

## PLANNING & ZONING COMMISSION MEETING MINUTES

June 1, 2010 - 7:00 p.m.

Chairman Smith called the meeting to order at 7:00 p.m. and called roll. Commission members present: Glenda Miller, Jim Pagles, John Killeen, Terry Smith, Jim Carbonetti and Don Moede. Member Ken Gabrys was absent. Also present was Community Development Director Santeler.

### Planning and Zoning Commission Minutes of February 2, 2010 – Approved

Moved by Miller, seconded by Carbonetti to accept the minutes of the Planning and Zoning Commission meeting of February 2, 2010, as presented. All ayes. Motion carried.

### Guaranteed Automotive, Inc. and Joe Hogel (property owner) – 1442 S. Division St.

Chairman Smith opened the hearing in the petition of Guaranteed Automotive, Inc. and Joe Hogel (property owner) for property located at 1442 S. Division St., Harvard, Illinois. The Certificate of Publication was noted and entered into the record. Certified notices were sent to adjacent property owners. The completed petition was entered into the record for a conditional use to permit the operation of an automobile repair and detailing facility.

Attorney John Gaffney was present on behalf of Guaranteed Automotive, Inc. and indicated he has a signature page with property owner Joe Hogel's signature. Attorney Gaffney noted that an automotive shop was in operation at the subject location, but has not been used for that use for more than one year which is why the conditional use is being sought. Attorney Gaffney deferred to his client, Richard Martin. Upon being sworn in by Chairman Smith, petitioner Richard Martin, 24008 South Street explained the nature of the proposed business for automotive work and detailing. The petitioner stated he ran a detailing shop, K & Z Detailing, about eight years ago and would like to return and operate the business again. The petitioner indicated that he doesn't anticipate working on a large quantity of cars out in the parking lot at once; the work can be done inside. The petitioner stated he would keep the building properly cleaned, lawn cut, with no vehicles piled up outside.

At Chairman Smith's inquiry, the petitioner indicated he has about twenty years experience in detailing and his partner, whom he has hired to do the mechanic work has over ten years experience. The petitioner indicated he had opened the business at the subject location on March 1<sup>st</sup>, but was unaware that a conditional use permit was required. The business was subsequently closed on March 2<sup>nd</sup>, when he was informed of the requirement for a conditional use. Chairman Smith noted that the legal description on the plat of survey covers almost nine acres and not just the building, which presents a potential problem because a conditional use would cover whatever the legal description is and in essence, the entire parcel of nine acres would receive the conditional use permit. Attorney Gaffney suggested that the conditional use be restricted to just the one building on the property. The other alternative would be to get a legal description for that one piece of property.

Chairman Smith entered into the record photographs of the subject property submitted by City staff which were taken on May 27<sup>th</sup>, 2010.

### Questions from Planning and Zoning Commission

- At Commissioner Miller's inquiry, the petitioner outlined the nature of detailing which includes shampooing carpeting, cleaning upholstery, polishing and waxing cars, treating tires, and cleaning the vehicle thoroughly. Further that it is not an auto body shop.
- At Commissioner Killeen's inquiry, the petitioner said the shop would perform minor auto repair such as shocks, brakes, oil changes and tires. They would not do any major repairs such as transmissions. The petitioner rents the pole building that sits at the north end of the property from Joe Hogel and a little of the frontage for parking. The petitioner does not have access to the full nine acres.

### Supporters

Chairman Smith asked if there was anyone present who wished to speak in support of the petition. There were none.

### Objectors

Chairman Smith asked if there was anyone who wished to speak in opposition to the petition. There were none.

### Further Comments by Commission

- Commissioner Pagles expressed concern that the proposed use might not be the best use of the property for what the potential could be for the property, such as a shopping center.

- At Commissioner Carbonetti's inquiry, Community Dev. Director Santeler said it was about ten years ago that property owner Joe Hogel changed the zoning from automotive to a shopping center. Community Dev. Director Santeler further stated that the property is actually zoned M-1 not B-3.
- Commissioner Carbonetti also expressed concern that there would be an enforcement issue if a conditional use were issued for the full parcel.
- Commissioner Killeen felt that there should be a legal description specific to the proposed use before the petition is considered.

Closing Remarks

Attorney Gaffney remarked that the best way to resolve the Commission's concern regarding the legal description would be to recommend the issuance of a conditional use permit conditioned upon a specific legal description to the building and/or parking lot which would necessitate finding a surveyor who would split out the parcel, perhaps Vanderstappen.

Moved by Killeen, seconded by Carbonetti to close the public hearing. All ayes. Motion carried.

The Planning and Zoning Commission Discussion

Chairman Smith felt that the issue of the nine acres would require the City Attorney's input and noted some issues of defining the lot which could be in violation of the Plat Act and the City's subdivision code. Some provision would need to be made for a right of way or easement as an access to the subject building. Attorney Gaffney noted that the legal description would just describe the parcel that is being used in this particular manner and wouldn't give any ability to sell the parcel. Attorney Gaffney further noted that statute requires notification to adjoining land owners and wasn't sure if statute would allow the petitioner to come in with a narrower legal description.

Clerk Wells stated that the petition originally had to cover the whole nine acre parcel and should the Committee wish to continue the hearing they should set a specific date in the future which wouldn't require additional notice to be sent to the property owners. The only requirement would be a posted agenda 48 hours in advance of the meeting. The conditional use would be on the entire nine acres but a condition would be granted only on the specific portion to be used by Automotive Guaranteed, Inc.

Moved by Miller, seconded by Moede to continue the public hearing to the next regular Planning and Zoning Commission Meeting on July 6, 2010, to allow the petitioner time to obtain a legal description of the area to be covered by the conditional use as well as a way of getting ingress/egress to the building from the street. Roll call vote: Miller, aye; Pagles, aye; Killeen, aye; Smith, aye; Carbonetti, no; Moede, aye. Motion approved five to one.

Commissioner Pagles indicated that even if the petitioner obtains access, he did not feel that an automotive repair shop was the best use of the property and personally would not be in favor of the petition.

Clerk's Report

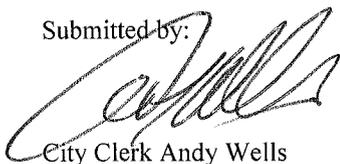
No report at this time. Clerk Wells noted that adjoining owners will not be sent any additional notification of the tabled meeting. Chairman Smith then requested that a letter be sent via first class mail advising them of the new date even though it is not required.

Chairman's Report

No report at this time.

At 7:30 p.m., moved by Carbonetti, seconded by Pagles to adjourn the meeting. All ayes. Motion carried.

Submitted by:

  
City Clerk Andy Wells

Date: 6/8/10