

**VILLAGE OF ALGONQUIN
PLANNING AND ZONING COMMISSION
Meeting Minutes
Algonquin Village Hall Board Room
July 8, 2013**

AGENDA ITEM 1: Roll Call to Establish a Quorum

Present: Chairperson Patrician; Commissioners Hoferle, Szpekowski, Neuhalfen, Sabatine, and Sturznickel.

Absent: Commissioner Zaplatynsky.

Staff Members Present: Katherine Parkhurst, Senior Planner; Ben Mason, Senior Planner; and Kelly Cahill, Village Attorney.

AGENDA ITEM 2: Approval of Minutes from the June 10, 2013 Meeting.

Chairperson Patrician entertained a motion to approve the June 10, 2013 minutes. Commissioner Sturznickel motioned and Commissioner Sabatine seconded a motion to approve the minutes as presented. The voice vote noted all ayes and the motion carried.

Chairperson Patrician noted that the following item would be brought before the Planning and Zoning Commission for consideration this evening.

- Consideration of a Request for a Special Use Permit (**Case No. 2013-09. GJAS Enterprises, LLC (309 North Main Street)**)

AGENDA ITEM 3: Consideration of a Request for a Special Use Permit (**Case No. 2013-09. GJAS Enterprises, LLC**)

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Mrs. Parkhurst called roll to verify a quorum. Present: Chairperson Patrician; Commissioners Hoferle, Sturznickel, Neuhalfen, Szpekowski, and Sabatine. Absent: Commissioner Zaplatynsky.

PETITIONER COMMENTS

Ms. Cahill swore in the petitioner and verified that proper notice of the meeting had been posted. Representing GJAS Enterprises, LLC was Gurbax Saini, the property owner. Mr. Saini explained that they bought the property from the bank several months ago as a rental property. The building on the property was originally constructed as a single family house; however for many years the upstairs has been a rental apartment. Mr. Saini stated the downstairs was also finished like a residential unit, so they have rented both floors as residential apartments. He was not aware that the zoning was business until the Village sent him a letter. He asks that the Village allow them to continue to rent both units for residential uses.

STAFF AND COMMISSION QUESTIONS/COMMENTS

Mr. Mason gave a brief overview of his memorandum of July 8, 2013. He explained the petition is for a special use permit that would allow residential uses in a B-1 zoning district. The first floor of the building had most recently been used as an attorney's office. Due to the change in use, it was brought to the attention of the Village and therefore is coming through the process to allow for residential uses in a business zoning. Staff recommends the special use permit and not rezoning the property to residential because leaving the zoning commercial will allow for more flexibility in the future.

Chairperson Patrician inquired if there were any Commissioner questions or comments.

Commissioner Sturznickel asked how long the second floor was used as residential. Mr. Mason stated quite a while; it has been considered a legal non-conforming use.

Commissioner Sabatine inquired if there is enough parking on site. Mr. Saini stated there are 4-5 parking spaces on the property behind the building.

Commissioner Neuhalfen asked the petitioner if they were in agreement with the special use permit instead of the residential zoning that they initially asked about. Mr. Saini stated they want to be able to rent both floors for residential uses, so whatever the proper way to do this is fine. *Commissioner Neuhalfen* asked what happens if the unit is vacant for 6 months or more, does the special use permit go away and the property owner would have to reapply. Mr. Mason stated yes, after 6 consecutive months of no residential tenant, and then the special use permit is voided.

Commissioner Szpekowski asked for clarification on the rental, if it could be a single family. Mr. Saini explained the building is already split into a 2 flat, so the units would be rented separately.

Commissioner Hoferle inquired if there are other concerns the property owner should be aware of besides the 6 month rule. Mr. Mason reiterated the restrictions on a special use permit. *Commissioner Hoferle* stated the need to keep the underlying zoning so there are more options for the property in the future and it could be redeveloped in keeping with the Downtown Study.

Chairperson Patrician asked if the properties to the north of the subject property were also zoned commercial but used as residential if they would all be coming in for a special use permit also. Mr. Mason stated no, those properties are considered legal non-conforming and have been for quite some time. The property in question now is before the Village because the use had been commercial on the first floor and just recently changed to residential. *Chairperson Patrician* inquired if the special use permit expires. Mr. Mason stated the special use permit is valid as long as the units are continually rented for residential purposes. *Chairperson Patrician* inquired what happens if the property sells. Mr. Mason explained the special use permit runs with the property, not the owner.

PUBLIC COMMENT

Chairperson Patrician called for public comments.

Mark Marcheski, Family Pet Care Clinic, was sworn in by Ms. Cahill. Mr. Marcheski inquired if residential allows for multi-family; he is concerned about the number of people that could live in the building. He stated the property is a mess and the house has not been maintained by the previous owner and currently there is a bunch of garbage in the back of the house. He is concerned about the people cutting through his property and that the drive way in the winter is very difficult to exit. Mr. Mason stated the Village is aware of the garbage as our property maintenance inspector has noted the debris accumulation and the grass clippings on the front sidewalk. All this will be cleaned up as part of the conditions of the special use permit. Mr. Saini stated they have replaced the roof and broken windows in addition to interior improvements to the site since they have owned the property.

There was no one else wishing to make any comments. Chairperson Patrician closed the public comments.

Chairperson Patrician inquired if the Village has rental licensing. Mr. Mason stated the Village does not have rental licensing. Mrs. Parkhurst mentioned that the Community Development Department and Police Department have looked into the rental licensing program and they are still evaluating the program.

COMMISSION MOTION ON PETITION

Chairperson Patrician entertained a motion to approve the request for a Special Use Permit for 309 North Main Street. Commissioner Sturznicke moved and Commissioner Neuhalfen seconded a motion to approve the request for a Special Use Permit for residential units at 309 North Main Street consistent with the conditions recommended by staff and the findings of fact as presented to the Commission. The Roll Call noted the following: Ayes: Chairperson Patrician; Commissioners Hoferle, Sabatine, Sturznicke, Szpekowski and Neuhalfen. Nays: None. Absent: Zaplatynsky. Motioned carried.

CLOSE PUBLIC HEARING

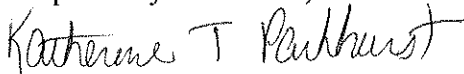
AGENDA ITEM 4: New/Old Business

The Commissioners asked staff for status updates on the Panera drive-through, Riverside Plaza, Route 31 Bypass, and Riverwoods on the Fox.

AGENDA ITEM 5: Adjournment

Chairperson Patrician entertained a motion to adjourn the meeting. Commissioner Neuhalfen motioned and Commissioner Sturznicke seconded a motion to adjourn the meeting. The voice vote noted all ayes. The motion carried, and the meeting was adjourned at 8:15 p.m.

Respectfully Submitted,



Katherine Parkhurst

Senior Planner/Recording Secretary