

Plan Commission Meeting
September 16th, 2009

1. Call to Order

Chairman Bonfanti called the meeting to order at 7:00 p.m.

2. Roll Call

Present: Bonfanti, Dunteman, Fotopoulos, Henley
Absent: Kamide, Schmitt, Vachout
Also Present: Trustee Theodore and Hank Mandziara of the Addison Fire Department

Chairman Bonfanti welcomed our newest member, Alesha Henley to the Plan Commission.

PUBLIC HEARING

1. File #PZ-09-17, consideration regarding proposed Text Amendments to the Village of Addison Zoning Code with respect to: Ordinance Amending the Zoning Ordinance of the Village regarding Precious Metal and Gem Dealers and Pawnbrokers.

Also consideration regarding updating various fees set forth in Village Codes having to do with development applications and approvals.

Petitioner: Village of Addison

Mr. Gary Reschke spoke on this file. Mr. Reschke stated that the Pawn Brokers and Metal Dealers are two parts with two ordinances. The first is to allow those uses in the M2 District as permitted uses, and the other is an ordinance having to do with the licensing for the two uses. It is apparently common with pawnbrokers and metal dealers to require that they keep adequate records that available to the local law enforcement and that they keep the items that they receive for a certain period of time, so that they are easily recoverable if they are reported stolen. The Police Department has provided input on this, especially the license part of it.

Mr. Reschke stated that there is two parts to these fees, one being a standard part that we do every 3 years, we will be holding our fees, and they will stay the same for 2010. In 2011 and 2012 is

proposed that they only go up 3%. The second item on the fees is the Village Recapture Fees, when it comes to connecting to water and sewer there are a variety of fees like tap-on or purchasing a water meter. There are private recaptures which means a private developer installed either the water or sewer and needs to be paid back based on a recapture agreement with the Village. If there is no private recapture, the Village was charging a standard Village recapture of \$50.00 a foot for each water and sewer to each property. That fee was never formally adopted in the Village Code even though it was a matter of standard practice within the department to do that. You will see an ordinance that will officially create this and it is called Capital Cost Recovery Fee.

Chairman Bonfanti asked if the Plan Commission had any questions. There were none. Chairman Bonfanti asked if the audience had any questions. There were none. Chairman Bonfanti asked for positive and negative testimony.

POSITIVE TESTIMONY:

None

NEGATIVE TESTIMONY:

None

2. File#PZ-09-19, consideration regarding the rezoning and resubdivision of 0.59 acres of land at 635 W. Lake Street from R1 Single Family Residential to B2 Community Business District with certain variations to permit auto repair.

P.I.N.: 03-20-407-055

Petitioner: Andrew Skalkos, AGS Enterprises Inc.

Mr. Breen, attorney for the petitioner was present and also the petitioner, Mr. Andrew Skalkos was present and sworn in. Mr. Breen stated that the petitioner purchased the property in March of 2009 and he received possession of the property from the former owner, Auto Krafters on or about May 29, 2009 and that was by court order. During the time that he owned the property, Auto Krafters remained in the property until he received possession and continued to repair vehicles both repairing them on site inside the building and out. The property is located on the south side of Lake Street and is zoned R-1, this was a result of an

involuntary annexation which occurred sometime in August of 2006. The property is improved by a commercial building and was originally constructed in 1962; it was designed and used as an auto repair shop. The properties up and down Lake Street are zoned Business; however it is more of an ad-hock type zoning because it ranges from B-1 through B-3 with Special Uses up and down the area. The property directly to the west is Graham Sign which is zoned B-3, to the west of that is Thomas Tile which is zoned B-2 and west of that site is also property that is zoned B-3.

Mr. Breen stated that there is a fence on the site and his client agrees to add slats that would screen any storage vehicles in the back so it won't adversely affect the streets along Lake Street. Mr. Breen stated that the property is illegal non-conforming because the 6 month period has not expired. Mr. Breen stated that he spoke with Staff and that they advised him to proceed with this and asking for the rezoning as a result of the property being zoned R-1. They also requested that in addition to the slats if he would clean up the front of the building and he has agreed to do that. He also agrees to hook up the sewer/water immediately and remove the pole sign and replace it with a monument sign. Mr. Breen stated that if you are familiar with this property and were to look at, this building was not only designed but reasonably could not be used for any other use except for an auto type mechanical shop.

Chairman Bonfanti asked if the Plan Commission had any questions. Ms. Fotopoulos stated that they are asking for B-2 zoning, however, it is not in the book that it allows auto repairs. Mr. Breen stated that it does with Special Uses. Mr. Reschke stated that your question is does the B-2 automatically include auto repair, the answer is no. They are maintaining auto repair on the basis of that was it was when it became vacant. Ms. Fotopoulos stated that she still doesn't see under Special Use where it says that auto repair is ok. Mr. Reschke stated that she is right. Chairman Bonfanti stated then it would be "grandfathered". Mr. Reschke stated they are maintaining that it is "grandfathered". Mr. Reschke stated that Staff is taking no position on this; we encouraged them to make their application, because that is what they are maintaining to us. We are not endorsing his view on this. Chairman Bonfanti stated that the B-2 zoning is all the way up and down Lake Street. Ms. Fotopoulos stated that her problem is that you are asking for B-2 zoning. Mr. Dunteman stated that there are several auto repairs shops along Lake Street that have been annexed or have been there for a long time in the "B" zoning. Chairman Bonfanti asked about the

business/owner. Mr. Breen stated that he purchased the building in March of 2009 and he then had to get possession of the property from the former owner, he did that by court order. Chairman Bonfanti asked if there were anymore Plan Commission questions. There were none. Chairman Bonfanti asked if there were any audience questions. There were none. Chairman Bonfanti asked if there was any positive and negative testimony.

POSITIVE TESTIMONY:

None

NEGATIVE TESTIMONY:

Gary Battistoni, owner of Jeffrey Auto Body stated that there is no way that this business has been in-active for 6 months. He stated that if you check on record with the Sheriff's Office, they came in and shut them down and cars were towed out of there. The business has been out of business for about a year and half.

Dominick Loizzo, owner of Merlin's Muffler stated that he had to go through the annexation agreement process with the B2 zoning. Mr. Loizzo stated that there is no way that this business has been in-active for 6 months.

Wade Gronkey, owner of M&N Auto stated that he has a B2 zoning with an automotive Special Use. He has no annexation agreement, he was annexed way back when Bud Loftus was the Attorney for the Village. They had to give up some property rights for what is currently the right lane of Lake Street in exchange for sewer and water.

Chairman Bonfanti asked for closing remarks. Mr. Breen gave closing remarks. Chairman Bonfanti closed the public hearing for File PZ#09-19.

These files were advertised in the August 31, 2009 issue of the Daily Herald Newspaper.

BUSINESS MEETING

1. Consideration to approve the minutes of the June 10th, meeting.

The minutes of the June 10, 2009 meeting will have to be carried over until next month since there are not enough members to vote.

2. Consideration of File #PZ-09-17 as described above.

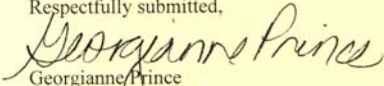
Ms. Fotopoulos made a positive recommendation to approve the consideration of updating the fees and CCR Fee as making them as code and also amending the Zoning Ordinance of the Village requiring the Precious Metal and Gem Dealers and Pawn Brokers to be in M2. Mr. Dunteman seconded. Chairman Bonfanti asked if there was any discussion. There was none. Roll call was taken. Motion carried.

3. Consideration of File #PZ-09-19 as described above. Mr. Dunteman stated that he feels that there are enough questions concerning the actual use of the building for the last year. Mr. Dunteman does not think it can be "grandfathered" in as an pre-existing use because it has not been an active commercial repair shop, therefore, based on that opinion he would like to make a motion to send this forward with a **negative** recommendation from the Plan Commission. Ms. Fotopoulos seconded. Chairman Bonfanti asked if there was any discussion. There was none. Roll call was taken. Motion carried.

4. Other business as directed by the Chairman.

Chairman Bonfanti asked if there was any other business, hearing none, a motion was made to adjourn the meeting at 7:50 p.m. by Ms. Fotopoulos and seconded by Mr. Dunteman. Motion carried.

Respectfully submitted,


Georgianne Prince
Recording Secretary