

Village of Justice

Zoning & Planning Commission

Minutes of December 30, 2009 Meeting

CALL TO ORDER:

Meeting was called to order at 7:00 PM by Chairman John Bruce.

ROLL CALL:

Roll call was taken. Present at meeting were Henry Oszakiewski, (arrived at 7:15P.M.) Ed Figura, Charlene Carter, Jack Kennedy, Jim Brock, Attorney Mike Castellino, Chairman John Bruce, and Secretary Shirley Shilka.

READING AND APPROVAL OF MINUTES FROM: December 2, 2009

Chairman John Bruce entertains a MOTION to approve the Minutes from the December 2, 2009 meeting.

MOTION: To accept Minutes from December 2nd meeting

VOTE: All Ayes

Nothing additional on reports issued

Nothing new on TIF District

TIF 3 is in place.

Have a Petition from the Village that was review on 12/3 to amend the Comprehensive Plan and the Village Zoning map and said that because of the length, we did not need to read. It has been submitted and published by the village as to enhance the comprehensive plan.

Mr. Bruce: Trustee Murray and Jim Lurquin will represent the Village.

Trustee Mike Murray and Director of Economic Development Jim Lurquin, were sworn in by Attorney Castellino.

Mr. Bruce said that it was his understanding that we include the property on the North side of 87th Street between 88th Avenue which is currently apartments. Also, section along 88th Avenue from 87th Street North to 83rd Street that fronts onto 88th Avenue.

One section on 88th Avenue the Tax ID is 18-35-300-006-0000 and 007 is already zoned B1.

Attorney Castellino - Questions to Trustee Murray: Is the purpose of the requested comprehensive Zoning amendment to stimulate economic development in the Village and thereby increase its tax base?

Trustee Murray - Answer: Yes, and also create more jobs.

Mr. Lurquin: From an economic development, currently there are some spots along 87th that if they came down they would already be zoned B1 and the economic development would be a dual Zoning .

Mr. Bruce: This is the same thing for Phase 1 and Phase 2, this is conducive with our continuing comprehensive plan.

Mr. Lurquin - Question: Looking at the plat section for 87th and 88th Avenues (35E) 18-35-302-004 is not one of the partials listed in the Petition and should be included. This entire 1/8 of section should be included?

Mr. Bruce will amend tax roster to include 18-35-302-004.

Attorney Castellino - Question: What is the status of the properties that are currently R1 as far as vacancies?

Mr. Lurquin - Answer: There are 3 properties R1 that are vacant, there are 5 or 6 Single Family Homes that are occupied. There is 1 business which is occupied and one vacant lot. There is also the Child Advocacy Center on 79th Avenue.

Mr. Rusch, 8019 S. 84th Avenue. Question: Does this include all property on 87th between the far Eastern end of the Village boundary, adjacent to Bridgeview, West to Roberts Road?

Mr. Bruce - Answer: Yes. If you go by the Tax Id's there are roughly 18 Tax Id's that are impacted, plus the lots that are owned by the State.

Mr. Rusch - Question: Are we talking about the entire Trace?

Mr. Bruce - Answer: Yes, the property that has frontage along the South side of 83rd St., East side of 88th Ave., and North side of 87th St. East to the Village Boundary at what is known as 86th Ave.

Mr. Rusch - Question: By the Village Petitioning for a rezoning would we not eliminate the \$750.00 fee by a Petitioner to come in and request a change by themselves? If a builder wanted to rezone, he would have to pay a fee for the hearing.

Mr. Bruce - Answer: In a sense, yes. It would depend on the Petition. If he wanted to build residential, he might not have to come before the board. If a business comes in it may have to come before the board. There are variables that are not known at this time, i.e., if it is one, or multiple lots, among others...

He may have to do a consolidation. If business the Zoning would be in place to make it more conducive and easier for future development in that section, for traffic flow since it would be B1 as opposed to residential.

Attorney Castellino: If a developer needed some other type of Zoning , special use, or a variance, there might also be some type of Zoning relief that they might come before the board.

Mr. Rusch - Question: If any of the homes along 87th were to burn down 50% and if this change goes thru they cannot rebuild because code says if more than 50% of the home burns down the homeowner cannot rebuild.

Mr. Bruce – Answer: This would not be the case, since if the current use is maintained, it would remain as Legal Non-Conforming. However, any new construction on these properties would fall under whatever Building Codes are in place at that time.

Mr. Rusch: When 79th Street phase went thru it was B1, and if the structure burned down 50% the existing could not be rebuilt on that property.

Attorney Castellino: If a property is zoned as R1 now and changes to B1 the use that is existing now is grandfathered in and continues as non-conforming use until something is laid out in the code that would trigger determination of the legally existing non-conforming use. If you are R1 now and that changes to B1 then you can continue to use it as non-conforming use, but if someone else comes in and wants to buy that property for a store, then once I sell the property it is now zoned for that use.

Mr. Bruce: That is correct.

Mr. Rusch: My understanding is this property zoned B1, according to the code book, is a residential piece of property. If that property burns down it cannot be rebuilt if rezoned and the resident does not have the option to rebuild.

Mr. Bruce: Only if NOT legally non-conforming.

Jerry Carter, 8247 85th Court: If you look at the lot sizes on 87th Street, they are not buildable - you cannot build on 33 ft lots. The Village set precedence years ago and any homes that burn down are not re-buildable because of the lot size. This new Comprehensive Plan may displace some people but would be to the benefit of the entire community.

Mr. Bruce - Question to Jim Lurquin: If there were a fire in one of these homes that is zoned B1, can they rebuild?

Mr. Lurquin- Answer: I will have to look this up.

Mr. Rusch: My concern is along 87th, the residents should be notified that this change is happening.

Attorney Castellino: Publication is the notice that is required by statute and code.

Mr. Rusch – Question: Assuming this B1 is in place, Clear Channel wants to install a massive sign. With B1 in place would they have to come in for rezoning for a variance and would they have to notify the residents in that area.

Mr. Bruce – Answer: That would depend on what was being requested. There is always the possibility that what the builder/developer wanted to do would require a variance from the actual code, and the Petitioner would have to notify any property owners within 250 feet

Mr. Rusch would like someone to get him a verification on the B1, R1 Zoning on the old phases, he would be curious knowing whether a home that is 50% destroyed can be rebuilt.

Mr. Bruce: For example, my property was R-1 prior to Phase II. If my house burned down to the ground and had to be rebuilt, since the Comprehensive Plan now has my property Zoned B1, I may still rebuild as R1, however, I would have to follow the Building Codes at that time, whatever they might be. The same applies to properties that were previously R2, R3 or R-4.

Mr. Rusch: Would still like to review Comprehensive Plan for 79th Street, and the trailer park too.

Mr. Bruce: If the trailer park was destroyed, I doubt that it would be financially feasible for them to rebuild as a trailer park based on today's building codes.

Attorney Castellino: Anyone can still come in and ask for a variance.

Mr. Bruce: They would still have to adhere to Village Code.

Mr. Bruce: No questions or comments have been submitted via my Village mailbox or e mail, written or otherwise.

Mr. Carter – Question: In regards to Clear Channel Sign, don't they have to put a sign on the property that they are asking for a rezoning ?

Mr. Bruce – Answer: Any Zoning Public Hearing requires a sign on the property duplicating the general information contained in the Public Notice. If there is a Variance Request involved it would in addition require notification of all property owners within 250 feet of the property, in addition to at least 1 sign on the property in question. The Village should also research and present, at a meeting, the status of any existing structures that, if they are legal and conforming, and if they are damaged more than 50%, may they be rebuilt, and continue their current use, whether it is R1, R-2 or R3, or would it then fall under the Comprehensive Plan's Zoning of B1.

Mr. Bruce: Request the Village to include entire 1/8 section of 35E which would include Tax Id's 18-35-300-002 / 003 and 18-35-302-003 / 004 and 00, the entire parcels thereof bordered by 88th Avenue on the West 87th Street on the South 83rd Street on the North and the line known as 86th Avenue on the East.

Property which consists of North side of 87th Street between Roberts Road and the East Village boarder which is the rear property lines of the properties between 78th Avenue to include the alley way on the North side of lots and 18-36-319-42, 031, 032, 033, 034 also 18-36-319-036 also 18-36-320-020, 021, 022, 006, 026, 027, 028, 029 and 18-36-321-019-020 and 030, that would rezone that property from R1 to B1 for the purpose of future development and that the existing use of the property be allowed to continue in its current use.

Motion: To adopt Phase 3 of the Comprehensive Plan Petition pursuant to the Petition submitted by the Village, which would thereby change the Zoning for the general boundaries of the pins that mentioned to B1, with the current uses being allowed to continue as legally existing non-conforming, in accordance with Village Code.

Question on the Motion: Is the Comprehensive Plan going from what ever current Zoning is, to B1, to include those in the B1, over-all umbrella, subject to all Zoning provisions and with the current use to continue what ever the current use is, in that Zoning classification as legal non-conforming.

Mr. Bruce: Yes

MOTION:

Mr. Kennedy **SO MOVES**

SECOND: Mrs. Carter

VOTE: All Ayes

Subject to Village Board Review

Mr. Bruce: No additional Petitions pending.

MOTION TO ADJOURN:

Mr. Kennedy **SO MOVES**

SECOND: Edward Figura

Respectfully Submitted

Shirley Shilka, Secretary

John W. Bruce

John W. Bruce, Chairman