

City of Zion
Planning and Zoning Commission

Juanita Winfrey, Chairperson
Jim Bowman **Howard Burkemper**
Ernest Isley **Bruce Quinn**
Mamie McNutt **Gabe Garriga**

Meeting Minutes

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
Thursday, November 7, 2013, 7:00pm
ZION CITY HALL COUNCIL CHAMBERS

I. Opening Protocol

- **Call to Order**

Chairman Winfrey called the meeting to order at 7:04pm.

- **Attendance**

Present: Howard Burkemper; Gabe Garriga; Ernest Isley; Bruce Quinn, Juanita Winfrey

Absent: Jim Bowman; Mamie McNutt

Staff: Richard Ianson, Director of Building & Zoning, City of Zion
Paula Randall, Attorney, City of Zion

- **Approval of Agenda**

It was motioned by Mr. Burkemper and seconded by Mr. Isley to approve the agenda with the following changes:

- Docket 13-Z-10: Change Petitioner from “City of Zion” to “GPT Enterprises, LLC”
- Move Docket Numbers 13-Z-7, 13-Z-8 and 13-Z-9 to the end of the agenda.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye.

- **Approval of the meeting minutes from September 5, 2013**

It was motioned by Mr. Isley and seconded by Mr. Burkemper to approve the meeting minutes with the following changes:

- Page 4, Item IV, Paragraph 2, Line 4 – remove “is”.

Vote: Howard Burkemper, aye; Gabe Garriga, pass; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye.

II. Public Hearings; Swearing in.

At this time, Chairperson Winfrey swore in all audience members that would be speaking towards any of the dockets.

1. **Docket 13-Z-6**

Petitioner: A.G. Houston

Request: Seeks a height variance from Section 10-12 of the Zion zoning Ordinance for 3206 29th Street.

Director Ianson gave a synopsis of the petitioner's request. He stated that staff recommends approval. Director Ianson distributed drawings to the commission.

Richard Eaton, 2727 Lowery Court, Zion Illinois asked what impact would this have on his property, referencing the notification he received regarding this petition. Director Ianson stated that he does not know but the notification was just a formality.

Mr. Isley asked what was the basis of the request. Director Ianson stated it was for security. Mr. Burkemper asked if there was any other reason to build the fence. Director Ianson stated that it is response to vandalism. Mr. Burkemper asked if the fence would be build around the entire property. A.G. Houston, 2300 Commonwealth, North Chicago IL stated that the request for the fence will be from the front of the building to the property line.

After reviewing the Findings of Facts, it was motioned by Mr. Garriga and seconded by Mr. Burkemper to recommend approval of a variance for 3206 29th Street.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

2. **Docket 13-Z-10**

Petitioner: GPT Enterprises, LLC.

Request: seeks a Special Use Permit to operate a haunted house at 600 29th Street.

Director Ianson gave a synopsis of the Petitioner's request and that staff recommends approval. Mr. Ianson also stated that GPT Enterprises is currently working on a long-term lease with the city to use the vacant properties located north of 600 29th Street for parking.

Mr. Burkemper asked if the lots would provide enough parking and Mr. Isley asked if there are plans to improve the lots. Frank Flammini, Commissioner of Public Works & Engineering for the City of Zion stated yes.

Tim Stanfield, 2808 Deborah Avenue, Zion Il shared his concerns with the Commission regarding businesses and parking based on the location of the haunted house.

Peter Koklomanis, Petitioner, stated that the traffic patterns would stay the same. He also stated that customers would enter and exit off of Ebenezer Avenue. Mr. Stanfield expressed his concerns about the traffic on Ebenezer.

Mr. Isley asked if the new facility is adequate. Mr. Koklomanis stated that it is comparable.

Attorney Randall referenced the operation parameters stated in the current Special Use Permit and asked Mr. Koklomanis if he is still willing to work under those same parameters. Mr. Koklomanis stated yes.

David Knop, 2701 Deborah Avenue, Zion Il asked if parking on the vacant lots would violate the terms of the federal grant awarded to the city to keep the lots green. Commissioner Flammini stated that there are no issues from Storm Water Management regarding the parking and there will be no permanent structures erected.

Rick Delisle, 2701 Deborah Avenue, Zion Illinois stated that the building where they are currently located is built to accommodate lots of people, citing the building measures 350,000 square feet and sits on 27 acres. In addition to the concerns of congestion and keeping the lots green, Mr. Delisle expressed his concerns related to:

- Ebenezer Ave needing improvement
- City's issue with the federal grant
- Public lighting
- Potential life safety issues noting the height of the ceilings
- No existing fence between parking and active rail line.
- Possible requirement of storm water detention

Mr. Koklomanis stated that they are currently doing their due diligence based upon the city's requirements with the intent of purchasing a property rather than renting. He also stated that the intent is to improve the parking using the same aggregate method that was used for the current parking areas.

Mr. Burkemper asked Mr. Ianson if GPT Enterprises would need an occupancy permit. Mr. Ianson replied yes. Mr. Isley asked GPT to address the lighting issues. Mr. Koklomanis stated that temporary lighting

is currently being provided by ESDA using their light towers. GPT Enterprises makes a donation to ESDA at the end of the season for their services. Mr. Isley asked for clarification as it relates to parking. Mr. Koklomanis stated that he is working with the city to have legal parameters in place for use of the parking. Mr. Delisle stated that the current parking at Deborah Avenue satisfies the concerns of the Commission and that the request should be denied.

After reviewing the Findings and Facts, it was motioned by Mr. Burkemper and seconded by Mr. Garriga to recommend approval of the special use permit based on the current special use permit at the Deborah Avenue property.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

3. Docket 13-Z-11

Petitioner: SBI Lake County, LLC,

Request: Seeks a PUD Amendment to relocate subdivision entrance onto to Lot 4.

Director Ianson gave a synopsis of the Petitioner's request and that staff recommends approval.

David Galowich, 200 W. Madison Street, Chicago IL, stated that this move would help prepare for future development. The relocation of the entrance will only affect one lot.

Mr. Burkemper asked what would happen to the current entrance. Mr. Galowich, referencing a drawing, explained how the entrance would be removed in conjunction with the county's project to build 21st street.

Attorney Randall stated that this is just an amendment to PUD that came to the Planning & Zoning board years ago.

After reviewing the Findings of Facts, it was motioned by Mr. Isley and second by Mr. Quinn to recommend approval of the planned unit development amendment request.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

4. Docket 13-Z-12

Petitioner: Midwestern Regional Medical Center, Cancer Treatment Centers of America

Request: Seeks an extension of the terms of Special Use Permit for Temporary Placement of a Mobile Scanner Unit on Emmaus Avenue in Zion, Illinois (Ordinance Number 10-O-12)

Director Ianson stated that MRMC @ CTCA is seeking an extension of the Special User Permit until December 31, 2013.

After reviewing the Findings of Facts, it was motioned by Mr. Burkemper and second by Mr. Isley to recommend approval of extending the special use permit until December 31, 2013.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

5. Docket 13-Z-13

Petitioner: Lake County Residential Development Corporation

Request: Seeks a Zoning Change for 2314 Elisha Avenue from EH to R-4.

Director Ianson gave a synopsis of the Petitioner's request, whose intent is to convert property into multi-family housing. He stated that staff has mixed recommendations regarding this project.

Mr. Burkemper asked if these homes were originally built as single family. Mr. Ianson stated yes. Mr. Burkemper shared his understanding as it relates to the code and reverting a vacant property back to single family if it has been vacant for a long period of time.

Steve Friedland, 626 W. Jackson Blvd, Chicago Illinois, attorney for the petitioner, stated that the intent is to rezone the properties from EH to R-4. He also shared why the R-4 zoning is more appropriate referencing other multi-family housing within the vicinity. He also stated that there are no plans to change the exterior of the buildings.

Attorney Randall clarified that the properties are not legal non-conforming structures and do not fall under that that portion of the ordinance. She added that the property owner is properly petitioning the board to rezone the properties from EH to R-4.

Attorney Randall asked Mr. Friedland if he has any objection to the Planning & Zoning Commission going through the Findings of Facts for 2312 Elisha and 2314 Elisha concurrently. Mr. Friedland said he had no objection.

Mary Ellen Tamasy, 1280 Blackburn Street, Gurnee IL, shared the history of how Lake County Residential Development Corporation (LCRDC) came into ownership of the properties and how it was rented to Catholic Charities as a senior living facility between 1985 and 2005. She stated that

in 2003, the LCRDC received a grant to renovate the homes. The grant funds required that the property be made available for affordable housing. In 2005, Catholic Charities canceled their lease with LCRDC and the property has been vacant since. During that time, and including today, LCRDC still maintains the property and continues to pay its water, sewer and trash bill. She also mentioned the \$1.7 million dollars that have been invested into 27th & Gabriel properties citing LCRDC's intent to be good neighbors and landlords.

Ms. Tamasy stated that the LCRDC currently has grant monies to rehab the properties for affordable housing. The qualifying income will be between \$30k - \$45K per year.

The question was asked as to the fate of the properties if the zoning change is not granted. Ms. Tamasy stated that the County could take the properties back. Ms. Tamasy also stated that density would be a hardship. She added that due to the cost of renovating the properties into single-family residents along with property taxes and home maintenance cost, the LCRDC would not be able to sell or rent to anyone in that income level.

Mr. Quinn asked about the setbacks in the variance. Referring to the drawings, Ms. Tamasy stated that the porch encroaches in the setbacks. The porches were there when the LCRDC purchased the properties in 1985 and they have no plans to remove them. Mr. Burkemper shared his comments regarding grandfathering the variation of they were single-family homes. Commissioner Flammini stated that the ordinance would negate the grandfather clause.

Richard Eaton, 2727 Lowery Court, Zion Illinois asked how would the homes be monitored. Ms. Tamasy stated that the LCRDC requires annual inspections. In addition, she stated that all maintenance calls triggers and inspection.

Debbie Mason, 2313 Emmaus Avenue, Zion Illinois as if the LCRDC will accept Section 8 vouchers. Ms. Tamasy stated yes. Ms. Mason shared her disapproval of this project.

Dave Mason, 2313 Emmaus Avenue, Zion IL stated that he purchased the home next door as preventable maintenance. He stated that 7 of the 19 homes in the area are rentals. He also expressed his concerns about the burdens this multi-family project will put on the school districts.

At this time, Chairperson Winfrey swore in an audience member that wanted to speak towards the docket.

Pat Hill, 2315 Elisha Avenue, Zion Illinois shared her concerns of not wanting low income housing in the neighborhood.

At this time, the Recording Secretary read letters into the record related to Docket Number 13-Z-13 & 13-Z-15.

After reviewing the Findings of Facts, it was motioned by Mr. Burkemper and second by Mr. Isley to recommend denial of the application for zone change.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

6. Docket 13-Z-14

Petitioner: Lake County Residential Development Corporation
Request: Seeks a variance from Sections 102-32(a) and 102-32(b) of the Zion Zoning Code to permit the use of existing residential building at 2314 Elisha Avenue as a 2-unit multiple family dwelling and reduce the north side yard setback from 3 feet to 1.7 feet.

After reviewing the Findings of Facts, it was motioned by Mr. Burkemper and second by Mr. Isley to recommend approval of the application for variance with the condition that property is zoned as R-5.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

7. Docket 13-Z-15

Petitioner: Lake County Residential Development Corporation
Request: Seeks a Zoning Change for 2312 Elisha Avenue from EH to R-4.

After reviewing the Findings of Facts, it was motioned by Mr. Burkemper and second by Mr. Isley to recommend denial of the application for zone change.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

8. Docket 13-Z-16

Petitioner: Lake County Residential Development Corporation
Request: Seeks a variance from Sections 102-32(a) and 102-32(b) of the Zion Zoning Code for 2312 Elisha Avenue to: (1) reduce the minimum lot size from 10,000 square feet to 6,990 square feet, (2) reduce the minimum lot area per dwelling unit from 5,000 square feet to 3,495 square feet, (3) reduce the minimum lot width from 70 feet to 50 feet, (4) reduce the front yard setback from 30 feet to 22 feet, (5) reduce the north side yard setback from 3 feet to 0 feet, (6) reduce the distance between principal residential structures from 10 feet to the distance from the existing principal residence the north and, (7) reduce the required parking spaces from 6 to 5

After reviewing the Findings of Facts, it was motioned by Mr. Burkemper and second by Mr. Quinn to recommend denial of the application for variance.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

9. **Docket 13-Z-7**

Petitioner: City of Zion

Request: Seeks a text amendment of the Zion Zoning Ordinance to delete tattoo parlors from the Highway Business section of Section 102-HB-2(a)(2)

Attorney Randall asked Director Ianson if this deletion confirms to municipal plans. Director Ianson stated yes.

It was motioned by Mr. Quinn and second by Mr. Isley to recommend approval of the application for text amendment.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

10. **Docket 13-Z-8**

Petitioner: City of Zion

Request: Seeks a text amendment Section 102-91(a)(6) of the Zion Zoning Ordinance to allow a dispensary for Medical Marijuana in the Light Manufacturing district (west of Lewis Avenue only) with the issuance of a Special Use Permit.

Director Ianson gave a synopsis of the Petitioner's request, stating that this will be required by the state effective January 2014.

Mr. Burkemper asked if the ordinance would prevent this from locating across from the high school. Director Ianson stated yes.

It was motioned by Mr. Burkemper and second by Mr. Isley to recommend approval of the application for text amendment.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

11. Docket 13-Z-9

Petitioner: City of Zion

Request: City of Zion, Petitioner, seeks a text amendment Section 102-91(a)(6) of the Zion Zoning Ordinance to allow the cultivation of Medical Marijuana in the Light Manufacturing district (west of Lewis Avenue only) with the issuance of a Special Use Permit.

It was motioned by Mr. Isley and second by Mr. Burkemper to recommend approval of the application for text amendment.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

III. Old Business

There was none.

IV. New Business

There was none.

V. Public Participation

Commissioner Flammini asked Attorney Randall if a super majority would be able to overturn a denial recommendation by the Planning & Zoning Board. Attorney Randall stated yes.

VI. Adjourn

It was motioned by Mr. Burkemper and second by Mr. Isley to adjourn the meeting at 9:33pm.

Vote: Howard Burkemper, aye; Gabe Garriga, aye; Ernest Isley, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passed

Minutes approved on: _____

Recording Secretary: _____