

PLANNING & ZONING BOARD MEETING
THURSDAY, FEBRUARY 11, 2021
VIA: ZOOM

A. CALL TO ORDER

Chairwoman Ralston called the February 11, 2021 Planning & Zoning Board meeting to order via: zoom at 7:05 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Roll call indicated the following members were present: Ralston, Henning, Ryan, Gartner and Carstensen. Also present were Attorney Long, Director of Community Development Michael Garrigan and Deputy Village Clerk Mateja.

Absent Members: McCarty and Sanfilippo.

D. ANNOUNCEMENTS & CORRESPONDENCE

Community Development Director, Michael Garrigan stated to the board he has nothing at this time.

E. APPROVAL OF THE PZB MEETING MINUTES AS PRESENTED:

1. MARCH 12, 2020

Motion by Member Ryan, seconded by Member Carstensen, to approve the March 12, 2020 meeting minutes as presented.

UPON ROLL CALL:

YES: 5: Henning, Ryan, Gartner, Carstensen and Ralston.

NO: 0:

ABSTAIN: 0:

ABSENT: 2: McCarty and Sanfilippo.

THE MOTION CARRIED

2. MAY 14, 2020

Motion by Member Gartner, seconded by Member Ryan, to approve the May 14, 2020 meeting minutes as presented.

UPON ROLL CALL:

YES: 5: Henning, Ryan, Gartner, Carstensen and Ralston.

NO: 0:

ABSTAIN: 0:

ABSENT: 2: McCarty and Sanfilippo.

THE MOTION CARRIED

3. JUNE 11, 2020

Motion by Member Henning, seconded by Member Ryan to approve the June 11, 2020 meeting minutes as presented.

UPON ROLL CALL:

YES: 5: Henning, Ryan, Gartner, Carstensen and Ralston.

NO: 0:

ABSTAIN: 0:

ABSENT: 2: McCarty and Sanfilippo.

THE MOTION CARRIED

4. JULY 9, 2020

Motion by Member Henning, seconded by Member Gartner, to approve the July 9, 2020 meeting minutes as presented.

UPON ROLL CALL:

YES: 5: Henning, Ryan, Gartner, Carstensen and Ralston.

NO: 0:

ABSTAIN: 0:

ABSENT: 2: McCarty and Sanfilippo.

THE MOTION CARRIED

5. August 13, 2020

Motion by Member Ryan, seconded by Member Gartner to approve the August 13, 2020 meeting minutes as presented.

UPON ROLL CALL:

YES: 5: Henning, Ryan, Gartner, Carstensen and Ralston.

NO: 0:

ABSTAIN: 0:

ABSENT: 2: McCarty and Sanfilippo.

THE MOTION CARRIED

6. September 10, 2020

Motion by Member Henning, seconded by Member Gartner, to approve the September 10, 2020 meeting minutes as presented.

UPON ROLL CALL:

YES: 5: Henning, Ryan, Gartner, Carstensen and Ralston.

NO: 0:

ABSTAIN: 0:

ABSENT: 2: McCarty and Sanfilippo.

THE MOTION CARRIED

7. October 8, 2020

Motion by Member Ryan, seconded by Member Carstensen, to approve the October 8, 2020 meeting minutes as presented.

UPON ROLL CALL:

YES: 5: Henning, Ryan, Gartner, Carstensen and Ralston.

NO: 0:

ABSTAIN: 0:

ABSENT: 2: McCarty and Sanfilippo.

THE MOTION CARRIED

F. OLD BUSINESS

No Old Business to discuss.

G. NEW BUSINESS

1. **PZB 21-01** – Consideration of a request for rezoning approximately 2 acres of property located on Anita Ave north of Depot Street from its current zoning on “Open Space” to “R-3” Townhomes/Multi-family Zoning; PIN 02-082-010-79

Community Development Director, Michael Garrigan, explained:

Background

The owner owns a 1.86-acre vacant parcel on Anita Avenue, adjacent to the creek and Village owned property. The site was rezoned to open space by the Village inadvertently in 2011 through a comprehensive map amendment based on the false understanding that the property was all wetlands. The owner of the subject property purchased the site when it was originally zoned for manufacturing. The site is adjacent to wetlands to the west; however, it appears

that based on the Village Engineer's preliminary review of the parcel, that the majority of the parcel is buildable.

Currently, the site is for sale and the owner has expressed an interest in selling it for multi-family development based on the surrounding multifamily uses. Based on this fact, the owner is requesting the property be rezoned to R-3 (Townhome/multifamily zoning).

Rezoning

When looking at any Rezoning request, it is important to look at the surrounding uses in order that the proposed use of the subject site is generally in character of the surrounding uses. The character of the immediate area is commercial. In accordance with Section 10-2-11, any proposed Rezoning must comply with five (5) findings of facts that are outlined in this section of the Zoning Ordinance. The required findings of facts are as follows:

Analysis

a) The amendment promotes the public health, safety, comfort, convenience and general welfare, and complies with the policies and official plans of the Village; and

The proposed rezoning of the subject site to R-3 is consistent with the Village's Comprehensive Plan which identifies the site for "Village Residential". Village Residential areas are appropriate for multi-family, townhomes and mixed-use housing. Based on the surrounding R-3 uses and the character of the area, there is nothing to reflect that the use of the property for multi-family would have a negative impact on the public health, safety, comfort, convenience, and general welfare of surrounding uses.

b) The trend of development in the area of the subject property is consistent with the requested amendments; and

The subject site is adjacent to Anita Terrace and several other multi-family units along Anita Avenue. Clearly, an additional multi-family building or townhomes on the subject site would not have a negative impact on the character of the area. To the west is wetlands and a multi-family structure if designed properly could integrate quite well into the existing neighborhood character of the area.

c) The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classifications; and

The requested R-3 zoning provides the owner with the opportunity to use his property, versus the current "open space" zoning. Village policy is to afford property owners the legal right to use their properties based on the appropriate zoning and approved plans of the Village. Allowing the owner to rezone the subject site to R-3 zoning would provide them the highest and best use of the subject parcel.

d) The property cannot yield a reasonable use if permitted only under the conditions allowed under the existing zoning classifications; and

The current zoning of the subject site prohibits the owner from using his parcel in anyway and denies him the opportunity to use the site for future development. Since it appears the site is buildable; the owner has the right to use the property for an appropriate use.

e) The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

As highlighted above, the use of the parcel for a single multi-family building or townhomes would not have a negative impact on the character of the subject area. Rezoning the site will not alter the existing character of the neighborhood,

subject to the owner adhering to the Village's site plan and development standards.

RECOMMENDATION

Based on the above analysis, there is nothing to indicate that the rezoning of this parcel to R-3 zoning will have a negative impact on the adjacent parcels. Accordingly, Staff would make the following motion:

We move that the PZB recommend to the Village Board that the subject parcel, commonly known as the "Fox parcel" be rezoned to R-3 zoning.

Member Henning asked if the property was large enough to meet the distance requirements from the creek to a structure. Director Garrigan explained that the attended building site did meet the requirements but would be detailed in a future site plan. This plan would have to be reviewed and approved prior to any future development.

Property owner, Mr. Fox, was sworn in by Deputy Clerk Mateja. Mr. Fox explained he had purchased the property in 2008 with the intent to build. Shortly after, the market started to change causing the property to stay vacant. Mr. Fox stated he was never made aware of the zoning change made back in 2011 until he met with Mr. Garrigan to discuss developing this property.

7:19 PM – Member McCarty Arrived via: zoom

Director Garrigan stated this was a public hearing and asked at this time if anyone wished to speak, we would swear them in one at a time.

IT Manger Pisciotto explained to all attendees the process of identifying and calling on those individuals that would like to speak.

No one wished to address the committee.

Motion by Member McCarty, seconded by Member Ryan, to approve rezoning approximately 2 acres of property located on Anita Ave north of Depot Street from its current zoning on "Open Space" to "R-3" Townhomes/Multi-family Zoning; PIN 02-082-010-79

UPON ROLL CALL:

YES: 6: Henning, Ryan, McCarty, Gartner, Carstensen and Ralston

NO: 0:

ABSTAIN: 0:

ABSENT: 1: Sanfilippo

THE MOTION CARRIED

2. Comprehensive Zoning Map Update:

Director Garrigan reviewed the changes within the last year to our current zoning map which included the Dupre Motel and the Glenn property on Rt 83 and Beach Grove Road.

Motion by Member McCarty, seconded by Member Ryan, to approve Comprehensive Zoning Map Update.

UPON ROLL CALL:

YES: 6: Henning, Ryan, McCarty, Gartner, Carstensen and Ralston

NO: 0:

ABSTAIN: 0:

ABSENT: 1: Sanfilippo

THE MOTION CARRIED

Director Garrigan informed the board The Lakota Group has been hired as consultants for the Downtown Beautification Plan and planning for the "Pittman"

property. This will include extensive visioning and outreach with the community. He added that he is planning to have the EMB sign text amendment for the boards review at next months March meeting.

H. ADJOURNMENT

Motion by Member McCarty, seconded by Member Henning, to adjourn February 11, 2021 PZB Meeting at 7:45pm.

UPON ROLL CALL:

YES: **6:** Henning, Ryan, McCarty, Gartner, Carstensen and Ralston

NO: **0:**

ABSTAIN: **0:**

ABSENT: **1:** Sanfilippo

THE MOTION CARRIED

Respectfully submitted,

Cheryl Mateja

Cheryl Mateja
Deputy Village Clerk