

Plan Commission Minutes
May 1, 2014

CALL TO ORDER

The Chairman, John Janek, called the meeting of the Plan Commission to Order on Thursday, May 1, 2014, at 7:00 PM.

PLEDGE OF ALLEGIANCE & SWEAR IN

The Pledge was recited and the Petitioner was sworn in.

ATTENDANCE/ROLL CALL

Members Present: John Janek, Mark Davis, Jack Taylor, Don Luddeke, Peggy Cunningham, Andy Mathes and Roger Tracy. Also present: Alderman Dan McDowell, Assistant City Attorney Laura Andrews and Zoning Administrator Steve Willaredt. Absent : Frank Greathouse. Excused absences: Shirley Howard and Mary Jo Akeman.

MINUTES/AGENDA

A Motion to approve the Minutes from the previous meeting (April 10, 2014) and this evening's Agenda was addressed: Jack Taylor requesting a correction to the Minutes deleting the words, "Frohhardt Elementary" (refer to last paragraph on page one) and inserting "Niedringhaus Elementary".

Motion to approve the Minutes as corrected and the Agenda was made by Jack Taylor and seconded by Roger Tracy. Voice Vote. All ayes. Motion carried.

PURPOSE

The Chair stated the purpose for the meeting is to allow further consideration of the Petition presented by Arcelia Hernandez which, on April 15, 2014, was referred back to the Commission by the City Council.

COUNCIL REPORT

Alderman Dan McDowell reported all of the Petitions presented, with the exception of Arcelia Hernandez's request, were passed by the City Council. He stated the reasoning behind the decision to refer Arcelia's petition back to the Commission was due to her appeal to the City Council at their meeting held on April 15th and also because of an uncomfortable feeling that several members of the Commission were absent on April 10, 2014.:

Alderman McDowell stated; furthermore, a Petition for a home based income tax service in a residential district, if granted, would give the City more control regarding issues like street parking, hours of operation, intensification of use, etc. rather than, for example, the everyday use of public street parking for family and/or friends at gatherings i.e. barbecues or parties. Mr. McDowell reiterated granting a petition with stipulations gives the City more control over parking and the hours of operation.

**PETITIONER: Arcelia Hernandez
2908 State Street
Proposal for a home based income tax service**

The Zoning Administrator distributed seven color photographs (Attachment A, copies available upon request) depicting State Street near Petitioner's home. The photos indicate traffic signs: No Parking Weekdays 8:00 – 10AM, restrictions due to the proximity of the High School and students parking, speed limit sign and a photo of a couple of vehicles parked on the street. One photo shows the curb painted yellow in front of Niedringhaus School (directly across from Petitioner's home). The Zoning Administrator stated the Public Works Department plans to paint that curb white because the school is closed.

Arcelia Hernandez came forth and stated her address. She spoke of favoring all of the restrictions imposed by the Commission on April 10th. She has five children and is trying to support them herself, rather than going to the State (of Illinois) for help. Office space rental/utilities are unaffordable for her. The tax season is approximately 3 months in duration. She appealed to the Commission to consider her petition request.

Discussion followed. Several commission members were adamantly against the Petition being referred back to the Commission and questioned if this is going to be standard operating procedure when the Commission turns down a request. The Chair responded, only 2 or 3 Petitions have been referred back to Commission in the past ten or eleven years.

One member mentioned many people do business out of their homes i.e. Architects, Contractors, Cosmetic Sales/Avon & Mary Kay, Boy Scouts; a few Income Tax Service people have advertising Signs posted in their yards, it is not right to close the door on these people.

MOTION by Andy Mathes and seconded by Don Luddeke to stay with the recommendation of the Commission (April 10th) with no other vote today and to send the Petition back to the City Council for determination. Roll Call vote. 3 ayes and 4 noes. Motion failed.

MOTION by Roger Tracy and seconded by Mark Davis to grant a Special Exemption Permit to allow a home based tax service with the following restrictions (items a thru j).

- a). Hours of Operation limited to: 5:00 PM to 8:00 PM daily and 8:00AM to 12:00 noon Saturday
- b). Days of operation: Monday thru Saturday
- c). Signage limited to: None
- d). Screening required: No
- e). Additional parking required: One off street (driveway) space
- f). Any additional exterior lighting permitted? No
- g). Is there a need to address storm water run-off? No
- h). Does permit expire with change of ownership and/or use? Yes
- i). Is re-application necessary to intensify use? Yes
- j). Shall the Zoning Administrator have the right to bring back the permit for review, if at any time, he finds the stated intent of the permit has not been followed or the business has become a nuisance? Yes

Roll Call vote: 5 ayes and 4 noes. Motion Carried.

NEW BUSINESS

None voiced.

UNFINISHED BUSINESS

None Voiced.

MOTION to Adjourn made by Mark Davis and seconded by Roger Tracy. Motion carried.

Respectfully submitted,

Barbara Hawkins

Recording Secretary

Plan Commission

PLAN COMMISSION ADVISORY REPORT
Hearing Date: May 1, 2014

PETITIONER: **Arcelia Hernandez**
 2908 State Street
 Home Based Income Tax Service

MOTION by Andy Mathes and seconded by Don Luddeke to stay with the recommendation of the Commission (April 10th meeting), with no other vote today and to send the Petition back to the City Council for final determination.

ROLL CALL VOTE

John Janek	No	Peggy Cunningham	Yes
Mark Davis	No	Andy Mathis	Yes
Don Luddeke	Yes	Roger Tracy	No
Jack Taylor	No		

3 ayes, 4 noes. Motion Denied

MOTION by Roger Tracy and seconded by Mark Davis to grant a Special Exemption Permit to allow a home based income tax service in a District Zoned R-3 with the following restrictions:

- a). Hours of Operation limited to: 5:00 PM to 8:00 PM daily and 8:00AM to 12:00 noon Saturday
- b). Days of operation: Monday thru Saturday
- c). Signage limited to: None
- d). Screening required: No
- e). Additional parking required: One off street (driveway) space
- f). Any additional exterior lighting permitted? No
- g). Is there a need to address storm water run-off? No
- h). Does permit expire with change of ownership and/or use? Yes
- i). Is re-application necessary to intensify use? Yes
- j). Shall the Zoning Administrator have the right to bring back the permit for review, if at any time, he finds the stated intent of the permit has not been followed or the business has become a nuisance? Yes

ROLL CALL VOTE

John Janek	Yes	Peggy Cunningham	Yes
Mark Davis	Yes	Andy Mathis	No
Don Luddeke	No	Roger Tracy	Yes
Jack Taylor	Yes		

5 ayes, 2 noes. Motion Carried