

Planning & Zoning Commission
Special Meeting-Proceedings and Minutes
Diamond, Illinois

September 30, 2013

Proceedings and Recommendations made and ordered of record of said Commission in the Village Of Diamond, State of Illinois, on the thirtieth day of September, 2013.

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The **special meeting of the Planning & Zoning Commission** was held on Monday, September 30th, 2013, and called to order at 6:00 P.M., in the Conference Room of the Village Hall, Chair Mark Adair presiding. Upon Roll Call, present were Kim Voichescu, Craig VanDuyne, Bob Bianchetta and Rusty Elberts. Roll Call was called by Cindy Haywood, Secretary.

APPROVAL OF MINUTES

Motion was made by Commissioner Voichescu and **Second** by Commissioner VanDuyne to approve the November 5, 2012 Special Meeting Minutes. **All Ayes, Motion Carried.**

PUBLIC HEARING

Motion was made by Commissioner Voichescu and **Second** by Commissioner Van Duyne to open public hearing PZ-01-2013: be to receive and consider testimony, public comment and other evidence pertaining to the proposed adoption of an amendment to the text of the Village of Diamond Zoning Ordinance to add Section 11A.00 Recreation Vehicle District, to the Village of Diamond Zoning Ordinance. **All Ayes, Motion Carried.**

Village Attorney, John Gallo, explained that the Village recommends opening and continuing hearings PZ-01-2013 and PZ-02-2013 in order for the Village to further work with the land owner on the proposed text amendment and rezoning of the property.

Motion was made by Commissioner Voichescu and **Second** by Commissioner VanDuyne to continue public hearing PZ-01-2013 to October 15, 2013 at 6:00 P.M. at the Diamond Village Hall. **All Ayes, Motion Carried.**

Motion was made by Commissioner Voichescu and **Second** by Commissioner Van Duyne to open public hearing PZ-02-2013: An application of Kathryn Dixon for a zoning map amendment, pursuant to the terms of the annexation agreement, for the property located north of IL Route 113, west of Interstate I55, commonly known as 32664 NW Frontage Road, Diamond IL. To rezone a portion of the subject property to the RV Recreation Vehicle District for which testimony and evidence will be heard. **All Ayes, Motion Carried.**

Motion was made by Commissioner Voichescu and **Second** by Commissioner Elberts to continue public hearing PZ-02-2013 to October 15, 2013 at 6:00 P.M. at the Diamond Village Hall. **All Ayes, Motion Carried.**

Motion was made by Commissioner Voichescu and **Second** by Commissioner VanDuyne to open public hearing PZ-03-2013: to receive and consider testimony, public comment and other

evidence pertaining to the proposed adoption of amendments to the text of the Village of Diamond Zoning Ordinance as follows:

- Amend Section 9.01.3 to add Distribution Facilities (authorized to grow, harvest and distribute cannabis) as a Special Use within the I1 Limited Industrial District as well as recommend any other conditions that should be part of the zoning regulations applicable to any such Distribution Facilities.
- Amend Section 3.02 to add a definition for Distribution Facilities.
- Amend Section 8.01.2 to remove “massage” as a permitted use within the B1 Retail Business District.
- Amend Section 8.01.3 to add “Massage Establishment” as a Special Use within the B1 Retail Business District as well as recommend any conditions that should be part of the zoning regulations applicable to any such Massage Establishment.
- Amend Section 3.02 to add a definition for massage, massage therapist and Massage Establishment.

There was no public comment regarding the matter.

Motion was made by Commissioner Voichescu and **Second** by Commissioner Bianchetta to close public hearing PZ-03-2013. **All Ayes, Motion Carried.**

NEW BUSINESS

Consideration of Case PZ-01-2013: Zoning Ordinance Text Amendment – Recreation Vehicle District (continued to October 15, 2013)

Consideration of Case PZ-02-2013: Rezoning (Dixon) (continued to October 15, 2013)

Consideration of Case PZ-03-2013: Zoning Ordinance Text Amendment – Regulations for Distribution Facilities and Massage

In response to Commissioner Elberts, Attorney Gallo explained that the purpose of the proposed regulations for “distribution facilities” is a result of a recent state statute. The Village currently has no means of regulating such facilities and some accommodation is required. Such use would be limited to the area east of Will Road and south of Route 113 where the I1 Limited Industrial District is located. Furthermore, a special use application would be required for anyone proposing such use and they would be required to comply with state regulations.

With respect to massage, Attorney Gallo said that massage is currently listed as a permitted use with uses including barber/beauty shops and chiropody. By requiring a massage establishment to be a special use, certain conditions may be imposed by the Village permitted by law. In response to Commissioner Voichescu, it would not affect existing businesses or a mixed use where massage is secondary to the primary function of the business.

Motion was made by Commissioner Voichescu and **Second** by Chairman Adair to recommend to the Village Board amendments to the text of the Village of Diamond Zoning Ordinance:

- Amendment to Section 9.01.3 to add Distribution Facilities (authorized to grow, harvest and distribute cannabis) as a Special Use within the I1 Limited Industrial District as outlined in Memo dated September 25, 2013 for Case PZ-03-2013.
- Amendment to Section 3.02 to add a definition for Distribution Facilities as described in Memo dated September 25, 2013 for Case PZ-03-2013.
- Amendment to Section 8.01.2 to remove “massage” as a permitted use within the B1 Retail Business District.
- Amendment to Section 8.01.3 to add “Massage Establishment” as a Special Use within the B1 Retail Business District as outlined in Memo dated September 24, 2013 for Case PZ-03-2013.
- Amendment to Section 3.02 to add a definition for massage, massage therapist and Massage Establishment as described in Memo dated September 24, 2013. **All Ayes, Motion Carried.**

OLD BUSINESS

There was no old business.

VILLAGE LEGAL COUNSEL

There were no comments

BOARD MEMBERS OPEN FORUM

Chairman Adair inquired about the status of the improvements that were to be made to EZ Living’s existing building. Planning & Zoning Secretary said she spoke with the property owner who indicated that he will have the improvements complete in October or November. Furthermore, they are operating under a temporary occupancy permit.

PUBLIC COMMENT

There were no comments

ADJOURNMENT

The Commission determined there were no further matters for discussion. **MOTION** was made by Commissioner Voichescu and **SECOND** by Chairman Adair to adjourn at 6:30 P.M. **ALL AYES, MOTION CARRIED.**

Respectfully Submitted,

/s/ Cindy Haywood

**Cindy Haywood
Planning & Zoning Secretary**