

On Thursday, April 20, 2017, at 7:00 p.m., a regular meeting of the Plan Commission was called to order. Roll Call. Present: Vice-Chair Rene Morris, Karen Chevalier, Doug Freed, Aurelio Gallardo, Eric Larson, and Steve Munson. Absent: Rick Andersen.

Also present were: Planner Dustin Wolff, Building and Zoning Superintendent Amanda Schmidt, City Attorney Tim Zollinger, Assistant City Clerk Monique Castillo, and Alderman Retha Elston.

Karen Chevalier made a motion to approve the minutes of March 16, 2017 as presented. The motion was seconded by Steve Munson. Voting – Ayes: Morris, Chevalier, Freed, Gallardo, Larson and Munson. Nays: None. Motion carried.

Vice-Chair Morris asked the staff for reports of Council Action. Amanda Schmidt reported none at this time.

With no unfinished business to discuss, Vice-Chair Morris opened a public hearing at 7:03 p.m. to hear from petitioners Marv and Karen Lofgren to vacate 25' of Right-of-Way in the 300 block of East 23<sup>rd</sup> Street. The Lofgren's are requesting the City vacate the portion of the right of way directly in front of their currently vacant lot to build a larger/nicer duplex with more space.

There was a brief discussion regarding plans for East 23<sup>rd</sup> Street to be a 4-lane roadway to accommodate traffic but with Lynn Boulevard located immediately to the north, expanding the roadway from 2 lanes to 4 lanes is unlikely and unnecessary.

Vice-Chair Morris noted publications were made, fees were paid, notification requirements were met, signage notifying the public of the hearing was placed at the site for at least two weeks, there were no written comments received and no public comments were made.

Wolff's recommendation to the Plan Commission, grant no more than 20' of right-of-way on the north side of East 23<sup>rd</sup> Street ROW, between W 3<sup>rd</sup> Avenue and W 4<sup>th</sup> Avenue, to retain 80' of public right-of-way, conditioned upon confirmation that no public utilities will be impacted.

Lofgren noted he did not realize there was a vacation limit. If it is common practice to vacate no more than a 20' that will be sufficient.

Vice-Chair Morris closed the public hearing at 7:14 p.m.

Karen Chevalier made a motion that the City vacate no more than 20' of right-of-way on the north side of East 23<sup>rd</sup> Street, between W 3<sup>rd</sup> Avenue and W 4<sup>th</sup> Avenue, to retain 80' of public right-of-way, conditioned upon confirmation that no public utilities will be impacted. The motion was seconded by Doug Freed. Voting: Ayes – Chevalier, Freed, Gallardo, Larson, Morris and Munson. Nays – none. Motion carried.

Vice-Chair Morris opened a public hearing at 7:14 p.m. to hear from petitioner Heath Warner, petitioner of 2501 Avenue E. Warner is requesting to re-zone this location from NB, Neighborhood Business to NB with a Special Use Permit to operate a restaurant/tavern.

Warner presented the commissioners with a printed presentation and pictures to corroborate his vision for the new restaurant and how he came about the idea. He quickly realized it was not a venture he could foresee at his current location, space wise. Surrounding businesses welcome the new establishment and the Warner's feel this is a great location for the Hospice building being built just down the way. He further explained the restaurant will be family oriented with a full kids menu and very affordable.

Wolff noted that Special Use does have specific requirements and there may be operational issues with the Church, YMCA and hospitable residence. He noted this is a prime location for an establishment of this nature and asked the commissioners to keep in mind when making the decision to approve or deny the petition that they recognize this will be a restaurant with a tavern and not vice-versa.

There was a brief discussion regarding the actual purpose of the restaurant. How can the establishment have a family friendly atmosphere, with gaming devices? Warner did explain the gaming devices would be in a separate area and not visible to the guests in the restaurant area.

Vice-Chair Morris noted publications were made, fees were paid, notification requirements were met, signage notifying the public of the hearing was placed at the site for at least two weeks, there were no written comments received and no public comments were made.

Vice-Chair Morris closed the public hearing at 7:45 p.m.

Karen Chevalier made a motion to approve the Special Use petition to allow for a restaurant and tavern on Parcel 11-16-102-001, conditioned upon the following: All exterior modifications to the site or building will be reviewed by the City as an amendment of the Special Use Permit prior to the issuance of a building permit. The Petitioner will provide a landscaping plan for the site in accordance with Section 102-520 of the Zoning Code and installation of landscaping shall be required for the issuance of an Occupancy Permit. The trash and/or dumpster area will need to be enclosed or screened in accordance with Section 102-520C prior to occupancy. The building signage shall comply with Article VII of the Zoning Code, and the freestanding sign shall have landscaping at its base. The motion was seconded by Eric Larson. Voting: Ayes – Gallardo, Larson, Morris, Munson and Chevalier. Nays – Freed. Motion carried.

Vice-Chair Morris opened a public hearing at 7:46 p.m. to hear from petitioner WC Sterling at 612 West 23<sup>rd</sup> Street. The petitioners are asking to subdivide into 2 parcels and Plat for a Condominium.

Karen Berg, attorney for WC Sterling, gave a brief history on this matter leading up to the actions for tonight's meeting.

Wolff noted this public hearing is a 2 part process. First the commission will approve/deny the petition to rezone and subdivide the parcels. Second the commission will approve/deny the Plat.

Wolff noted the need to utilize a PDD (Planned Development District). A PDD provides for flexibility and if the rezoning is not approved, the property will not be legal and conforming, therefore, unable to sell.

Currently the parcel is a TR-6; Two-family Residential zoning which does not allow for a nursing home. Therefore the proposed zoning to change to a MR-6/PDD and MR-10/PDD will accommodate the existing four-plex building and the nursing home.

Wolff noted there are several residences that do not meet setback requirements, which is not an issue as long as these residences are documented as such.

There was discussion regarding where the subdivision would actually be. The lot line is between the cottages and nursing home. The request is to deviate just west of the lot line at approximately a 90 degree angle. In the proposed plat, the entrance is located on the cottages property and maintenance is split between the cottages and nursing home. According to the City Code, the lot lines should be straight, but commission can deviate if necessary.

Irene Hurtches inquired on the minimum zoning requirements around each unit. Wolff explained this is what is meant with regard to setback requirements. As long as each unit is identified, there will be no issues and all units will become legal and conforming if the zoning is approved.

Betty Dicker inquired on the roads with regard to maintenance. Roads will be owned by the association. Dan Hawkins, legal counsel for several units, noted this matter has been in negotiations for 5 years. They are requesting the Plan Commission deviate and allow the extra land.

Roseanne Kaletka-Johnson noted the deviation, to allow the extra land, was not included in the original negotiations.

Marv Lofgren noted deviating the lot line may simplify things.

Denise Kramer suggested utilizing the entrance to the west. It was noted, that is an option but the association would maintain full responsibility of maintaining the roadways, by allowing for the deviation, they would share the costs of roadway maintenance with the nursing home.

Vice-Chair Morris noted publications were made, fees were paid, notification requirements were met, signage notifying the public of the hearing was placed at the site for at least two weeks, there were no written comments received and no public comments were made.

Schmidt reminded the commissioners there will be 2 separate motions.

Vice-Chair Morris closed the public hearing at 8:34 p.m.

Karen Chevalier made a motion to change the zoning from a TR-6 District to a MR-6/PDD and MR-10/PDD to accommodate the existing four-plex building, and the nursing home. The motion

was seconded by Doug Freed. Voting: Ayes – Gallardo, Larson, Morris, Munson, Chevalier and Freed. Nays – None. Motion carried.

Doug Freed made a motion to approve the petition for the plat for Parcel #11-16-151-002 and Parcel #11-16-15-003 with the following conditions: the Rezoning of Parcel 1 to MR-6/PDD and Parcel to MR-10/PDD. The City Attorneys approval of the Declaration of Easements, Covenants, Conditions and Restrictions. Submittal of a Final Plat for review by the City prior to signature/stamp. Condominium Plat approved in accordance with 765 ILCS 605/Condominium Property Act. The motion was seconded by Aurelio Gallardo. Voting: Ayes – Larson, Morris, Munson, Chevalier, Freed and Gallardo. Nays – None. Motion Carried.

Vice-Chair Morris opened a public hearing at 8:46 p.m. to hear Zoning Code Updates.

Wolff explained this is a formality. Any changes to a public document must be done through a public hearing. Wolff reviewed the necessary changes: regulation changes for fencing with regard to corner lots; set back requirements and typographical errors as highlighted on the document as attached.

Schmidt noted the fencing issue has come up several times and she cannot see penalizing a property because they sit on a corner lot.

Vice-Chair Morris noted publications were made, fees were paid, notification requirements were met, signage notifying the public of the hearing was placed at the site for at least two weeks, there were no written comments received and no public comments were made.

Vice-Chair Morris closed the public hearing at 8:49 p.m.

Eric Larson made a motion to approve the updates to the Zoning Code as presented. The motion was seconded by Steve Munson. Voting: Ayes – Morris, Munson, Chevalier, Freed, Gallardo and Larson. Nays – None. Motion Carried.

Schmidt noted Rick Andersen has submitted his resignation, effective April 17, 2017, to fulfill a position as a member of the Sterling Park District Board.

Karen Chevalier informed the board of her decision to resign as commissioner, effective June 2017. Karen is moving out of state to be closer to family. She noted it has been a privilege serving as a commissioner.

With no further business to discuss, the meeting was adjourned at 8:53 p.m.

Monique Castillo  
Assistant City Clerk