

MINUTES
VILLAGE OF ELBURN PLANNING COMMISSION/ZONING BOARD OF APPEALS
MARCH 5, 2019

Members Present: Commissioners Ryan Anderson, Chris Gould, Brian Techter, Chairman Jeff Metcalf

Members Absent: Rob Houtz, Carolyn Jansons, Chris Mulvihill

Staff Members Present: Building Commissioner Tom Brennan, Village Attorney Bob Britz

Others Present: Petitioner's engineer Jim Kozial; Petitioner Shannon Flores, Petitioner supporters Linda Thomas, Wendy Vatland; Elburn Herald Reporter Susan O'Neill

1. Call to Order – Chairman Metcalf called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance – Chairman Metcalf led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call ensued.
4. Public Comment – None
5. Approve Minutes – A motion to approve the February 5, 2019 Planning Commission minutes was made by Commissioner Anderson and seconded by Commissioner Techter. The motion unanimously carried by voice vote.
6. Open the Public Hearing Regarding the Application from Lighthouse Academy for a Special Use Permit and Zoning Variance for a daycare center and Side Yard Reduction at 153 Wright Street – A motion to open the public hearing was made by Gould and seconded by Anderson. A roll call vote ensued. Ayes: Anderson, Gould, Techter, Metcalf. Nays: None. Motion carried.
7. Public Hearing Regarding the Application from Lighthouse Academy for a Special Use Permit and Zoning Variance for a daycare center and Side Yard Reduction at 153 Wright Street – Building Commissioner Brennan advised all requirements in order to conduct this public hearing have been satisfied. A special use is required for a daycare center in the Prairie Valley Commercial (B-2 PUD) development and a variance is required to reduce the setback from 50 feet to 30 feet.

Engineer Kozial explained the proposal on the plat. He stated the variance is for the south lot line along Center Avenue. The original PUD plan called for parking spaces along the south property on Center Avenue which have been eliminated. All parking for the facility will be located on the west side of the property. There was discussion of traffic congestion in the area and Commissioners were satisfied it will be managed. Petitioner Flores explained her expansion plans which will include classroom space and a large multi-functional/gymnasium. The desire is to expand the current space to meet the demand for this service.

There was no further feedback or discussion from the audience or the Commission.

8. Close the Public Hearing Regarding the Application Lighthouse Academy for a Special Use Permit and Zoning Variance for a daycare center and Side Yard Reduction at 153 Wright Street – A motion to close the public hearing was made by Gould and seconded by Anderson. The motion carried by unanimous voice vote.

9. Vote on the Finding of Facts – Chairman Metcalf read aloud the findings of fact for a Variation as follows:

The ZBA shall not recommend, and the Village Board shall not vary, the provisions of this Zoning, unless it shall find that the:

1. Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district;
2. Plight of the owner is due to unique circumstances;
3. Variation, if granted, will not alter the essential character of the locality.

For the purpose of supplementing the above standards, the ZBA, in making a recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes, or fails to establish the following:

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.
2. That the conditions upon which the petition or variation is based would not be generally applicable to other property within the same zoning district.
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant.
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variation will not:
 - o Impair an adequate supply of light and air to adjacent properties.
 - o Substantially increase the hazard for fire or other dangers to said property or adjacent properties.
 - o Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of Elburn.
 - o Diminish or impair property values in the neighborhood.
 - o Unduly increase traffic congestion in the public streets and highways.
 - o Create a nuisance.
 - o Result in an increase in public expenditures.
7. That the variation is the minimum variation necessary to make possible the reasonable use of the land, building or structure.

A roll call vote ensued. Ayes: Anderson, Gould, Techter, Metcalf. Nays: None. Motion carried.

Chairman Metcalf read aloud the findings of fact for a Special Use as follows:

The Planning Commission shall not recommend, nor the Village Board approve a special use, unless it shall find, based upon the evidence presented to the Planning Commission in each specific case that the special use:

- a. Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Zoning Ordinance.

- b. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not alter the essential character of the same area.
- c. Will not be hazardous or disturbing to existing or future neighborhood uses.
- d. Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures., refuse disposal, water, sewers and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- e. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village of Elburn.
- f. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- g. Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.
- h. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief.
- i. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the Village of Elburn.

A roll call vote ensued. Ayes: Anderson, Gould, Techter, Metcalf. Nays: None. Motion carried.

10. Recommendation to the Village Board Regarding the Application for Lighthouse Academy for a Special Use Permit and Zoning Variance for a daycare center and Side Yard Reduction at 153 Wright Street – A motion to recommend approval to the Village Board regarding the application for Lighthouse Academy for a Special Use Permit and Zoning Variance for a daycare center and Side Yard Reduction at 153 Wright Street was made by Gould and seconded by Techter. A roll call vote ensued. Ayes: Anderson, Gould, Techter, Metcalf. Nays: None. Motion carried.

11. Other Business – None

12. Adjourn – Commissioner Anderson motioned to adjourn the meeting at 7:27 p.m. with Commissioner Techter seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin
Village Clerk