

MEETING MINUTES
VILLAGE OF ELBURN
PLANNING COMMISSION/ZONING BOARD OF APPEALS
AUGUST 1, 2023
AT ELBURN VILLAGE HALL

Members Present: Dave Anderson, Chet Cybulski, Rob Houtz, Chairman Chris Mulvihill, Drew Peters, Brian Techter

Members Absent: Ryan Anderson

Staff Members Present: Village Administrator John Nevenhoven, Building Commissioner Tom Brennan,

Others Present: Brandon Harris (Obscurity), Susan O'Neill (Kane County Chronicle), Residents: Amy King, Bob King, Karen Howard, Jennifer Strayve, and Erik Oswald.

1. Call to Order: Chairman Mulvihill called the meeting to order at 7:00 PM
2. Pledge of Allegiance: Commissioner Mulvihill 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 June 6, 2023 Planning Commission minutes was made by Commissioner Dave Anderson and seconded by Commissioner Houtz. The motion was unanimously carried by voice vote.

6. Public Hearing – Map Amendment: Rezoning of 217 and 225 W. North Street and Associated Parcels (11-06-277-011, 11-06-277-012, 11-06-277-008, & 11-06-276-003) to B-1 Central Business District:

Open Public Hearing: A motion to open the Public Hearing at 6:02 PM was made by Commissioner Cybulski and seconded by Commissioner Dave Anderson. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Nays: None. Motion carried.

Village Administrator Nevenhoven began by stating that the owners of the 4 parcels in question have asked to have the properties rezoned to B-1. The brewery to the east of those properties is B-1, thus making sense that the B-1 district continues down that into that area. Nevenhoven referenced the 2020 Comprehensive Land Plan. As of now the Co-Op (CHS) is staying where it is. Nevenhoven asked that anyone speaking in the hearing raise their right hand and swear to tell the truth prior to beginning.

Petitioner Brandon Harris (Obscurity) stated that they want to change the zoning for a business operation. They want the event space to be within the zoning requirement so that they do not have to keep asking for a variance from the Village. Currently, they are doing weddings and events at one of the properties. The concern of more parking lots was addressed. As of now, there is ample parking in a lot behind Obscurity. If they decide to build more on the property, any changes will come in as a planned unit development and another public hearing would happen then.

Resident Amy King asked if there would be more events in the second building. Harris said right now that is not the case; the building is being used for storage. Currently, they are putting permanent bathrooms in the old fertilizer building. When they decide to move further with the use of the Fertilizer building, there may or may not be another public hearing depending on the intended use of the

building. Resident Bob King's concern is what the building will be used for in the future since chemicals have occupied the Fertilizer building for decades. Harris said that they pride themselves on doing things right and would follow EPA guidelines. Commissioner Dave Anderson stated that there have not always been chemicals in the building.

Resident Karen Howard asked about parcel 11-06-276-003 and why Obscurity bought it. Harris said it just made sense to buy it in order to give them more options. Her concern was water flow if it became a parking lot.

Resident Erik Oswald recommended that prior to any construction, an environmental survey should be done. Nevenhoven said they would work with Obscurity before they get a certificate of occupancy to make sure it is safe to occupy.

There was a discussion of Obscurity's property line. Their property ends at the west side of their building. The Village right-of-way goes up to their foundation. There is talk of the Village vacating a portion of Gates Street; however, that will be discussed at another time.

Mr. Harris thanked everyone at the hearing and encouraged anyone with questions to reach out to him.

Close Public Hearing: Being no further questions, comments, or testimony from the public, a motion was made by Commissioner Dave Anderson and seconded by Commissioner Peters to close the public hearing at 7:25 PM. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters and Techter. Nays: None. Motion carried.

7. Discuss and Recommend Approval of Map Amendment for 217 and 225 W. North Street and Associated Parcels (11-06-277-011, 11-06-277-012, 11-06-277-008, & 11-06-276-003) to B-1 Central Business District:

Chairman Mulvihill asked the Commission if they had read the Findings of Fact.

A motion to adopt the Findings of Fact was made by Commissioner Dave Anderson and seconded by Commissioner Peters. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Nays: None. Motion carried.

A motion to approve and recommend to the Village Board the requested changes from C-M or un-zoned to B-1 was made by Commissioner Dave Anderson and seconded by Commissioner Peters. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Nays: None. Motion carried.

8. Public Hearing – Text Amendments to the List of Permitted and Special Uses in the B-1 Central Business District – Commercial Event Center and Game Rooms:

Open Public Hearing: A motion to open the Public Hearing at 7:28 PM was made by Commissioner Cybulski and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Nays: None. Motion carried.

Village Administrator Nevenhoven explained that Obscurity is requesting to add Commercial Event Center to the list of permitted uses in the B-1 Central Business District. They are also requesting to delete Game Rooms from a special use to a permitted use. Slot machines and video gaming do not figure into this. This is for pinball machines, video games, dart boards, etc. These changes would apply to all B-1 properties.

There was a question regarding liquor being served in the commercial event center. If they wanted to serve liquor, they would need to obtain a license.

Resident Amy King asked about a future parking lot and if water flow would be considered. Nevenhoven confirmed that it would most definitely be considered.

Close Public Hearing: Being no further questions, comments, or testimony from the public, a motion was made by Commissioner Cybulski and seconded by Commissioner Peters to close the public hearing at 7:33 PM. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Nays: None. Motion carried.

9. Discuss and Recommend Approval of Text Amendments to the List of Permitted and Special Uses in the B-1 Central Business District – Commercial Event Center and Game Rooms:

Chairman Mulvihill asked the Commission if they had read the Findings of Fact.

A motion to approve the Findings of Fact and recommend and approve to the Village Board the Text Amendments to the List of Permitted and Special Uses in the B-1 Central Business District was made by Commissioner Dave Anderson and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Houtz, Cybulski, Mulvihill, Peters, and Techter. Motion carried.

10. Other Business:

Commissioner Dave Anderson asked about a moratorium on storage facilities in the Village. Nevenhoven spoke with the Village Attorney and is waiting on information back from him. A brief update of previous discussions that the Commission has had at prior meetings was given to the public.

11. Adjourn: Commissioner Dave Anderson motioned to adjourn the meeting at 7:39 PM with Commissioner Techter seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Katie Johnston
Deputy Village Clerk