



**SPECIAL MEETING
OF THE PLANNING AND ZONING COMMISSION**

Meeting Minutes
Wednesday, May 26, 2021
7:00 PM

Call To Order

The Meeting of the Planning and Zoning Commission, Village of Elwood, May 26, 2021, at 7:00 pm, was called to order by Chairman Greg Hickey.

Roll Call

Present:

Greg Hickey, Chairman – Present
Michael Norton, Commissioner – Present
Doug Vaughn, Commissioner – Present
Michelle Peterson, Commissioner – Present
Joe Meyers, Commissioner – Present
Ray Galuszka, Commissioner – Present
John Brach, Commissioner – Present

Also, Present:

Village Clerk/Village Administrator Julie Friebele – Present
Village President Doug Jenco – Present
Director of Public Works Larry Lohmar – Present
Village Engineer Rich Gallas – Present

Presentation Of Minutes

A motion was made by Commissioner Galuszka to approve the minutes of the November 24, 2020, meeting as presented. Commissioner Peterson seconded the motion. A vote was called: Commissioner Norton – yes, Commissioner Vaughn – yes, Commissioner Peterson – yes, Commissioner Meyers – yes, Commissioner Brach – yes, and Commissioner Galuszka – yes. The motion carried.

Public Comments

There were no public comments.

Public Hearing

- A.** *Proposed zoning variation for the construction of an "Accessory Structure" which will exceed the one thousand (1,000) square feet restriction allowed in a R-1 Single Family Residential District*

and for a variance to permit an Accessory Structure with a height of thirty-five (35) feet in a R-1 Single Family Residential District.

- B. Proposed Special Use Permit to permit a "Full Service Restaurant" in the C-1 Local Shopping District.**

Open Public Hearing

A motion was made by Commissioner Vaughn to open and conduct a public hearing to hear testimony regarding:

- A. Proposed zoning variation for the construction of an "Accessory Structure" which will exceed the one thousand (1,000) square feet restriction allowed in a R-1 Single Family Residential District and for a variance to permit an Accessory Structure with a height of thirty-five (35) feet in a R-1 Single Family Residential District.**

- B. Proposed Special Use Permit to permit a "Full Service Restaurant" in the C-1 Local Shopping District.**

Commissioner Meyers seconded the motion. A vote was called: Commissioner Norton – yes, Commissioner Vaughn – yes, Commissioner Peterson – yes, Commissioner Meyers – yes, Commissioner Brach – yes, and Commissioner Galuszka – yes. The motion carried.

- A. Applicant/Petitioner:** **"Accessory Structure" Fire Protection District**
Jason Estes, FGM Architects – Principal
William Offerman – Fire Chief
Jacob McLaughlin – FGM Architects – Project Architect

Swearing an Oath: Village Clerk Julie Friebele administered the oath, swearing in witnesses that will be testifying.

Public Discussion

The Planning and Zoning Commission reviewed evidence and heard testimony given by Jason Estes. The evidence presented was to establish that an undue hardship would be placed on the Elwood Fire Protection District if the variances requested were not approved.

The applicant is requesting a variation to build an accessory building that will be under 36' in height and will be approximately 8,050 square feet. The primary building is used as a fire station for the Elwood Fire Protection District. The accessory building will provide additional support to the Fire District that will aid in providing emergency services to the local community.

The proposed structure complies with all code requirements of Section 162.089 except the 1,000 square foot building maximum. The request for a Variation is necessary to build the approximate 8,000 square foot building on site. Other than the size, there are no other concerns with the development. The entire site is approximately 5 acres. The building will be far from any neighboring structures and does not encroach within or near any setbacks.

B. Applicant/Petitioner: "Full Service Restaurant"
Fernando Lopez - Attorney

Swearing an Oath: Village Clerk Julie Friebele administered the oath, swearing in witnesses that will be testifying.

Public Discussion

The applicant is requesting a special use permit to permit a full service restaurant in the C-1 Local Shopping District. The Planning and Zoning Commission reviewed evidence and heard testimony given by Fernando Lopez, Attorney for the applicant.

The restaurant will provide services to the community. The restaurant can provide not only financial benefits for the owner but also benefit the community. Because food is universal, it provides a commonality for people to eat and enjoy food with friends. The entire experience can be the highlight of someone's day or even week.

Close Public Hearing

A motion was made by Commissioner Galuszka to close the public hearing. Commissioner Meyers seconded the motion. A vote was called: Commissioner Norton – yes, Commissioner Vaughn – yes, Commissioner Peterson – yes, Commissioner Meyers – yes, Commissioner Brach – yes, and Commissioner Galuszka – yes. The motion carried..

Actions to be Taken Following the Public Hearing

- 1) A motion was made by Commissioner Peterson to recommend approval of the proposed zoning variation for the construction of an "Accessory Structure" which will exceed the one thousand (1,000) square feet restriction allowed in a R-1 Single Family Residential District. Commissioner Vaughn seconded the motion. A vote was called: Commissioner Norton – yes, Commissioner Vaughn – yes, Commissioner Peterson – yes, Commissioner Meyers – yes, Commissioner Brach – yes, and Commissioner Galuszka – yes. The motion carried.

- 2) A motion was made by Commissioner Galuszka to recommend approval of the proposed variance to permit an Accessory Structure with a height of thirty-five (35) feet in a R-1 Single Family Residential District. Commissioner Vaughn seconded the motion. A vote was called: Commissioner Norton – yes, Commissioner Vaughn – yes, Commissioner Peterson – yes, Commissioner Meyers – yes, Commissioner Brach – yes, and Commissioner Galuszka – yes. The motion carried.

The recommended approvals were based on the findings of fact:

- I. The requested variation does not permit a use otherwise excluded from the zoning district;
- II. The relief sought cannot be accomplished except by the granting of the requested variation and that the variation is the minimum relief necessary to accomplish the relief sought;
- III. The proposed variation will not impair an adequate supply of light or air to any other

properties or uses, nor will it substantially increase the potential spread of fire or in any way endanger the public health or safety;

- IV. The proposed variation will not adversely impact the value of other properties in the vicinity, nor will the granting of the variation adversely impact upon the ability of surrounding properties to be used and enjoyed for the purposes for which they have been planned and zoned, nor will it endanger the public health or safety; and
- V. Adequate evidence was presented to establish an undue hardship so that a variance should be permitted because of evidence of the following conditions:
 - a. Strict enforcement of the code would involve practical difficulties or impose exceptional hardship;
 - b. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular zoning district;
 - c. The plight of the owner is due to unique circumstances; and
 - d. Materials used to create accessory structure should match primary structure and should blend in with the neighboring aesthetics; and
 - e. The variation will not alter the essential character of the locality.

- 3) A motion was made by Commissioner Norton to recommend approval of the report to the President and Board of Trustees from the Plan Commission for two (2) variances to permit the construction of an Accessory Structure with a height of thirty-five (35) feet, and which will exceed the one thousand (1,000) square feet restriction in a R-1 Single Family Residential District. Commissioner Peterson seconded the motion. A vote was called: Commissioner Norton – yes, Commissioner Vaughn – yes , Commissioner Peterson – yes, Commissioner Meyers – yes, Commissioner Brach – yes, and Commissioner Galuszka – yes. The motion carried.
- 4) A motion was made by Commissioner Galuszka to recommend approval for a special use permit to permit a "Full Service Restaurant" in the C-1 Local Shopping District. The recommended approval was based on the findings of fact:
 - I. The Special Use ("Special Use") for a Full-Service Restaurant will be compatible with the existing development and will not impede the normal and orderly development and improvement of surrounding property. The Commission notes that a restaurant previously existed on the Property for a period of time already as further proof to sustain the findings.
 - II. The Full-Service Restaurant building will be sized adequately to support the proposed use.
 - III. The location of the Special Use is such that traffic impacts will be minimal.
 - IV. The Special Use lot is of adequate size for the particular use.
 - V. In all respects the Special Use will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding area.
 - VI. That adequate facilities exist to support the Special Use.

Commissioner Peterson seconded the motion. A vote was called: Commissioner Norton – yes, Commissioner Vaughn – yes , Commissioner Peterson – yes, Commissioner Meyers – yes, Commissioner Brach – yes, and Commissioner Galuszka – yes. The motion carried.

- 5) A motion was made by Commissioner Vaughn to recommend approval of the report to the President and Board of Trustees from the Plan Commission for a special use permit to permit a "Full Service Restaurant" in the C-1 Local Shopping District. Commissioner Peterson seconded the motion. A vote was called: Commissioner Norton – yes, Commissioner Vaughn – yes , Commissioner Peterson – yes, Commissioner Meyers – yes, Commissioner Brach – yes, and Commissioner Galuszka – yes. The motion carried.

Other Business

No other business was discussed.

Adjournment

A motion was made by Commissioner Galuszka to adjourn the meeting. The motion was seconded by Commissioner Vaughn. The Planning and Zoning Commission all voted in favor of the motion. The motion carried.

Julie Friebele, Village Clerk