

## **Call to Order**

Chairman Susanke called the Planning and Zoning Commission meeting to order at 7:30 p.m.

## **Roll Call**

Present were Chairman Susanke and Commissioners Gilmore, Kaufman, Kotleba (arrived 7:35), Martin, Shore and Slovacek. Chairman Susanke welcomed Commissioner Slovacek to the Planning and Zoning Commission. Also in attendance were Community Development Director Cathleen Tymoszenko and Planner Jennifer Becker and Trustee Tom Price as Commission Liaison. Several residents were also in the audience.

## **Pledge of Allegiance**

Commissioner Susanke led those in attendance in reciting the Pledge of Allegiance.

## **Approval of Agenda**

**MOTION:** Commissioners Gilmore and Shore moved and seconded to approve the agenda. The motion carried by unanimous roll call vote.

## **Questions from the Audience - None**

## **Approval of Minutes**

**MOTION:** A motion was made by Commissioner Martin and seconded by Commissioner Shore to approve the minutes of the October 25, 2010 meeting. The motion was approved by unanimous vote.

## **New Business**

### **Public Hearing Rezoning from R3 Single Family Residential to RB Residence Business District and Off-street Parking Variation Request**

**MOTION:** Commissioner Shore moved and Commissioner Kaufman seconded to open the public hearing, which passed unanimously.

Planner Becker confirmed publication of the legal notice in the newspaper and certified mail notices to all property owners within 250 feet of the subject property. She presented the application for the rezoning and variations.

Mr. Charles Denofrio, the owner of 117 Oregon, was sworn in as applicant. He provided testimony relating to why he wanted to rezone the property. He stated that the type of business he proposes, a gourmet coffee shop, was not readily available in downtown West Dundee. He proposes to add the shop to the first floor of his residential structure -

no interior or exterior changes would be made. He would occupy the upper floor with his personal residence. He plans to work in affiliation with the Historic District to promote the historic nature of his property in bringing more people to visit the structure and into the downtown area. The coffee shop would be a low traffic business, a self-service type of business with all food products catered in from the Measuring Cup which operates a restaurant business in East Dundee.

Ms. Arlene Botta, the owner of the Measuring Cup was sworn in and provided testimony about the proposed partnership and how she operates her business and would operate in the 117 Oregon location. Several members of her staff were in attendance to provide information as to how the coffee shop would operate.

**Formal objectors were requested from Chairman Susanke.** All persons were duly sworn in by the recording secretary.

Larry Wilbrandt, 218 Oregon, Daniel Wilbrandt, 202 Oregon and Jose Gueruva, 212 S 2<sup>nd</sup> appeared as formal objectors. In addition, a petition was submitted for the record by Mr. Wilbrandt signed by residents in opposition to the petition. While the formal objectors did not submit any evidence into the record, nor directly question the applicant, they spoke of the increased traffic, garbage and parking problems which could occur with the rezoning. Mr. Guerrva asked what would happen to the property if Mr. Denofrio sold the property, would a different type of business be allowed? In addition, if this request was approved, what would prevent other property owners from requesting rezoning for their properties. Mr. Larry Wilbrandt spoke about the vacancies on Main Street and said he thought this type of business could go into one of the vacant spaces.

Director Tymoszenko then presented staff's recommendation for approval and gave a detailed background of the development of Mr. Denofrio's original plan to the plan the Commission sees before them. She then stated that this rezoning is in conformance with the Official Comprehensive Plan to improve the downtown area and increase businesses. She also stated that placing a small restaurant venue in a vacant Main Street store front has always been a difficult and expensive undertaking.

The Commissioners then directed their questions to the petitioner:

Mr. Gilmore talked about the importance of making the building compliant with plumbing codes and fire separation. He also relayed that he thought a hood system would be needed for the kitchen. Mr. Denofrio replied that he would not be using the kitchen for any food preparation, and that the Kane County Health Department had already visited the building and given approval for the business plan

Mr. Shore asked about any restrictions because of the Historical Commission. Staff replied that none existed. Mr. Denofrio stated that it would be counterproductive to take away any of the historic significance of the building by remodeling.

A discussion followed about the long term situation created by rezoning and what could potentially happen to the structure and property if Mr. Denofrio left and sold to another user. Staff explained the various uses permitted in the RB district and also explained that any tear down or remodeling activity would be subject to the restrictions of the RB district. Mr. Denofrio stated that it would be easier for him to add on to or remodel the house in its current zoning district than if it were to be rezoned.

The Chair then opened the floor for public comment:

Ellen Gross, 209 S Second, Victoria Wilbrandt 218 Oregon Street, and Carl Petriezewski, 218 S 2<sup>nd</sup> appeared in opposition to the proposal. In addition to the issues raised by the formal objectors, they also spoke about the introduction of commercial uses on the south side of Oregon Street.

Tom and Nancy Simonton, 403 Oregon, Pam Griffith, 304 S 3<sup>rd</sup>, Timothy Sullivan, 203 Oregon, Karen Weir, 201 S 1<sup>st</sup>, Melissa Lind, 423 S 2<sup>nd</sup>, and Megan Uhl, 416 Liberty appeared in support of the proposal. Proponents spoke about this property being located in the transition neighborhood between the downtown and the residential areas, the need for a corner coffee shop in the downtown area that is within walking distance to the residents.

### **Discussion by the Commission**

Commissioner Gilmore tallied the number of people for and against the proposal in the audience. Commissioner Shore said that those closest to the property don't want the rezoning. Commissioner Martin said he would never let anybody cross Oregon Street with a rezoning. He relayed that he thought the encroachment of business zoning into the neighborhood near his house on North Fifth Street negatively affected his property and he didn't want to see this happen on Oregon Street.

**MOTION:** Commissioner Gilmore moved and Commissioner Kaufman seconded to close the public hearing, which passed unanimously.

**MOTION:** Commissioner Gilmore moved that the Commission approve the proposed rezoning from R-3 to RB. The motion failed on a vote of 0 yeas and 6 nos. No further motion was discussed for the parking variation because the rezoning motion failed.

The meeting was then adjourned by unanimous agreement at 9:35 pm.

Respectfully submitted,



Jennifer Becker, Acting Secretary