

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

July 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 6/11/2009.
3. Case Number 09ZBA-05/Flores Variation 573 W. Third Street
Request for Front Yard Variation for the purpose of constructing an unenclosed front porch on property commonly known as 573 W. Third Street (PIN 06-03-204-023), said property being wholly located in the R1 Single family Residence District.
Public Hearing. All properties within 500 feet have been notified.
4. 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.
Continued Deliberation from February 12, 2009 - Public Hearing held on December 11, 2008 and January 8, 2009
5. Discussion of Comprehensive Plan Burnham Award Application
6. Other Business

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

Commissioner Members Absent: Mushow

City Staff Present: Peppers, Werner

Commissioner Brinkmeier moved to approve the minutes of the June 11, 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 opened the Public Hearing for Case # 09ZBA-05/Flores Variation. This is a request for a front yard variation for the purpose of constructing an unenclosed front porch. After all testimony was received from the Applicant, and there being no one in the audience concerned with this request, Chairman Whistler closed the Public Hearing portion of this case. Commissioner Brinkmeier moved to deliberate this case immediately upon conclusion of the Public Hearing. Commissioner Slone seconded and, with a voice vote being all ayes, the motion passed.

After deliberation of the merits of this case, Commissioner Brinkmeier moved to approve the request as presented. Commissioner Slone seconded and, with a roll call vote being all ayes, the motion passed. Pursuant to Section 3.8-6 of the Elmhurst Zoning Ordinance, the Zoning Board of Appeals has final authority of this case.

The Commission then continued deliberation on Case # 08P-16/North District Planned Development Conditional Use (Hahn Street Properties). The Commission had deliberated this case on February 12, 2009, tendered a draft report which was reviewed by the City Attorney prior to its distribution to City Council. The City Attorney, after reviewing the draft Commission Report, advised the Commission that the report was not complete in that a final recommendation to approve, or disapprove, the Planned Development was not made in the report.

Upon the advice of the City Attorney, the Commission continued the deliberation of this case on July 11, 2009 for the sole purpose of making a final recommendation of approval or disapproval. After discussion, the Commission voted 6-2 in favor of recommending approval of the planned development.

Under other business the Commission discussed the draft letter to City Council regarding the planned development process as it related to this case. After discussion, it was the consensus of the Commission that the letter not be sent forward; the concerns expressed in the letter were previously stated in the minutes of the February 12, 2009 Commission meeting.

The Commission also requested Staff to look into a joint meeting with the Development, Planning and Zoning Committee of City Council. Staff agreed to help set up this meeting noting that the Commission has previously discussed having a meeting at the end of the year dedicated to "housekeeping" issues, such as text amendments, procedures, etc. Staff suggested that, perhaps, this "housekeeping" meeting be held on the third Thursday of December and that the DPZ Committee might attend this meeting as well.

Staff then advised the Commission of upcoming cases.

The meeting was adjourned at 9:00 PM.

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