 3/26/2009.**
6. Other Business

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

Commissioner Members Absent: Frolik, Slone

City Staff Present: 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 March 26, 2009 minutes of the Zoning and Planning Commission meetings.

Commissioner Brinkmeier moved to approve the minutes of the March 26, 2009 Zoning & Planning Commission/Zoning Board of Appeals meeting as written. Commissioner Corrado seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the Public Hearing for Case # 09P-04 / Visitation Church Amended Conditional Use. Chairman Whistler announced that this public hearing will be continued to April 23, 2009 and requested a motion to continue the hearing to that date. Commissioner Brinkmeier moved to continue Case # 09P-04 to April 23, 2009. Commissioner Mushow seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the continued 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. After all testimony was received from the Applicant and from concerned neighbors in the audience, Chairman Whistler closed the Public Hearing portion of this case. Due to a heavy agenda for the April 23, 2009 Z&P Commission meeting, it was tentatively agreed to deliberate this case on May 14, 2009. Attorney Spiroff will be present at the May 14, 2009 meeting to allow the Commission to go into executive session prior to deliberating this case.

Chairman Whistler then opened the deliberation of Case # 09P-02 / Delphi Academy Conditional Use. After a review of the overall case from Staff, the Commission addressed each Standard for Conditional Use as described in Section 3.11-8 of the Zoning Ordinance. After discussion, the Commission voted unanimously to recommend that the City Council deny the Applicant's request for Conditional Use.

Under Other Business the Commission discussed upcoming cases and scheduling. Staff advised that the Comprehensive Plan is on the Development, Planning and Zoning Committee agenda for Monday April 13, 2009.

The meeting was adjourned at 10:50 PM.

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