

**Village of Justice  
Zoning & Planning Commission  
Minutes of Monthly Meeting  
March 18, 2013**

**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, Rich Berkowicz, Bogdan Ogorek, Jack Kennedy, Chairman John Bruce, and Secretary Shirley Shilka.

Jim Brock via phone, Charlene Carter excused.

**READING AND APPROVAL OF MINUTES FROM:** February 18, 2013.

Went over corrections to minutes.

Chairman John Bruce entertains a **MOTION** to approve the Minutes from the February 18, 2013 **MEETING**.

**MOTION:** To accept Minutes from February 18, 2013 meeting, as amended.

Jack Kennedy, **SO MOVED**

**SECOND:** Rich Berkowicz

**VOTE:** All Ayes.

John Bruce: We have a petition from the village #2013-01; notice page 2 of your packet, there is a copy of the actual publication. Public Notice is hereby given; public hearing will be held by the Building & Zoning Commission, Village of Justice, on March 18, 2013 at 7:00 pm, at the Justice Administration Center. To respond to the petition request by the Village of Justice with reference to the following: Purpose is to amend the village code to include, hotel/motel ordinances, codes and regulations, all interested persons are invited to attend, additional information can be obtained from the Village Clerk.

This was published on March 1, 2013 in the Daily South Town Star, signed by John Bruce, Building & Zoning Chairman.

This is being presented by Jim Lurquin, Municipal Services Administrator, on behalf of the Village of Justice as a village employee; he does not need to be sworn in.

Jim Lurquin: In our petition #2013-01, (you have been provided a copy of the ordinance), we want to establish village regulations concerning hotels/motels, and it is an 18 page document.

I have provided 3 pages of suggested language changes to the Justice Zoning Code, this is the basis of our petition and all discussion should be limited to these chapters 12-86, 12-87, and 12-88. Chapter 12-86 deletes the building and parking regulations for permitted uses in section 1. Chapter 12-87 (the bolded section) is the current code, the easement is the right to use the property of another by written and recorded agreement, it is not interchangeable to set backs. Therefore we are asking to change Section A, which establishes a building set back requirement for all B-1 permitted uses, not just hotels and motels. Section B establishes the minimum and maximum building heights of hotels. Section C establishes minimum lot sizes for hotels; Section D establishes underground utility requirements for hotels. Section 12-88 establishes the number of required parking spaces for hotels/motels. If you look at page 1, we crossed out the information that was moved to other sections, and left it hotel/motels along with a list of the other 18 divisions that are B-1 permitted use. What was deleted were the parking regulations and the building regulations from the permitted use, those are located on section 12-87 and 12-88.

The section that you will probably have the most discussion on is 12-87, which is the four sections that I just discussed, that primarily deals with set backs. In a prior application of the set back rules on a B-1, permitted use, property discussion came about because we were using set back and easement as interchangeable, according to our village attorney you cannot do that. What we want to establish is the rear set back requirement for the back of the property, officially there is no rear set back. You can build a building up to the property line for a business. There is no side yard set back currently and there shouldn't be one, except if you are on a corner lot, then it is 30 feet from the side street, and the existing set back currently from the front of the property is 30 feet.

John Bruce: Do you want to go thru the whole presentation first, and then go back point by point, or do you want us to ask questions as we go along?

Jim Lurquin: Since I brought the summary of what we are going to be talking about, basically we can go point by point.

John Bruce: I would like to qualify 12-87, A; should there be a mention, except where a dedicated easement exists, which shall supersede this, or words to that affect, where you have a dedicated utility easement. It would apply along 88<sup>th</sup> Avenue on the east side, because there are single family homes to the south of the Go Lo Gas Station. On the west side also to the south of the Mobile, those lots have a dedicated 10 foot utility easement on the rear. I am not sure about the west side but I know the east side does. Those are all comprehensive plan B-1, so should there be some mention in there about the easement?

Jim Lurquin: If it is a dedicated, reported easement, then yes.

John Bruce: Should there be a mention in this as far as on Section A or should it be an A-1 or A-I?

Jim Lurquin: It would not be either; it would be part of the sentence. There are no rear lot set back requirements from the rear lot line of each lot or tract of land, unless there is a dedicated utility easement.

John Bruce: Then the final ordinance to be voted on should probably include that, and then there wouldn't be any question in the future. We have the set back differentiated and we have easement if required.

Rich Berkowicz to Jim Lurquin: At the last zoning meeting we talked about signs whether on the ground or on the building?

John Bruce: That was just a general presentation, I am not sure that we can even reference that this evening since that is not part of the petition. That was only our concerns.

Jim Lurquin: It is not in the zoning section, that is a building code.

Bogdan Ogorek: In regards to side lot set back of 35 feet, on a corner lot; what if we have a lot smaller than that?

Jim Lurquin: It is actually 30 feet stated here and that is what the current code is.

John Bruce: I am pretty sure that residential is 25 feet.

Trustee Sparr: Residential is 20 feet.

Jim Lurquin: It is 30 feet on the front and 30 feet on the side.

Bogdan Ogorek: What if we have a lot that is smaller than 25 feet.

Jim Lurquin: That is not a buildable lot.

John Bruce: It has to be at least 65 feet X 125 feet, or it would require a variance. None of the lots on Roberts Road are 50 feet.

Bogdan Ogorek: If we would do any other development or comprehensive planning, that would include building almost to the lot line on the side corner lot, it would then need a variance?

John Bruce: It depends on what the petition might be and what they want to do.

Bogdan Ogorek: What we are looking at is what we had on 79<sup>th</sup> Street, to go back 30 feet on the front and 30 feet on the side, then what about parking?

Jim Lurquin: You cannot build a structure in the set back, you can do parking.

John Bruce: I don't think there are any 50 foot lots on any of the B-1 streets. Roberts Road, 88<sup>th</sup> Avenue, 79<sup>th</sup> Street, and Archer, they are all at least 65 feet or larger. If you go into Roberts Park then you have some 50's in there, but that is all residential. Everything on Roberts Road that is either developed or open to be developed is 100 feet.

Trustee Sparr: You don't even have to worry about lot sizes, since nothing can be constructed on any lot less than 2 acres. We do not have any lots that consist of more than 2 acres.

Jim Lurquin: The paragraph is talking about all B-1 properties not just hotels.

John Bruce: It qualifies the rear set back but the side yard and frontage stays the same. It just puts it all in one section, what we are doing is also moving information from zoning that is not relative to zoning, into other chapters, such as administration or building.

Jim Lurquin: Those chapters are; chapter 2, chapter 8 and chapter 12.

John Bruce: As far as hotels, you have on 12-87, C, the reference to the 2 acres.

Jim Lurquin: Section B is the height of the building, section C is the lot size for hotels and utility easements for underground utilities for hotels.

John Bruce: The 40 foot minimum would be a 3 story minimum, which is the minimum for feasibility.

Bogdan Ogorek: A Single story motel doesn't fall under the hotel?

John Bruce: I am not sure that anyone would put up a single story here, it would be too expensive and you couldn't get the volume. We are looking at multi story units

Henry Oszakiewski: I have a question on the public notice on page 7, number 2; Materials and Color. "Smooth faced gray concrete block and tilt-up concrete panels are prohibited on all facades". Is that part just hotels/motels?

Jim Lurquin: That is just hotels/motels.

Henry Oszakiewski: So other B-1 businesses, they can have concrete block, or they can not?

Jim Lurquin: Yes they can, for instance the Public Works Building is a tilt- up concrete wall.

John Bruce: At this time I would entertain questions to those in attendance if you would state your name and address.

No questions.

Jack Kennedy would entertain a MOTIION to approve the suggested changes proposed by the village board and the building department for hotels/motels as submitted by the village under petition #2013-01.

**SECOND:** Rich Berkowicz

John Bruce: Is there any additional discuss on this.

**ROLL CALL:** Henry Oszakiewski, Rich Berkowicz, Bogdan Ogorek, Jack Kennedy, John Bruce. Jim Brock via phone.

**VOTE:** All Ayes

John Bruce to Jim Lurquin: Are you going to handle getting this information ready for the trustees for the committee meeting?

Jim Lurquin: Yes, the committee meeting has been moved to March 25, 2013 at 7:00 pm, I will have all the information ready for the trustees prior to that time.

John Bruce: I am not sure we will need a formal findings and recommendation, but if we do, basically the findings are a benefit to the village to amend the village code and modify it to improve the hotel/motel section as submitted; the recommendation is to approve the petition #2013-01, as submitted.

John Bruce to Jim Lurquin: Are you going to co-ordinate the rest of this information with Attorney Cainkar so that the ordinance has what ever corrections are needed, such as the dedicated easement?

Jim Lurquin: Yes, unless there is a dedicated utility easement located on the rear of the property or rear set back, how ever the legal language should be.

Jim Lurquin: Mr. Antolak is here, he has a question for the board, and it is not a petition as of yet, this is just a question as to the property at 8970 84<sup>th</sup> Place. This address used to be 8950 84<sup>th</sup> Place, they sub divided it and made it 8970 84<sup>th</sup> Place. This is the corner lot of 84<sup>th</sup> Place and 90<sup>th</sup> Avenue. He would like to do related living; however, if possible he would rather do a 2 flat.

John Bruce: That is R-1.

Jim Lurquin: There are some R-3 properties in that subdivision, but that current property is zoned R-1. This is across the street from the cemetery. He would like related living; with related living you can only have one kitchen. The only way around having 2 kitchens is having it rezoned R-2.

Trustee Sparr to John Bruce: Let's take a look at the plans that he has brought forth and give it a few minutes to see if there is anything else you can suggest from zoning.

My name is Stan Antolak; my address is 8835 W. 83<sup>rd</sup> Place.

John Bruce: We are looking at 90<sup>th</sup> Avenue, a lot that is 84 ½ feet X 132.06 feet, the 84 ½ feet being on 84<sup>th</sup> Place. While the address is on 84<sup>th</sup> Place, the ingress/egress would probably be better coming off of 90<sup>th</sup> Avenue.

Jim Lurquin: This is the larger of the lots that were separated, and that's where the ingress/egress was before.

John Bruce: He is looking at a 2 ½ story, 2 flat

John Bruce to Stan Antolak: You will need to get an application packet from the Building Department which explains what we will need. Basically what you want to do is re-zone the property. You will need 2 checks; 1 for \$750.00 which is non-refundable and one for \$1000.00 which is applied towards the expenses of having the public hearing and any potential engineering that we may have to have done prior to making the recommendation, plus the cost of the ordinance that the village has to pass to re-zone this to R-2. Then we schedule a public hearing, at which time you will make a presentation of what you want to do, and the reasons why you do not want to keep it single family.

John Bruce: There is no variance required this is just a re-zoning, no notification is needed; just a sign on the property is needed. All the information you will need is included in the packet. Include your e-mail address on the application, I can send you hard copies of what ever you will need.

Jim Brock: Disconnected call, had to go to work.

John Bruce: If you can have your documentation in this week and Trustee Sparr can have the board refer it to us next Monday, then I can possibly get it in before April, otherwise it might not get in until May.

Henry Oszakiewski to Trustee Rusch: Regarding the "to do list" #2012-1; the business survey, are there any updates?

Trustee Rusch: The business meeting that was held at the Lipinski Center was very well received; it opened up a nice channel of communication. It was so well received that the board has indicated they would like to do this twice a year versus once a year, and possibly let some of the establishments make presentations. When it comes to a survey, I think our best bet would be to put a survey in the annual license bills along with a self addressed stamped envelope. The more information we get from them the better off we will be.

Henry Oszakiewski: Orley Betcher will be starting a welcoming packet for new businesses.

Orley Betcher: We made several calls and asked the various businesses if they would like to donate something towards a gift packet that we would give to new businesses. So far we have received many items, and what I would like to do is present this to them sometime during the first week that their business opens.

I would need someone, such as Jim Lurquin or Ed Shilka to contact me and let me know when the business is open.

The Chamber of Commerce will also be installing more "Welcome" signs this year as soon as the weather permits.

Henry Oszakiewski to Shirley Shilka: Item #2012-5, Jim Lurquin was to get the lease information on the property owned by MWRD.

Jim Lurquin: I have the layout with highlights by the village engineer to show us where the property is located. It is a piece of property that is about 7000 feet long and about 60 feet wide, this is not big enough for anyone to park or build anything on. There are some buildings you can put there, however, the deed basically says it is dedicated for a bike path, walking path, or some sort of recreational path only.

John Bruce: Is that between the canal and the rail road tracks?

Jim Lurquin: Parts are actually into the canal.

John Bruce: The Sanitary Canal or the I & M Canal.

Jim Lurquin: The I & M Canal.

John Bruce: What about the area to the north of that, up to the Sanitary Canal, that's more than 60 feet wide. The area between the Sanitary Canal and the rail road tracks.

Trustee Sparr: That's the area that we proposed to work with Bedford Park. You have the rail road tracks and a small partial of property and then you have the I & M Canal.

Then you have a large piece of property that runs from the north bank to the south bank of the I & M and the Shipping Canal.

Trustee Rusch: The Mayor has been working with Bedford Park and Summit. I don't think this goes on south to Willow Springs yet. They are waiting for some legislation to open up some funding. There is a funding deadline coming up later this year.

Henry Oszakiewski to Jim Lurquin: Item #2012-6 the abandoned gas stations.

Jim Lurquin: Regarding the 88<sup>th</sup> Avenue gas station, I was in contact with the bank, they do not even think they have a mortgage on it. The bank had a reconsolidation and the new employees do not know what they own and what they don't. We have a good contact with the new bank and we are looking into trying to figure out if they still hold the mortgage. According to the recorder of deeds they still own it. Banco Popular is

now Popular Bank. There are three different people; myself, the environmental company and the village attorney, working to purchase this property.

Trustee Sparr: We are actually moving forward on this.

John Bruce: The Archer triangle?

Jim Lurquin: The Archer triangle; the attorney has paper work that we are sending back to the environmental company, they do 99.9% of their work with gas station owners, when they sent the proposal to us, it did not include everything that the municipality has to put in, such as contacts for prevailing wage bidding. So the attorney is working with them on that. Once that is worked out then there will be a contract, the board has already passed the motion to go ahead with that.

Jim Lurquin: The matching funds are there for the 86<sup>th</sup> Street property, the matching funds of \$5000.00 for the deductible, \$1800.00 for the tank registration, and \$200.00 for the permits for a total of \$7000.00. We have that set aside in a special account just for that property.

Henry Oszakiewski: Item #2012-9, Ed Shilka to check on 8820 85<sup>th</sup> Place.

Ed Shilka: That has been taken care of, cars and weeds are gone, this is a closed item.

Henry Oszakiewski: Item # 2012-10, 8600 83<sup>rd</sup> Street.

Ed Shilka: That property was purchased and closed. This is also a closed item.

Henry Oszakiewski: Item #2012-11, the village newsletter has a business focus, so this is now closed.

Item #2012-12, The 5 acres at Bethania Cemetery.

Trustee Rusch: We are going to ask the Mayor to set up a meeting with Randy Leise to get some sort of commitment or line of communication as to what he would do, and what kind of property is available. Right now we are spinning our wheels until we get some sort of tentative or definite ideas from him, something to tell us we are committed when the right project comes along, we want to be sensitive as to what we can do. Randy is very approachable, his door is always open.

Of all the projects we have this should be #3 to work on.

Henry Oszakiewski: I added #2013-1, the Justice Chamber of Commerce Rib Fest is July 27, 2013. We should try to market it. Tickets are \$20.00.

Trustee Rusch: Recently I saw in the Des Plaines Valley News that the Mobil gas station showed up in foreclosure, the price was \$571,000.00. We had talked to the village attorney about what it would take to purchase that, if we were the high bidder, being that there is \$1,400,000.00 in the TIF. Once we control that property we control



the destiny of that corner. I have not received a response yet. The auction should be sometime this week.

Those are the things we are looking at, that is the quickest way to control that property. We are still looking at the Doshier School property. If we get those pieces there are a number of significant things we can do.

John Bruce: It might be a good idea for someone on the board to approach the homeowners on that side of the street with the first option.

Trustee Rusch: Item #2012-1, the ribbon cutting to welcome new businesses; I personally went to Sandy's Sandwiches three times, and have not received any communication that they were interested. Based on Orley Betcher's recommendation and the zoning board we were trying to get a grand opening of a new business, and we will continue to try.

Trustee Sparr: We could look into hanging flags at a new business to help draw business to them.

Trustee Rusch: I have noticed that as fast as a business leaves we get new businesses in.

Jim Lurquin: Today we received 3 new business applications.

Chair entertains motion to **ADJOURN**: at 8:25 pm

Jack Kennedy: **SO MOVED**

**SECOND**: Rich Berkowicz

**VOTE**: All Ayes.

Next Meeting: April 15, 2013

Respectfully Submitted

Shirley, Shilka, Secretary

*John W. Bruce*

**John W. Bruce, Chairman**