

PLANNING & ZONING COMMISSION MEETING MINUTES

February 7, 2012 - 7:00 p.m.

Chairman Carbonetti called the meeting to order at 7:00 p.m. Clerk Wells called roll. Commission members present: Glenda Miller, Jim Pagles, John Killeen, Phil Smith and Jim Carbonetti. Also present were City Clerk Wells and Community Development Director Santeler.

Planning and Zoning Commission Minutes of December 6, 2011 – Approved

Moved by Smith, seconded by Pagles to accept the minutes of the Planning and Zoning Commission meeting of December 6, 2011, as presented. All ayes. Motion carried.

M & A Investment Group LLC, Variation for Property Located at 704 W. Brink St. to Allow Residential Use

Chairman Carbonetti opened the hearing in the petition of M & A Investment Group LLC for property located at 704 W. Brink St., Harvard, Illinois. The Certificate of Publication was noted and entered into the record. All fees required by said petition have been paid and certified notices were sent to adjacent property owners. The completed petition was entered into the record for a variation from Section 17.20.100, Uses Permitted in Zoning Districts (Table 3) to allow the residential use of the existing home. The subject property is zoned "B-3" Zoning District.

Identification of Objectors/Supporters/Witnesses

No objectors, supporters or witnesses were identified.

Presentation of Evidence by Petitioners

Upon being sworn in by Clerk Wells, Marc Hathaway, M & A Investment Group LLC, gave an overview of the petition for a variation from Section 17.20.100, Uses Permitted in Zoning Districts (Table 3) to use the existing home which is in a commercially zoned area for residential use. The petitioner noted that the subject property is a fully intact, 3-bedroom home with sufficient parking and has been used as a residence in the past. The petitioner felt the best use of the property in its current state was a residential use while maintaining the commercial zoning for the future.

Questions by Planning and Zoning Commissioners to Petitioner

- Commissioner Killeen asked the petitioner if he was seeking to use the property as a residence with office space in part of it or strictly as a residential use. Petitioner Hathaway indicated that the configuration of the house wouldn't work well to have both an office and residence and that his intent was to use the property strictly as a single family home.
- At Commissioner Smith's inquiry, the petitioner stated the property would be a rental unit.

Staff Report

Community Development Director Santeler reported that the legal non-conforming residential use was lost because the property was abandoned for longer than a year and that the property would have to undergo a lot of modification to be used as commercial property. There are a couple of dilapidated buildings in the back of the property that the petitioner would either fix up or take down.

Audience Participation:

Adjoining property owner Gene Hashley inquired about weed maintenance in the field behind the home. Petitioner Hathaway indicated he would mow and maintain the property. Mr. Ashley further noted that there are bunch of vehicles behind the house and one of the buildings lost a portion of the roof during the last wind storm.

Vote on Petition

Moved by Commissioner Miller, seconded by Commissioner Smith to recommend to the City Council to grant the petitioner's request as presented, based on the findings of fact as outlined in the zoning code, to grant a variation from Section 17.20.100, Uses Permitted in Zoning Districts (Table 3) to allow the use of the existing home as a dwelling unit in a B-3 Zoning District. Roll call vote: Miller, aye; Pagles, aye; Killeen, aye; Smith, aye and Carbonetti, aye. Motion approved five to zero.

Clerk Wells stated that the Planning and Zoning Commission's recommendation will come before the City Council at their next regular meeting on Tuesday, January 28th, 2012, at 7 p.m.

Moved by Pagles, seconded by Smith to close the public hearing. All ayes. Motion carried.

OMA Training

Chairman Carbonetti referred to the letter sent out by Mayor Nolan with reference to the update to the Open Meetings Act which requires elected and appointed officials to complete the Public Access Counselor's electronic

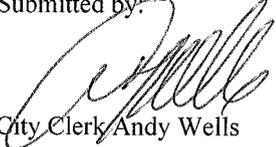
training curriculum regarding the Open Meetings Act. Existing officials need to complete training within one year of January 1, 2012. Newly elected or appointed officials who take office after January 1, 2012, must complete the training course within ninety days. Upon completion, a copy of the certificate should be printed and filed with the City.

Commission Feedback on Petition Via E-mail

Clerk Wells asked if any of the commission had concerns about receiving petitions via e-mail instead of mail. There were none.

At 7:14 p.m., moved by Pagles, seconded by Killeen to close the hearing. All ayes. Motion carried.

Submitted by:


City Clerk/Andy Wells

Date: 02-15-12