

PLANNING & ZONING COMMISSION MEETING MINUTES

July 5, 2006 - 7:00 p.m.

Chairman Stafford called the meeting to order at 7:00 p.m. City Clerk Wells called roll. Commission members present: Glenda Miller, Jim Pagles, Ken Gabrys, Carl Opper and Harry Stafford. Commissioners John Killeen and Mark Hinterlong were absent. Also present were Mayor Nolan, Alderman Logan, City Administrator Nelson, Building Inspector Santeler and members of the audience.

Planning and Zoning Commission Minutes of June 6, 2006 – Approved

Moved by Pagles, seconded by Miller to approve the minutes of the Planning and Zoning Commission meeting of June 6, 2006 as presented. Commission members voting aye: Glenda Miller, Jim Pagles, Ken Gabrys, Carl Opper and Harry Stafford. All ayes. Motion carried.

John Green (owner) and Solid Rock Community Church (Contract Purchaser) – Conditional Use/Variations

Chairman Stafford opened the hearing in the petition of John Green (owner) and Solid Rock Community Church (Contract Purchaser) for property located at 602 Old Orchard Rd. City Clerk Wells confirmed that the fees have been paid. The Certificate of Publication was noted and entered into the record. Certified notices were sent to adjacent property owners. Clerk Wells presented into record the petition submitted by the petitioners for a conditional use to allow a church in an R-1 Residential District and variations from the Lot Area Requirements for Particular Uses pursuant to Section 17.20.090 of the Harvard Municipal Code and from the Required Number of Parking Spaces pursuant to Section 17.32.050 of the Harvard Municipal Code. Attorney Joseph Gottemoller and Pastor David Gardener Sr. were present on behalf of the petitioners.

Chairman Stafford asked for the identification of any objectors. The following objector was entered into the record:

☞ James Hecht, Attorney representing Phyllis Rasmussen, 1311 Garfield St., Harvard

All individuals presenting testimony were sworn in. Attorney Gottemoller distributed pictures of the property and reviewed the petition for a conditional use for a church in a residential district and variations from the lot size to reduce the minimum lot area requirement from 80,000 to 36,395 sq. ft. and to reduce the minimum parking requirements from 50 to 27. The church was constructed in 1969 and was used as a church until its closure at which time it was sold to the petitioner John Green. The property has since been subdivided and the neighboring lots were sold to individual homeowners and are not part of the petition. Rev. David Gardner, 192 Burr Oak Rd., Capron, outlined the proposed use for the property. Solid Rock Community Church would like to relocate their church which is currently in Poplar Grove serving a congregation of 50-75 people with about 16-18 cars parked each week. Attorney Gottemoller noted that paving could be put in the rear towards the west side of the property to create an additional 6-8 parking space. The parallel parking in the entrance area could be changed to diagonal parking and additional parallel spaces could be created in the front of the church. Attorney Gottemoller noted that there have been discussions with Mercy Hospital about renting parking spaces on the weekend; that has not yet been determined but could be pursued if parking became an issue. Attorney Gottemoller conceded that the hardships were created by the previous owner of the property who sold off the lots to individual homeowners. Chairman Stafford asked for questions from the commissioners for Attorney Gottemoller and Rev. Gardner; there were none.

Presentation of evidence by objectors

Attorney James Hecht, representing Phyllis Rasmussen, 1311 Garfield Rd., Harvard, addressed questions to Rev. Gardner and Attorney Gottemoller with respect to attendance, cars parked, community involvement and radio ministry. Attorney Hecht noted Section 17.44.030, Standards for All Conditional Uses, of the Harvard Zoning Code; in particular, (B), that the proposed use will not be detrimental to the value of other properties or improvements in the vicinity and that the petitioner's failed to present the necessary evidence to support a conditional use permit. Attorney Hecht stated that his client was concerned about traffic, a change in the neighborhood since the church was last used and the residential character of the neighborhood. Chairman Stafford asked for questions from the commissioners for Attorney Hecht; there were none.

Joel Berg, 810 Apple Valley Rd., Harvard, stated that he owns the property immediately adjacent to the subject property. Mr. Berg stated he has spoken to many members of the neighborhood and noted that he as well as those he spoke with had no objections to the subject property being used as a church, and that a church would be the best and most appropriate use of the property. However, all those he spoke with expressed concerns with the parking variation especially as the church expands and on-street parking that would be required for special services such as weddings and funerals. Mr. Berg stated his objection is based solely on the parking variation and would like to see the parking dealt with now in a phase plan or up front plan. Chairman Stafford asked for questions from the commissioners for Mr. Berg; there were none.

Chairman Stafford requested that Attorney Gottemoller address the objectors' concerns. Attorney Gottemoller indicated that there would be no problem in complying with a staging plan to be passed by the City Council either by renting spaces from Mercy or other entity and/or by increasing the parking that is available on the subject property, but did not feel it was necessary to do today. Commissioner Pagles asked Building Inspector Santeler how many spaces could be added on the side lot and in the back and front if they used diagonal parking on both sides. Building Inspector Santeler thought they could come pretty close to the parking requirements with around 49 spaces.

Chairman Stafford swore in Duffy Seyller, 606 Old Orchard Road, Harvard, Illinois, who noted concerns about inadequate parking which was created by the property owner when he sold portions of the property. Chairman Stafford advised Mr. Seyller that parking had been discussed and with some reconfiguration, there could be about 49 spaces. Chairman Stafford asked for questions from the commissioners for Mr. Seyller who was asked about vehicles which park on Old Orchard St. both in the morning and afternoon during school when children are being dropped off and picked up.

Joel Berg indicated that if City staff thinks 45-49 cars could be parked on the property, he would withdraw or modify his objection to the parking variation and request that the parking variation is conditioned on giving the church five years to put in a minimum of a total of 45 spaces. Commissioner Opper suggested the condition be also subject to the congregation growing by 50% or at 100 persons or five years, whichever comes first.

There was no further testimony to be presented by the petitioners. Chairman Stafford opened the floor to public comment/audience participation. There was none.

Attorney Gottemoller presented closing arguments and noted that there was no valid testimony presented other than through arguments of the attorney for the petitioner as to the standards to be met as set forth in the Zoning Code and requested that the petitioners' requests be denied.

Chairman Stafford asked for questions by commissioners to any witnesses; there were none.

Upon reviewing all evidence and testimony and after deliberation the following motions were made. Moved by Miller, seconded by Gabrys to recommend to the City Council approval of the petitioners' request to grant a conditional use to allow a church in an R-1 Residential District. Roll call vote: Glenda Miller, aye; Jim Pagles, aye; Ken Gabrys, aye; Carl Opper, aye and Harry Stafford, aye. Motion approved five to zero.

Moved by Pagles, seconded by Opper to recommend to the City Council approval of the Petitioners' request to grant a variation to reduce the minimum lot size from 80,000 sq. ft. to 36,395 sq. ft. Roll call vote: Jim Pagles, aye; Ken Gabrys, aye; Carl Opper, aye; Harry Stafford, aye and Glenda Miller, aye. Motion approved five to zero.

Moved by Miller, seconded by Opper to recommend to the City Council approval of the Petitioners' request to grant a variation to reduce the parking space requirements from 50 to 27, subject to the condition that at such time the congregation is deemed to have 100 members or at five years, whichever comes first, that the subject property shall provide for a minimum of 45 spaces of off-street parking either through on-premise upgrades or through a written agreement with a third party. Roll call vote: Gabrys, aye; Opper, aye; Stafford, aye; Miller, aye and Pagles, aye. Motion approved five to zero.

Clerk Wells advised the petitioner that the Planning and Zoning Commission recommendations would be brought before the City Council at their next regular meeting on July 11, 2006 at 7 p.m.

At 8:06 p.m., moved by Opper, seconded by Gabrys to adjourn the meeting. Commission members voting aye: Glenda Miller, Jim Pagles, Ken Gabrys, Carl Opper and Harry Stafford. All ayes. Motion carried.

(A complete transcript of the proceedings to be provided by Q & A Reporting.)

Submitted by:

City Clerk Andy Wells

Date: _____