

**Village of Justice
Zoning & Planning Commission
Minutes of Monthly Meeting**

Date: November 19, 2012

CALL TO ORDER:

Meeting was called to order at 7:08 pm by Chairman John Bruce.

ROLL CALL:

Roll call was taken. Present at meeting were: Henry Oszakiewski, Rich Berkowicz, Bogdan Ogorek, Chairman John Bruce, and Secretary Shirley Shilka.

READING AND APPROVAL OF MINUTES FROM: October 15, 2012 meeting.

Henry Oszakiewski: I suggest we include the "to do list" as an addendum to the minutes. Some comments in the minutes need to be added to the "to do list". I'll meet with Shirley Shilka next week to go over these additions.

John Bruce: Entertained a MOTION to table minutes along with the "to do list" until next meeting.

Henry Oszakiewski: SO MOVED

SECOND: Rich Berkowicz

VOTE: All Ayes.

Henry Oszakiewski to Orley Betcher: I understand you are not having a meeting in December for the Chamber of Commerce, is the next meeting in January?

Orley Betcher: There will not be a meeting in December or January. The next meeting should be in February.

John Bruce: Last week Jim Lurquin, Orley Betcher and myself, were at the South Suburban Council of Economic Development, it was very interesting and very informative during the meeting we realized we are not alone. There are some communities that are in the same shape or worse off than Justice.

They broke it down from the Mayors point of view and then the businesses point of view. They also talked about handling improvements of parks and housing.

There should be another meeting like this in the spring, possibly in March. There was a round table workshop that was very interesting. If there are more than 3 or 4 of us that attend this next meeting, I would suggest that we split up to different tables so that we can all get a different perspective of the round table discussions.

If you can make the time to go I would suggest going.

The concepts were very helpful especially if any of you get more involved in other areas of the village. It gives you another feel as to what other municipalities are going thru who have a lot more resources than we have, maybe there is something that they are doing that we could do in some way shape or form. Most of the information was not specifically pertinent to Justice but the concepts can possibly be helpful, they considered the zoning, pre--zoning, zoning intent and manage your zoning, like we did with the comprehensive plan.

Trustee Rusch: Who owns the property behind the Marathon Gas Station?

John Bruce: Marathon owns it, it is all one lot.

Ed Shilka: There are actually 2 lots there. Originally when Clark Oil had the gas station there, they intended to have a gas station and to then add a car wash in the future.

Trustee Kuban: I spoke with Mr. Jalovec on the Enterprise Zone. He has no documentation on the Enterprise Zone. He said if he does think of anything or something should come up he will be more than happy to let us know.

Also, regarding the cross walk on Archer & 79th St., we had IDOT out, they did look at it, they said they will look into it and let us know what can be done.

Jim Lurquin to John Bruce: I am not sure you were ready for this but I have a petition for a variance I would like to discuss at this time. This is a variance for a garage which was built in a rear yard setback.

John Bruce: For reference this will be petition #2012-02. This is not a Public Hearing; this is being discussed simply as an informative from the Building Department.

Jim Lurquin: At 7810 Cronin, there is an existing detached garage, under the ordinance, for a detached garage it requires a setback of 10 feet on the rear of the property. The owners of this property built an extension of that garage 10 feet off the back of the garage, which is 5 feet into the rear yard setback. This cannot be done without a variance. After the fact, they are requesting a variance of the zoning code to build on the 10 foot rear set back area.

I checked with our village engineer, John Hoefflerle, he said that a report from him would not be required because the extension has no effect on anything as far as engineering. There are no utilities underground, so they did not build over anything. However, there are overhead wires that run in that 10 foot setback.

The permit application is on file at the Building Department, fees and penalties will be collected. The Building Department basically recommends that the zoning board pass this petition.

We do not see anything that is on this particular property that would interfere with that garage being there in the 5 foot setback.

Ed Shilka: This property is kitty corner from Kathy Svoboda's back yard. All the lots on that side of Garden Lane are 240 feet deep. So there is plenty of room back there on the Garden Lane side.

What he did is, he extended his garage without a permit and got caught.

John Bruce: We really cannot do anything with this tonight because it has not been published.

Is there a utility easement, it is not shown on the plat, that is why I wanted an engineering report from John Hoefflerle, as to whether there is a utility easement. I would think we need something in writing.

Jim Lurquin: There is no utility easement back there, we are sure of that.

Ed Shilka: John Hoefflerle said there is no report needed from his office.

John Bruce: I would think we still need something in writing to that effect, because the plat of survey is old and I don't know when it was even done. Also, the Sidwell will not show it, only a plat of survey would show that information.

This has not been published yet, what happened was that, there was some confusion as far as what the fees were and last week they just brought in the remainder of the deposit fees that are required by the code. Now we can go for the public hearing. Since Jim Lurquin says we do not need a report, then all I would need is a letter from John Hoefflerle stating that there is no utility easement there, and he knows this for a fact. That way we are not creating a precedent as far as encroachments on utility easements. That is my main concern. We have never done an encroachment on a rear utility easement before.

Henry Oszakiewski: Nor have we done this "after the fact". What is the penalty on this?

Ed Shilka: The penalty would be approximately \$300.00 to \$400.00.

Trustee Rusch: How old is this addition to the garage?

Jim Lurquin: It was built sometime this year.

John Bruce: Keep in mind that we are simply discussing the submission of a petition. We are not looking at this from a public hearing point of view. Whatever you mention tonight that is pertinent, you will have to bring up at the public hearing.

Henry Oszakiewski: If the property owner gets a penalty that's OK, that's part of it, but if the penalty is waived then what is to say someone else doesn't come along and say "I'm sorry, give me my \$300.00 penalty then I can build something in the future.

Jim Lurquin: That is a building issue and that is something the board will decide on, as far as if anything is waived or not waived.

John Bruce: I would think we should have the attorney here at the public hearing on this one, since this is a potential for a recommendation that would set a precedent. I'm not comfortable with making that kind of a recommendation without legal representation on the village part.

Trustee Kuban: The attorney will need the documentation ahead of time so he can go back and look at it and check the code, otherwise he will not make that decision sitting there.

John Bruce: I will ask Attorney Cainkar if he feels he should be here or not. Then it is totally his decision. If he is comfortable not being here then that is fine also.

Orley Betcher: I had a meeting with Randy Leise from Bethania Cemetery. It seems they are interested in doing something with approximately 5 acres facing 79th Street that it would possibly be buildable for something. He could have some conversation with the village on this. I, however, don't know what this is zoned.

John Bruce: Based on the comprehensive plan, it maintains the current Zoning as a cemetery. However, it has been rezoned under the comprehensive plan to B-1, depending on how far back you go.

It would help for Jim Lurquin to know from an Economic Development point of view, as to how much depth he is talking about.

Orley Betcher: I will talk to him and find out how far north from 79th Street.

John Bruce: I think that is zoned R-4 for cemeteries.

Jim Lurquin: It used to be but under the comprehensive plan you brought it all up to B-1.

John Bruce: A cemetery falls under R-4.

Jim Lurquin: Not anymore, it has been changed to B-1.

John Bruce: We just changed the frontage.

Jim Lurquin: You changed cemeteries to B-1 which is the entire cemetery. If someone wants to put up all types of B-1 businesses in there, that could happen.

Orley Betcher: Add to the "to do list" "arrange a meeting between the Chamber of Commerce, Village Board, Zoning Board, and Village Businesses. I have sent a rough draft of the letter to Trustee Sparr in regards to this meeting. The only thing I left out is the date and the time.

My feelings are we should have this meeting in January or February once the holidays are over.

Jim Lurquin: You and Trustee Sparr can spear head this meeting but all of the trustee's need to know what this is about.

Ed Shilka: We have nothing in our zoning for Hotel/Motel except for about two sentences. We need to get this done as soon as possible or within the time span of 2 meetings.

Jim Lurquin: The problem is when I brought this up 4 months ago some of the trustee's in the audience said "why do you need this, we don't want the attorney spending a lot of money putting ordinances together when we do not even have a hotel or motel". My feelings are, if you wait until the Hotel or Motel is up, you cannot hold them to anything, after the fact.

Ed Shilka: We have no parameters if someone should come in and asks Jim Lurquin, as the Economic Development Coordinator, what the parameters are.

John Bruce: Can you have your information to present for the village by the 17th of December? What I would like for you to do is have a request submitted to the village board next Monday on the 26th. I will ask Clerk Kathy Svoboda tomorrow to put it on the agenda for Trustee Sparr to send a formal request to the Zoning and Planning Commission to hold a public hearing at their earliest convenience to amend the village code for Hotel/Motel.

Jim Lurquin: We will handle all the building requirements needed to amend the code.

John Bruce: Is there anything in the code now as far as restricting alcohol sales, consumption or use, as to the minimum distance from a school.

Jim Lurquin: There is a state law; the minimum distance for a commercial establishment is 100 feet.

John Bruce: I am just mentioning this in case you have a Hotel/Motel that might have a restaurant or lounge.

Is Trustee Sparr aware that this discussion is going on about amending the code for Hotel/Motel?

Ed Shilka: Yes, all of the trustees are aware of this discussion. I discussed it with them about 2 weeks ago.

John Bruce: Is there anything else that has to be amended on the code?

Jim Lurquin: I submitted a change from section 2 that tells you how the zoning board works. We moved that to zoning chapter 12, we re-numbered numbers 1 thru 14 and made it what zoning is all about and we did some re-numbering so that all the paragraphs are now numbered correctly.

John Bruce: As far as amending the code, is that something I will have to have a public hearing on?

Jim Lurquin: It's not actually amending the code, according to the attorney's it is part of the code. However, we did not make up anything new; we just moved it from one chapter to another. I believe that ordinance was 12-26 and it has already been passed by the village board.

Ed Shilka: Has anyone here heard anything from The Lakota Group, as we want to move forward on this?

John Bruce: Nothing has been heard from the Lakota Group not even an e-mail.

Rich Berkowicz: Was it in one of the board meetings that they were supposed to get the information we need, to us.

Ed Shilka: They were supposed to be in contact with the Steering Committee. However, they refuse to answer our calls. As of this afternoon, they have not even answered Kathy Svoboda, Village Clerk.

Jim Lurquin: The last meeting we had with them was in the Mayor's office about 1 ½ months ago and the first time I heard anything from them was when I received a bill on Friday. If you add up what they have on this bill, what they say they are due, plus the total balance remaining, none of the numbers add up. I have sent it back to them to correct it.

Supposedly they are to send a final report which is to tell us what to market, how to market it, and what ordinances we need to change, to get us to where we need to be at this time.

Ed Shilka: This was all to be done by December 15, 2012.

Jim Lurquin: There is nothing on their web-site other than the updated preliminary report that John Bruce and I had sent them.

Henry Oszakiewski: So there would have to be a Steering Committee meeting and then the presentation to the public.

Jim Lurquin: Yes.

John Bruce: Our next meeting will be December 17, 2012 at 7:00pm.

Chair entertains motion to ADJOURN:

Henry Oszakiewski: SO MOVED

SECOND: Rich Berkowicz

VOTE: All ayes

Respectfully submitted

SHIRLEY SHILKA, SECRETARY

John W. Bruce

John W. Bruce, Chairman