

Planning and Zoning Commission
West Dundee Village Hall 7:30pm

Village of West Dundee
Monday, April 28, 2014

I. CALL TO ORDER:

The Planning and Zoning Commission meeting was called to order at 7:30 pm by Chairman Susanke.

II. ROLL CALL:

Present were Chairman Susanke, Commissioners, Kaufman, Kotleba, Martin, Magsamen and Slovacek and Gilmore. Also in attendance were Community Development Director Cathleen Tymoszenko, John Brechin and five (5) people in the audience.

III. PLEDGE OF ALLEGIANCE:

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

IV. APPROVAL OF AGENDA:

MOTION: Moved by Commissioner Kotleba and seconded by Commissioner Kaufman to approve the agenda. The motion was carried by unanimous roll call vote.

V. APPROVAL OF MINUTES:

1. Regular Meeting – February 21, 2014

MOTION: Commissioner Kotleba made a motion to approve the February 21, 2014 Planning and Zoning Commission meeting minutes and seconded by Commissioner Martin. The motion was carried by unanimous roll call vote.

AYES: Commissioners Kaufman, Magsamen, Kotleba, Martin, and Slovacek

NAYS: None

VI. QUESTIONS FROM THE AUDIENCE: There were none.

VII. UNFINISHED BUSINESS: There were none.

VIII. NEW BUSINESS:

A. Public Hearing Petition 14-02 Text Amendment

1. Section 10-5-1: B Conduct of Business Merchandise Sold

MOTION: Commissioner Kotleba made a motion to open the public hearing and was seconded by Commissioner Slovachek. The motion was carried by unanimous roll call vote.

Chairperson Susanke gave a brief summary of the reason for the Public Hearing for Petition 14-02 Text Amendment. Director Tymoszenko provided a brief overview on the difference between used merchandise and new merchandise and provided to the Commission a drafted ordinance with new definitions which defines what is new and used within each category.

Discussion was held regarding the zoning districts.

The B-2 Regional Business District zoning regulations shall recognize the need for large, modern unified zoning district to serve great numbers of regional and local customers. No used merchandize will be allowed to be sold.

The B-3 Business Service District zoning regulations shall recognize the need to provide business services for transient and local customers. Permitted uses would be antique, consignment and second hand merchandise store in spaces with 5000 square feet or less and not within 750' of another similar user.

The R-B Residential Business District has permitted uses including antique shop, gift shop, gourmet shop apartments are allowed above ground floor level.

The S-D District would remain the same with no changes and no used merchandise allowed.

A question was raised that if a store sells new furniture to another store that would turn around and sell it, would it be considered used furniture? Director Tymoszenko replied that it was would be classified now as used merchandise.

Chairperson Susanke asked if there were any questions or comments from the audience.

Dan Sharpel of 180 N. Salle, Chicago, IL asked the Commission if B-2 and B-3 were next to each other and what Spring Hill Gateway was classified under. Director Tymoszenko told him that they are next to each other and that the Gateway is zoned as B-2. He also inquired as to that if a store sold one item would it be considered a used merchant and Director Tymoszenko noted that it would.

Further discussion regarding the definitions and zoning regulations for special use was held.

MOTION: Commissioner Martin moved to make motion to approve Text Amendment 10-5-1B Conduct of Business Merchandise Sold and adopting the Findings of Fact as presented:

1. Not all used merchandise categories are the same. There is a distinct difference between antique stores, consignment stores, used merchant stores and pawn stores. These uses need to be clearly defined in the zoning ordinance.
2. Not all used merchants are appropriate for the B-1 District as this district recognizes the historic significance, spatial layout yard and parking limitation of the original downtown

business district. Only antique and consignment stores are compatible with uses and the physical layout of the district.

3. The B-2 District is a large, modern unified zoning district designed to serve great numbers and regional and local customers. The spatial layout, yard and parking requirements reflect existing development areas a regional view point. The area is not conducive to used goods merchants as they are not compatible with the new goods merchants and other uses permitted in the regional shopping district.
4. The B-3 District is designed to provide business services to transient and local customers. The development regulations recognize the spatial layout, yard and parking requirements of such districts and the need to provide vehicular access without increasing traffic congestion on arterial and residential streets. The district is found to be compatible with used goods sales as long as such uses are not in excess of 5001 square feet or clustered together.
5. Large facility used goods merchants and uses goods merchants clustered together may have an impact on neighboring land and may be detrimental or endanger the public health, may be injurious to the use and enjoyment of other property in the immediate vicinity, may impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, may have an impact on ingress and egress designed and traffic congestion; therefore these larger or clustered uses require special use analysis.
6. Pawn stores are not appropriate in the B-1 or the B-2 District due to historic spatial layout and regional significance; they are appropriate for B-3 business serve and transient customer. Due to the potential impact on the public health, the use and enjoyment of other property in the immediate vicinity, the normal and orderly development and improvement of the surrounding property for uses permitted in the district and the potential impact on ingress, egress and traffic, they require special use analysis. This is still provided for in the Village's zoning ordinance, but it removed from the B-1 and B-2 District.

After a second by Commissioner Kotleba, the motion was carried by unanimous roll call vote.

AYES: Commissioners Kaufman, Magsamen, Kotleba, Martin, and Slovacek

NAYS: None

1. Section 10-12-8 Administration and Enforcement

Discussion was held regarding Text Amendment 10-12-8 Administration and Enforcement. It was noted that some provisions were removed to be in sync with the constitution.

MOTION: Commissioner Kotleba moved to make motion to recommend the acceptance of Text Amendment 10-12-8 Administration and Enforcement and seconded by Martin.

MOTION: Commissioner Slovacek moved to close the public hearing and was seconded by Commissioner Kaufman. The motion was carried by unanimous roll call vote.

AYES: Commissioners Kaufman, Magsamen, Kotleba, Martin, and Slovacek
NAYS: None

X. ADJOURNMENT:

Commissioner Martin moved for adjournment, and Commissioner Kotleba seconded the motion. The meeting adjourned at 8:10 p.m.


Christin Mangan
Commission Secretary