

## MINUTES OF COMMITTEE MEETING

June 8, 2009

7:00 p.m.

### DEVELOPMENT, PLANNING AND ZONING COMMITTEE (DP&Z)

- RE: 1) 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.
- 2) 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).
- 3) Residential Swimming Pool Fencing - Continued Discussion from 3/09/09
- 4) Rental Regulation Ordinance – Referral from 3/16/09 City Council Meeting
- 5) Other Business

Committee Members Present: Morley, Leader

City Staff Present: Said, City Attorney Storino (part-time), Neubauer (part-time), Kopp (part-time), Borchert (part-time)

City Council Present: Mayor DiCianni (part-time)

Chairman Morley called the meeting to order at 7:03 p.m. and he made brief opening comments and reviewed the agenda.

The Committee began discussion of Case Number 09P-04/Visitation Church Amended Conditional Use. After discussion, including access, the neighboring house and stormwater detention, the Committee agreed with the Zoning and Planning Commission recommendations and will issue a report recommending approval of the applicant's request to be placed on the Consent Agenda at the City Council meeting of June 15, 2009.

The Committee then began discussion of Case Number 09P-03 / Real Estate Elmhurst LLC request for Map Amendment. The case was introduced by Chairman Morley. The Committee discussed the current zoning of the site as well as multiple district options. It was noted that an Executive Session can be called if necessary for a legal opinion on the property. The Committee discussed the background of the North and 83 site including previous zoning requests and development history. At this time, the Committee agreed to move to call an Executive Session due to litigation.

The Committee entered into Executive Session at 8:20 p.m. The Committee adjourned Executive Session at 8:41 p.m.

The Committee then reconvened in open session and agreed to continue this discussion to the next Development, Planning and Zoning Committee meeting on June 22, 2009.

The Committee then agreed to discuss agenda item #4, a rental regulation ordinance, prior to agenda item #3. Chief Neubauer explained why rentals have increased and also the increase in complaints, and stated that police presence is extensive. He stated that the current Chronic Nuisance Ordinance has been successful and effective in dealing with this issue. Staff will continue to review programs from other communities.

The Committee then discussed item #3, residential swimming pool fencing. Chief Kopp noted the existing code requires a 48" minimum height barrier. After discussion, the Fire/Building Department will identify some recommendations for the DP&Z Committee and discussion of this topic will be continued to a future date.

There was no Other Business.

The meeting was adjourned at 9:15 p.m.

Submitted by: John D. Said, Director of Planning, Zoning and Economic Development