



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, September 20, 2016
Case #17-9

The Planning and Zoning meeting was called to order by Chairman Noble at 6:02 P.M.

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary Bossle to take roll call.

Present: Chairman Noble, Commissioners Schneider, Ventura, Jackson, Cardenas, Donoval, Smurawski

Absent: None

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Chairman Noble said the first order of business was to approve the minutes of September 14, 2016, Case #17-8 for 17W434 22nd Street / JRC East Plaza for Petitioner Fond of Math LLC for a Text Amendment And A Special Use To Allow Tutoring Services In The B-3 General Retail District.

Chairman Noble asked if there was any final discussion. There was no discussion.

Chairman Noble asked for a motion to approve the minutes of September 14, 2016, Case #17-8 for 17W434 22nd Street / JRC East Plaza for Petitioner Fond of Math LLC for a Text Amendment And A Special Use To Allow Tutoring Services In The B-3 General Retail District.

MOTION Commissioner Jackson moved and Commissioner Smurawski seconded the motion to approve the minutes of September 14, 2016, Case #17-8 for 17W434 22nd Street / JRC East Plaza for Petitioner Fond of Math LLC for a Text Amendment And A Special Use To Allow Tutoring Services In The B-3 General Retail District.

A VOICE VOTE WAS TAKEN AND PASSED 7-0.

Chairman Noble said the second order of business was to consider a request by the Petitioner, Pathway Community Church, to allow for (1) a special use as a church at 17W609 14th Street pursuant to Section 156.086 (C) (1) of the Zoning Ordinance, and to allow for (2) a variance from Section 156.102 (B) (2) of the Zoning Ordinance which requires 1 parking space for each 4 seats amounting to 69 parking spaces on site to allow 39 parking spaces on site and 40 additional parking spaces with parking agreement off-site; (3) a variance from Section 156.086 (G) (2) of the Zoning Ordinance which requires a minimum west side yard of 20 feet for paved areas adjacent to a residential parcel to allow for the existing paved area to be 0 feet from the side lot line; (4) a variance from Section 156.086 (G) (2) of the Zoning Ordinance which requires a minimum east side yard from the building of 10 feet to allow the existing side yard to be 0 feet from the side lot line; (5) a variance from Section 156.086 (G) (2) of the Zoning Ordinance which requires a minimum east side yard of 5 feet for paved areas to allow the existing paved area to be 0 feet from the side lot line; (6) a variance from 156.086 (G) (3) of the Zoning Ordinance requiring a minimal rear yard of 5 feet for paved areas to allow for an existing paved area to be 0 feet from the rear lot line; (7) a variance from Section 156.086 (G) (1) of the Zoning Ordinance requiring a minimal front yard of 10 feet for paved areas to allow the existing paved area to be 6 feet from the front lot line; (8) a variance from Section 156.101 (E) of the Zoning Ordinance limiting the width of commercial district driveway flares to 5 feet on each side of every driveway to allow existing driveway flares not to exceed 15 feet; and (9) a variance from Section 156.039 (B) (4) of the Zoning Ordinance to allow landscaping between residential and business districts to remain as it currently exists.

Chairman Noble asked all those who would be speaking this evening to please stand up and be sworn in.

Christopher Lauriat of Church Building Architects, Inc., Kirk Wiggins, Lead Pastor of Pathway Community Church, Bob Picha, Elder of Pathway Community Church, and Pathway Community Church Members Gina O'Brien, Tony Oommen and Noel Sterett were sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Chairman Noble asked the Petitioner to stand and state his case.

Attorney for the Petitioner, Richard C. Baker of Mauck & Baker, LLC took the floor and began by stating that the reason for the numerous variances is because it is an existing building. So, for most of what is being asked for is to allow the existing building as it is permanently installed to remain.

Attorney Baker stated that the building was the former Circle Hardware Store owned by Two Brothers Partnership. The area is zoned B-2 which requires a special use for a church. Several of the particular problems with the property are that there are 39 parking spaces and the City has a four-to-one ratio for seating. Four seats for one parking space; there are only 39 spaces and the need is for 69 spaces, so the additional variance for parking with the parking lot immediately adjacent to the property works quite well. The building was built in approximately 1973 at the time when many of the now applicable setbacks, landscape and driveway regulations were not in place. So it is not in compliance with the code and never has been. To bring the property into compliance with the current regulations would be cost prohibitive and significantly reduce the amount of parking on site. One of the things in zoning that is very important in every municipality is concerned about parking. With the City's municipal ordinance requiring one parking space for every four seats, with this particular case, the requirement cannot be met without the extra variance to allow the church to use the neighbor's parking lot. The church is asking for an additional ten parking spots which would be above the requirements in order to have adequate parking for the parishioners.

Attorney Baker summarized that most of the listed variances are setbacks. Those setbacks have to do with the parking lot going right up to the border of the lot. Another violation of setback is that the building shares a common wall with the adjacent building. There is some landscaping setback because the property is right on the lot line. Finally, the flares on the driveway are fifteen feet where now the ordinance is only five feet. So it is an existing driveway that has somewhat wider flares. Attorney Baker then introduced Lead Pastor Kirt Wiggins of Pathway Community Church.

Pastor Wiggins began by stating that he has been the Lead Pastor for almost eleven years, since the church actually started in 2005. Pathway has been meeting since its very beginning in the York Movie Theatre which is located in downtown Elmhurst. The offices are about a block north at 210 N. York Street, Suite 103. Both the theatre on Sunday morning and office space are rented. The new site is approximately 4.4 miles from the current location in downtown Elmhurst. A couple reasons why Pathway is looking for a new location is that the landlord has stated that the York Movie Theatre is going to be renovated and the seats will be replaced with larger, recliner seats. This will reduce the seating capacity by sixty percent and make it more difficult to continue to meet there. As renters, the church is limited in the amount of community it can develop. The new building would provide the opportunity to build community and even deeper roots into the community of Oakbrook Terrace. The congregation averages about 150 people each week and is made up of families that come from as far as Bensenville down to Hinsdale, Melrose Park and over to Lombard, as well as Oakbrook and Oakbrook Terrace.

Pastor Wiggins continued stating that they are looking to build a 275 seat church with plans to use the facility Sunday mornings between 8:30 A.M. and 1:30 P.M. to have Sunday morning worship gathering there, including kids and adults. Throughout the week, the offices would be in the same building and office hours would be Monday through Friday from 8:30 A.M. to 4:30 P.M. Also during the week to have one-on-one counseling, rehearsals for the music team, prayer meetings and on occasion, small group gatherings. Pathway is structured to have Sunday morning worship gathering time in the church and then during the week there are missional communities or small groups that meet in people's homes. The makeup of the congregation is a mixture of young and old, families and singles that come from a variety of cities around the area. Oakbrook Terrace is a very central location and adjacent to the current location. The church hopes to reach out to other neighbors nearby and continue to be an encouragement to the community and help build strong families. Also, the building itself is best suited for a church in terms of location and size. Pathway is a family church with a welcoming, open door to reach families in the community and to strengthen them and give them hope. Some members are considering moving into Oakbrook Terrace and making this their home as well as the people who would come from other communities, eating lunch, shopping and bringing in more revenue into the community.

Architect Christopher Lauriat of Church Building Architects, Inc. began his testimony stating that the footprint of the building and the parking lot will not change in any way. The building and the site are ideally suited for the project. Extensive interior renovations will be necessary in order to turn the existing warehouse and office space into offices, meeting rooms, and a sanctuary. In speaking briefly about the setbacks, the parking is right up against the neighboring lots on two edges, the south and the west. The building currently shares a wall right up to the property line on the eastern edge. There is a fifteen foot flare and a limited amount of landscaping to the south although the neighbor does have a good five foot strip of landscaping with a couple of trees in between the two parking lots. In keeping with the zoning code, a dumpster enclosure will be added with a six foot wood fence around the two existing dumpsters. Other improvements will be made on the site in terms of striping including the three accessible spaces. The exterior modifications will include an entrance to the south primarily because that is the center of gravity for both the parking lot on the property and the shared parking lot. The aspiration is to create something that is noticeable and welcoming to the people that come in on a Sunday morning so that they know where to go and how to get there. There will also be a new walkway to bridge the two parking lots with some brick pavers and new striping so that people can cross safely. The location is ideal in that there are only four parking spaces beyond that point so there will not be a lot of traffic in the area.

Architect Lauriat continued with highlights of the interior renovations including a large space for the sanctuary, office space, classroom spaces for adults and children around the periphery, and some renovations to the restrooms to get a few more stalls. One of two existing entrances that Circle Hardware had will be used during the week as the church office entrance. The second entrance will be mostly used on Sunday mornings as well as the new double door setup to the rear. There are no large masonry load-bearing walls that need to be removed and they will be able to work around the interior columns in order to get a good amount of seating in the sanctuary. All the perimeter walls are going to stay as is. Architect Lauriat then touched on the parking situation. After taking into account the accessible spaces, there are thirty-nine parking spaces left on the property itself. The shared parking agreement with the neighbor to the south is close to completion and would allow for a total of seventy-nine spaces. At a four-to-one ratio on the 275 seats in the sanctuary, sixty-nine spaces would be needed. In order to have some cushion, an additional ten parking spaces beyond the code requirement is being requested in order to have ample space for newcomers. The parking spaces under consideration are the ones that would be closest to what would be the church's main entrance. With the two lots, traffic will be split with some on 14th Street and some on Summit Avenue.

Architect Lauriat spoke about the appropriateness of putting a church in a B-2 zoning district. He began by stating that churches are great buffer uses between residential and commercial; they can bridge the gap. Generally they are a quiet use, a good neighbor, and provide some community services in support for the neighborhoods. They could also be a draw for the nearby retail and restaurant. In order to make the building compliant with the current code, the part of building that sits right up against the east property line would need to be torn down in order to gain the ten-foot setback. Much of the parking lot would have to get reduced. By using the parking in the adjacent lot, it is kind of another row of parking. If there was a larger parking lot with multiple rows of parking, spaces actually end up being much farther away from the building, so the situation with the adjacent lot is quite ideal. The proposed lease agreement would be either four or five years. If the variance as requested is not approved, the cost would be prohibitive and the use could not be established because of the parking situation. The work being proposed and the use itself will be a benefit to the community. Pathway Community Church will be able to flourish once they have their own home. The use of the church would certainly be less intensive with regard to this area than another commercial use. There will only be a handful of people in the building at any given time with the heaviest use, of course, on Sunday morning. Beyond that maybe ten to twenty, maybe thirty people in the building on a regular basis. Only thirty-nine would actually enter through 14th Street which is coming into the residential area and the rest would enter on Summit Avenue.

Chairman Noble asked if there were any comments from Building and Zoning Administrator Dragan.

Building and Zoning Administrator Dragan took the floor and stated that the applicant made a detailed presentation of the request. In conclusion, the application relates to a special use in the B-2 Professional Office District, variance from the required number of parking to allow thirty-nine spaces on site and forty additional spaces available on Sunday with a parking agreement off-site at 1S224 Summit Avenue. The other variations from the zoning code for the driveway flares and landscaping are to allow for existing conditions to remain the same. The only reason for applying the other variations is to clean up the ordinance, but the actual request is for the special use permit and a variation from the required number of parking spaces.

Chairman Noble asked if there were any other questions from the Commissioners.

Commissioner Schneider asked what the second plan is if after the four or five years the parking agreement no longer exists or if the property next door were to be sold.

Attorney Baker replied that there are other options within the 300 feet that the ordinance requires with regards to parking. A very costly option would be to try to buy some real estate once the church becomes established.

Commissioner Schneider questioned why the church would pick a site with such a bad parking situation.

Attorney Baker stated that it is very difficult to find sites in the Chicago Cook County and DuPage County area that have adequate parking. The church has looked in many places. The search primarily began in Elmhurst and to find adequate parking, unless it is an existing church, is very, very difficult. This situation has a great opportunity because of the parking lot right next door, a building that is very adaptable for a church use and a location that accommodates the church as it already is. That is why this site became so attractive. The fact is that there is so much parking in the adjacent lot and the church's use of the parking will not affect their uses. Even if the church were to use the parking on weekdays, the lot is very large and there is a lot of parking there. Parking is always a problem almost everywhere.

Commissioner Donoval asked if they had considered a parking garage since it would help in their case.

Attorney Baker responded that no, they have not considered that since the cost of a parking garage would be prohibitive at this point. If in five years the church becomes very successful and they lose the ability to use the adjacent property, then a parking garage might be feasible. At this point the parking agreement is a lot cheaper option and appears to be an open option. Purchasing the property would not be possible if the church had to put in a parking garage at this time.

Commissioner Ventura asked if the congregation were to grow to 275 and if everybody came to church with only two people per car, the need would be for over 135 parking spots. Where would the other seventy or eighty cars park and who is going to police the congregation for parking and taking up other business spots like the 7-Eleven across the street? The building directly to the east sent a letter stating that they do not want any spillover of cars in their parking lot. So who will police to keep cars out of the east parking lot and the apartment complex because it is not fair to the residents there either?

Attorney Baker replied that at this time, the church does not believe it will need more than the forty spaces they are negotiating with the adjacent building owner. The owner said that frankly they can use the whole lot, but there is a price for every space, so right now they don't want to rent more than the forty per week since it's an expense they don't need at this time. In looking for additional parking, there is also the option to split the church service so that they have a 9:00 A.M. and an 11:00 A.M. service. Currently the church has only one service. The second option would be to expand the agreement with the parking lot, which is completely empty. The church would be willing to entertain any specific suggestions on how to police, but the primary policing will come from the neighbors themselves, so the first thing is it's usually self-policing. 7-Eleven is not going to permit cars to be parked there without complaining about it. Part of the goodwill of the church is to be good neighbors and these are direct neighbors who are already in contact with the church in regards to their concern about continuing to use the dumpster and the church is happy to abide by.

Commissioner Ventura asked if the neighbor to the west is aware of the twenty yard setback to zero.

Attorney Pacione answered that it currently exists that way; they are not changing the setback.

Commissioner Jackson asked about the status of the parking agreement.

Attorney Baker replied that the ordinance will reflect and require the parking agreement; the ordinance will have built in a requirement that the code is met. It is expected that the requirement to have sixty-nine spaces to meet the code will be part of the ordinance.

Chairman Noble asked if the church is still in the process of getting the agreement.

Attorney Baker responded that they are still negotiating and there is a draft of what is on the table if the Commission would like to see it, but the documents are not signed. The negotiations concerning price and snow removal are still being discussed.

Chairman Noble inquired about any holiday obligations.

Attorney Baker stated that as the contract stands right now, there is an extra provision built in. The current agreement summarizes the location of the parking agreement with the option to move the portion of the area to another portion of the parking lot at the owner's discretion. The entire parking lot is within the ordinance requirements, so if they were to move the portion of parking anywhere within the parking lot, they would still be within the 300 foot requirement in the terms of the ordinance. The agreement also states that the use is for every Sunday from 8:30 A.M. to 1:30 P.M. Other times such as Christmas Eve, Good Friday and other such holidays shall be with prior written consent of the licensor. If an extra service is needed, they are not opposed to it, but they will have to pay extra and ensure the snowplowing. Those kinds of services would not be at peak times that the facility would be in use and generally be evenings and holidays. So it is built into the contract that they have the right to go to them if parking is needed at additional times because of special services.

Commissioner Jackson then questioned the length of the agreement.

Attorney Baker stated that the length of the agreement is four to five years which is pretty standard and then the lease would be renewed.

Commissioner Cardenas asked about the relationship between the parking lot of the church with thirty-nine parking spaces and the forty parking spaces; are they right next to each other or is there a street in between.

Architect Lauriat stated that there is a five or six foot strip of landscaping that separates the two lots with no street in between.

Commissioner Donoval asked if there was any possibility of a twenty year lease.

Attorney Baker replied that no, there is not at this time.

Commissioner Donoval then questioned what would happen after four years if the lease does not get extended.

City Attorney Pacione stated that the ordinance would be conditioned upon them maintaining forty off-site parking spots for approval in their special use.

Building and Zoning Administrator Dragan added that if the special use permit ordinance is conditioned on the parking and the City can enforce it in the event that at some point parking will no longer be available. Or they will have to come back before the Planning and Zoning Commission in the event that they would find parking somewhere else. It would be a change in the special use permit and then they would need to return and let the Commission know where the proposed additional parking is located.

Chairman Noble brought up his concern in estimating figures, like if the congregation increased to 275 to 287 or if it doubled up to 500.

Attorney Baker stated the fact that it is the City's determination as to what is necessary parking and so, under the law the church is required to provide sixty-nine parking spots for a 275 seat facility. Ten extra spots will be provided at this time with a possibility of adding more if needed. If the congregation were to increase to 500, the church could probably afford more parking as well.

Pastor Wiggins added that at 500 the church would go to two services which would accommodate more than the 500.

Attorney Baker agreed stating that first of all, the limit is 275, so none of the services will be over 275 and if the congregation hits 287, they are talking two services. Really at eighty percent capacity, newcomers stop coming so that is why they would go to two services. When it gets more crowded, it's inconvenient for people and makes it more difficult to bring in new people.

Chairman Noble asked if the plans have been approved by the fire department.

Attorney Baker replied that all the different groups have been contacted and the building will be in compliance with all code requirements at the time of completion. Oak Brook has also been contacted in regards to water and they did not have any problems with the plans.

Chairman Noble then asked Building and Zoning Administrator Dragan if the building is feasible when the congregation goes up to 278 or 287.

Building and Zoning Administrator Dragan replied that the Pastor testified that two services would be provided in that situation. If the Commission considers approval of the project, once again, the special use permit will be conditioned on the forty additional parking spaces to be provided off-site. The special use permit can be terminated in the event that the off-site parking agreement no longer exists.

Commissioner Schneider asked about the traffic going in and out of the parking lots when looking for a spot. If it is raining or icy out, people are going to be using 14th Street to drop off at the door so that will increase traffic. Commissioner Schneider also asked about handicap spaces.

Attorney Baker replied that there are three handicap accessible spaces by the new entrance that are required by code.

Architect Lauriat added that in terms of accessible spaces, once they are over seventy-five there will be four. Two spaces would be adjacent to the exiting two entrances and two near the new Sunday entrance so that they accommodate all four as required accessible spaces on the property; not expecting them to be with the forty on the adjacent property.

Attorney Baker then commented on the traffic flow stating that a pattern will develop as people know where they can park and that would resolve any issues.

Pastor Wiggins also added that they would also train current members from the beginning. In order to be hospitable to new guests, they would ask that the regular attenders park in the lot to the south and make that their habit. So they would come off Summit into that lot and the 14th Street entrance would be for people that are guests.

Commissioner Schneider had two more questions. The first being if they will be holding an insurance policy with the neighbors that they are renting the parking. The second question was in regards to the sixteen or twenty thousand dollars in property taxes that won't be there anymore.

Attorney Baker replied that an insurance policy is part of the lease agreement. In regards to the real estate property taxes, the property would become tax exempt. The reason behind the public policy that allows churches to be real estate tax exempt isn't actually the first amendment. It's the concept that churches also bring certain values to the community that are very important and not necessarily monetized. There are a couple of advantages that the church will bring to this community. One is establishing communities and the help that it brings. The second is that it will bring in people who are not residents that might not otherwise be coming to your municipality on a regular basis making it part of their weekly activities.

Attorney Baker continued stating that certainly after church, several of the members will participate in activities in Oakbrook Terrace. There is a loss of tax base, but there is also a value that laws and communities put on churches and these types of community groups that is very significant. The way the law reads is that for a special use it has to be a unique factor in denying it. It is considered a permitted use, unless there is some specifically unique factor with regard to that special use by which it can be denied.

Commissioner Schneider asked if there were other locations available where there would not be the extremely bad parking situation.

Pastor Wiggins spoke stating that they have been looking for at least eight years for a location and have not found anything that is even close to being as good as this situation. They have looked in Elmhurst, Villa Park, Oak Brook and Oakbrook Terrace and this is by far the best location they have come across.

Chairman Noble opened the floor for public participation.

Chairman Noble asked for any positive testimony.

Chairman Noble began by reading an e-mail correspondence sent on September 19th from Anthony Cesario. On behalf of 17W601 14th Street LLC and his wife, Linda Cesario, the owner of the building located at 17W601 14th Street, the e-mail states that they have no objection to the request converting the existing building to a church or to the parking variances other than they do not want any spillover from the church using their parking spaces. A concern is a situation they inherited when they purchased the building which is the sharing of the waste disposal container space with Circle Hardware; if it is an issue they need to bring up at this time or something that would be addressed with the Petitioner if they receive approval to proceed.

Pathway Community Church member Bob Picha took the floor and stated that he, his wife, Cheryl, and daughter Ruthie have been going to Pathway Community Church in Elmhurst for just a little over five years. He lives in Elmhurst and owns a property very close to the Circle Hardware so he is aware of the community that directly surrounds the proposed church building. He is also an elder of Pathway and is excited from a ministry point of view because this building will serve them much better than the situation they are in currently. As Pastor Wiggins noted, they have been looking for a long time and this is by far the best property they have been able to locate. They are excited because they cannot only serve their congregation better with this property but also serve the Oakbrook Terrace community.

Pathway Community Church member Tony Oommen also testified that he has been a regular attender of Pathway for about a year now. He has been married to his wife, Bev for twenty years and has two teenage kids. They were attending Willowcreek in South Barrington and were looking for a church a little closer to their home. The one thing they were struck by when they found Pathway was the wide variety of people and the family-friendly environment; so people of different ages, different economic backgrounds, different races. They live in Oakbrook so this location will be closer, so they are excited about getting plugged into a different community as well.

Pathway Community Church member Gina O'Brien began stating that she has been attending Pathway for about two years. She works for another church in Barrington and one of her desires was to find a church closer to home. She lives in Lombard and Pathway has been great for her distance-wise, but the opportunity to possibly be here in Oakbrook Terrace is even better. She feels already a part of this community in that she shops at Pete's and goes to the Starbucks on the corner every week.

Pathway Community Church member Noel Sterett began his testimony stating that he is married for twelve years and has three kids. They have been attending Pathway for eight years and feel it is a good place to raise kids up. They routinely come down here for swimming lessons and come to Pete's. They are looking forward to making this a place where they come and shop.

Chairman Nobel asked for any negative testimony.

Chairman Noble noted that there was none.

Chairman Noble closed the public portion of the hearing.

Chairman Noble asked if the Commissioner's had any other questions or comments.

Commissioner Ventura made the comment that the congregation would be a very positive addition to Oakbrook Terrace. As a neighbor and a church and a community, that is not the problem. The problem is the variance that is being sought from thirty-nine to sixty-nine parking spaces; that is not a small variance. It is a very large variance with a big if. And even if it were to be added that it is subject to the lease agreement for the additional forty parking spots, the zoning board sets the precedence for other businesses when they come forward and what kind of variances they are looking for. The biggest drawback is not that it is a great congregation and doing good work, but that what is being asked for is not something small, like needing a few more parking spots. It is pretty substantial; it's almost double.

Commissioner Donoval commented that a few months ago the Commission approved a mausoleum prayer space and he does not see any problem approving a Christian church in the community. Maybe the parking problem can be solved by building a garage, but he is for it.

Commissioner Smurawski stated that he hopes they can work out the parking with the neighbor. They have been there twenty-five years and pretty solid as far as the business goes. Everything these days is short term, so he supports it.

Chairman Noble asked if there were any other questions from the Commissioners; there were none.

Chairman Noble asked the City Attorney Pacione if he had any comments.

City Attorney Pacione addressed the Commission stating that in making a decision, part of the criteria is not whether they are going to pay taxes or not. This is not something that can or should be considered in making a decision. Another thing to consider is that parking off-site is allowed by the City's code; the code allows them to seek spaces off-site to comply with the parking requirements. And number three is in regards to Cersario Builder's request that they use the garbage facility on this site; that is not something that the ordinance can be conditioned on. If they have an issue with the dumpsters, if the church is going to be a good neighbor, then they are going to allow them to use it. There is nothing that the Commission can do to force them to allow them to use their trash enclosure.

Chairman Noble asked for a motion to approve Case #17-9, the request by the Petitioner, Pathway Community Church to allow for (1) a special use as a church at 17W609 14th Street pursuant to Section 156.086 (C) (1) of the Zoning Ordinance, and to allow for (2) a variance from Section 156.102 (B) (2) of the Zoning Ordinance which requires 1 parking space for each 4 seats amounting to 69 parking spaces on site to allow 39 parking spaces on site and 40 additional parking spaces with parking agreement off-site; (3) a variance from Section 156.086 (G) (2) of the Zoning Ordinance which requires a minimum west side yard of 20 feet for paved areas adjacent to a residential parcel to allow for the existing paved area to be 0 feet from the side lot line; (4) a variance from Section 156.086 (G) (2) of the Zoning Ordinance which requires a minimum east side yard from the building of 10 feet to allow the existing side yard to be 0 feet from the side lot line; (5) a variance from Section 156.086 (G) (2) of the Zoning Ordinance which requires a minimum east side yard of 5 feet for paved areas to allow the existing paved area to be 0 feet from the side lot line; (6) a variance from 156.086 (G) (3) of the Zoning Ordinance requiring a minimal rear yard of 5 feet for paved areas to allow for an existing paved area to be 0 feet from the

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MOTION Commissioner Jackson moved and Commissioner Smurawski seconded the motion to approve Case #17-9, the request by the Petitioner, Pathway Community Church to allow for (1) a special use as a church at 17W609 14th Street pursuant to Section 156.086 (C) (1) of the Zoning Ordinance, and to allow for (2) a variance from Section 156.102 (B) (2) of the Zoning Ordinance which requires 1 parking space for each 4 seats amounting to 69 parking spaces on site to allow 39 parking spaces on site and 40 additional parking spaces with parking agreement off-site; (3) a variance from Section 156.086 (G) (2) of the Zoning Ordinance which requires a minimum west side yard of 20 feet for paved areas adjacent to a residential parcel to allow for the existing paved area to be 0 feet from the side lot line; (4) a variance from Section 156.086 (G) (2) of the Zoning Ordinance which requires a minimum east side yard from the building of 10 feet to allow the existing side yard to be 0 feet from the side lot line; (5) a variance from Section 156.086 (G) (2) of the Zoning Ordinance which requires a minimum east side yard of 5 feet for paved areas to allow the existing paved area to be 0 feet from the side lot line; (6) a variance from 156.086 (G) (3) of the Zoning Ordinance requiring a minimal rear yard of 5 feet for paved areas to allow for an existing paved area to be 0 feet from the rear lot line; (7) a variance from Section 156.086 (G) (1) of the Zoning Ordinance requiring a minimal front yard of 10 feet for paved areas to allow the existing paved area to be 6 feet from the front lot line; (8) a variance from Section 156.101 (E) of the Zoning Ordinance limiting the width of commercial district driveway flares to 5 feet on each side of every driveway to allow existing driveway flares not to exceed 15 feet; and (9) a variance from Section 156.039 (B) (4) of the Zoning Ordinance to allow landscaping between residential and business districts to remain as it currently exists with the condition for approval of the special use permit that the Applicant will provide an off-site parking agreement to maintain the forty additional parking spaces.

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary Bossle to take the roll call.

Ayes: Commissioners Jackson, Cardenas, Donoval, Smurawski
Nays: Chairman Noble, Commissioners Schneider, Ventura
Absent: None

MOTION PASSED WITH A VOTE OF 4-3.

Chairman Noble asked Building and Zoning Administrator Dragan when the petition would be presented to the City Council.

Building and Zoning Administrator Dragan stated that the Letter of Recommendation will be placed on the October 11, 2016 City Council meeting agenda.

Building and Zoning Administrator Dragan asked if the Commission would like to cancel the October 4th meeting since there is no public hearing scheduled at this time.

MOTION Commissioner Schneider moved and Commissioner Jackson seconded the motion to cancel the October 4th meeting.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 7-0.

Chairman Noble asked for a motion to adjourn the meeting.

MOTION Commissioner Jackson moved and Commissioner Smurawski seconded the motion to adjourn the meeting.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 7-0.

Chairman Noble adjourned the meeting at 7:17 P.M.

Respectfully submitted by,

Michelle Bossle
Building and Zoning / Planning and Zoning Secretary