

City of Zion
Planning and Zoning Commission
Thursday, April 7, 2011
7:00pm, Zion City Hall

MEETING MINUTES

I. Opening Protocol

Chairman Winfrey called the meeting to order at 7:01

Present: Jim Bowman; Howard Burkemper; Gabe Garriga; Mamie McNutt;
Bruce Quinn; Juanita Winfrey

Absent: Ernest Isley (Excused)

City Staff in attendance:

Delaine Rogers – Director of Economic Development

Paula Randall – City Attorney

Rich Ianson – Director of Building and Public Property

Approval of Agenda

It was motioned by Mr. Quinn and seconded by Mr. Burkemper to approve the Agenda as presented.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Gabe Garriga, aye;
Mamie McNutt, aye; Bruce Quinn, aye; Juanita Winfrey, aye.

Approval of Meeting Minutes from March 3, 2011

It was motioned by Mr. Bowman and seconded by Mr. Quinn to approve the meeting minutes as presented.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Gabe Garriga, pass;
Mamie McNutt, pass; Bruce Quinn, aye; Juanita Winfrey, aye.

II. Public Hearings; Swearing in.

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

1. **Docket No. 11-Z-1**

Petitioners –A Safe Place, 2710 17th Street, Zion, Illinois

Request – Variance to permit the existing parking lot to serve as parking for both phases of the development.

Ms. Rogers distributed a letter that was submitted by a Safe Place to city staff that explains their reason for their request and the city's current ordinance as it relates to parking. After reviewing the letter, Attorney Randall asked Ms. Rogers if the Pre-Development team has reviewed this letter. Ms. Rogers stated yes.

Phyllis Demott, 2710 17th Street, Zion Illinois stated that the parking lot is not visible from their building, so for security reasons it would be very difficult to monitor. Mr. Burkemper asked how was the parking lot being monitored now. Ms. Demott stated by cameras. Ms. Demott clarified that the area currently is all grass so they do not monitor it.

Mr. Bowman asked if the police were contacted to help patrol the area. Ms. Demott stated yes and added that the police have been wonderful.

Ms. Rogers stated that there will be 40 units in the new construction and they'll also have 80 parking spaces. In addition, there should be 1 parking spot per employee. Ms. Demott stated that they are not adding additional staff. Attorney. Randall asked what the current staffing is. Ms. Demott stated that the whole agency is 28 but they have different numbers at different times. Attorney Randall asked what is an average shift for staff. Ms. Demott stated probably five.

Mr. Bowman asked what will the total number of units be. Ms. Demott stated 40.

Mr. Burkemper asked what would the hardship be in putting in the parking lot. Ms. Demott stated the cost.

At this time, Chairman Winfrey swore in audience members who arrived late that wanted to speak towards any of the dockets.

Marie Stewart, 2806 Jethro, stated that she would like to have A Safe Place erect a fence around her property because of problems with tenants coming on her property, knocking on her door, etc. Chairman Winfrey asked if this has been discussed with Ms. Demott. Ms. Stewart stated that a meeting was held sometime ago and nothing came of the meeting. Mr. Burkemper asked Ms. Stewart if this has happened within the last couple of months. Ms. Stewart stated yes. Ms. Demott stated that they plan to put a fence up along the tree line to the driveway. Attorney Randall added that the erection of the fence is not contingent on anything. Ms. Rogers asked if the fence is part of the construction project underway now. Ms. Demott stated yes.

Laurie Murrie, 2816 Jethro Court stated that she is not opposed to what they've requested.

Arthur Hilson, 1705 Jethro stated that he supports the parking lot expansion and hopes that they'll park over there rather than parking in the alley and leaving trash behind. Attorney Randall asked if Mr. Hilson noticed the parking in the alley on a daily basis. Mr. Hilson stated that it's in the evening usually. Attorney Randall asked Ms. Demott if the complaints of loitering, littering, panhandling, etc... made by the area residents to A Safe Place have been addressed and if so how. Ms. Demott stated yes and asked their Security person to address those concerns. Attorney Randall asked Mr. Hilson if the parking in the alley ever impedes the flow of traffic in the alley. Mr. Hilson stated that it's usually at night.

Betsy Palacios, 2806 Jethro Court stated it doesn't matter how many parking spaces are put in, they are still going to have the same problems. Ms. Palacios also stated her concerns about increased traffic into the cul de sac where children are playing. Mr. Bowman asked Ms. Palacios if her quality of life has been diminished somewhat since this place has been built. Ms. Palacios stated tremendously.

Rosetta Klein, 2710 17th Street stated she works security at A Safe Place. She stated that she starts her shift at 5pm and that there are only 4 or 5 tenants who drive. Other tenants who leave the premises get picked up by church or Pace vans. She stated that she does not see any one wandering. Mr. Bowman questioned allowing alcohol to be consumed in the parking lot.

Ms. Stewart stated that she has encountered several residents who have knocked on her door and peeped in her windows.

Chairman Winfrey asked Ms. Demott if it's possible to meet with the residents in the area to try to get some of these problems resolved. Ms. Demott stated absolutely. She also added that a letter was mailed out prior to this hearing and not too many people showed up. Ms. Demott stated that she wonders how do we know if the people in the alley and people coming up to the doors were tenants of A Safe Place and how many were not. Ms. Demott stated that her guess would be some of them; maybe, but a lot of them aren't.

Mr. Quinn asked Ms. Demott the number of units that are there currently. Ms. Demott stated that there are twenty. Mr. Quinn asked if the new units would be for permanent residents. Ms. Demott stated yes. Ms. Demott stated that there will not be a difference in the economic position of the tenants and stated that she does not anticipate an increase in cars.

After reviewing the Findings of Facts, it was motioned by Mr. Burkemper and seconded by Mr. Bowman to deny this request.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Gabe Garriga, aye; Mamie McNutt, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passes.

2. Docket No. 11-Z-4

Petitioner – A Safe Place, 2710 17th Street, Zion, Illinois

Request – Seeks a Variance related to the landscape portion of the Zion's Ordinance.

Ms. Rogers distributed a letter that was submitted by a Safe Place to City staff that explains their reason for their request and the city's current ordinance as it relates to landscaping. Ms. Rogers stated that the reason for their request is that based upon Lake County Storm Water Management's request to comply with their code which should suffice for Zion's Code.

Ms. Rogers stated that Zion's Landscaping ordinance requires certain variations of plants types that differ from Lake County Storm Water Management. A Safe Place submitted a plan for approval to the City of Zion. That plan approval process was not completed when the building permits were issued per court order, which left unresolved issues and this is among them.

Ms. Demott asked for clarity because it was their opinion that the plan was still within code. Ms. Rogers asked that if the project is still within code then what is your variance for. Ms. Demott stated they wondered the same thing because it was still within code. Ms. Rogers asked Ms. Demott who said that you needed a variance. Ms. Demott stated that is was the City. Ms. Rogers stated that the current landscaping code is within Lake County Storm Water Management Codes but not the City's.

Adam Matanger of Brideport Development stated that the idea of the plan was not to turn a green space into a parking lot. Mr. Bowman stated that he thought the reason for this variance was to save money and not greenspace. Ms. Demott stated that, for clarification, when asked what the hardship was for the variance for parking it was the budget, but no one was lining their pockets and that the other reasons were totally at the top such as the neighbors and the greenspace.

Attorney Randall stated to Ms. Demott that in review of the application the section that the variance is being sought was not cited and asked if she would like additional time to review the code provisions and present the request for variance at a later date. At this time, Ms. Demott made a request to continue Docket No. 11-Z-4.

It was motioned by Mr. Burkemper and seconded by Mr. Quinn to table Docket No. 11-Z-4 until the May 5, 2011 meeting.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Gabe Garriga, aye; Mamie McNutt, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passes.

3. Docket No. 11-Z-5

Petitioner – A Safe Place, 2710 17th Street, Zion, Illinois
Request – Seeks a Variance related to fire lane pavers.

Ms. Rogers stated that the applicants would like to use concrete rather than brick pavers for the fire lane. Ms. Rogers stated that typically we would like to have a fire lane to go around the building to get to all sides in case of a fire, however, this plan does not allow for that. Ms. Rogers stated that building is a sprinkled building and stated that as long as the fire lane is a solid surface where trucks can enter and execute a three-point turn, the Fire Chief is satisfied.

Mr. Quinn asked Ms. Rodriguez of Bridgeport Development if there was a storm water management issue with permeable and non-permeable pavers. Ms. Rodriguez stated that the design has been created to accommodate both.

Adam Matanger of Bridgeport Development stated that the concrete is smooth which is better for kids to play basketball, ride bicycles, etc. The pavers have gaps in between them, which creates a much harder surface to play on. Fires are not a frequent occurrence so most of the time it will just be empty space; the thought was this could be play space for the children

Mr. Burkemper asked Mr. Matanger why the change from the original proposal which shown all pavers. Mr. Matanger stated that the functionally of the concrete is much better. Mr. Burkemper asked if they knew concrete was better. Mr. Matanger stated that this not usually a significant detail. Mr. Burkemper expressed his concerns of the planning of the project.

Mr. Quinn stated that in his opinion the pavers are more aesthetically pleasing than concrete.

Betsy Palacios, 2806 Jethro Court asked if the area that Mr. Matanger stated was better for children to play on designated as the play area. Ms. Demott stated that they would probably play in that area but they have their own separate play area.

After reviewing the Findings of Facts, it was motioned by Mr. Burkemper and seconded by Ms. McNutt to deny this request.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Gabe Garriga, nay; Mamie McNutt, aye; Bruce Quinn, aye; Juanita Winfrey, nay. Motion passes.

4. Docket No. 11-Z-2

Petitioners – Annquenet McGee, This Little Light Child Care, 2647 Sheridan Road, Zion, Illinois

Request – Seeks Special Use Permit for 2711 Sheridan Road for early learning center, childcare, tutoring, special needs and classroom support to local public schools

Ms. Rogers stated that the recent sale of 2655 Sheridan Road has affected the playground of the daycare's current location, which is at 2647 Sheridan Road. The new owner of 2655 Sheridan can no longer accommodate the playground area, which is required by DCFS, and have asked Little Light to relocate it. Little Light is taking this opportunity to expand their services into the Shiloh Mall to include tutoring services, as well as early learning childcare center.

Mr. Quinn asked Ms. Rogers if the students would be entering through the vestibule. Ms. Roger stated that they would be entering from the back.

Michael Doulan, 2704 Elim stated that he supports the project, however, the alley way is the access to his property.

After reviewing the Findings of Facts, it was motioned by Mr. Garriga and seconded by Mr. Bowman to approve this request.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Gabe Garriga, aye; Mamie McNutt, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passes.

5. Docket No. 11-Z-3

Petitioners – Material Recovery Management, LLC, 630 S. Hicks Road, Palatine, IL 60069

Request – Seeks Special Use Permit to transfer, storage and treatment of general construction materials and demolition debris at 3107 Champart.

Ms. Rogers stated that a recycling company is currently at this location, which recycles construction debris. Ms. Rogers stated that this operation should have a Special Use permit and since the current owner is planning on selling this business, staff is working with the new applicant to rectify this.

John Fuller, 1816 Joppa asked what time does the operation have to stop working. Mr. Ianson stated 7:00pm. Mr. Fuller stated that he has contacted City Hall to complain about work being done after business hours. Ms. Rogers stated that his complaint would be looked into. Mr. Fuller asked how often does the city check for mildew. Ms. Rogers stated that the company is regulated by the IPEA. Mr. Burkemper stated that the IEPA regulates such things as water flow, the type of surface it's built on and the air around it. Mr. Burkemper also stated that if a complaint is made to the IEPA they take every complaint seriously and would keep a real close eye on the properties that the complaints are against.

Robert Walden, 11662 W. 13th Street, Winthrop Harbor Illinois asked why did the current business not get a special use permit. Mr. Walden also stated his concerns for the dust and large particles blowing across the street.

Rolf Andersson, 1717 Kenosha stated his concern of the commission giving an exemption to an already bad situation with no guarantee that it will get better. Attorney Randall stated that the applicant is seeking a special use to use the property. Attorney Randall also stated that if they create a new building, it would have to comply with the City of Zion's building ordinances. Mr. Andersson stated that it hasn't been code compliant for a number of years. Attorney Randall stated that what Ms. Rogers indicated sounds as though the previous owner never had the approved use of the property, which is why Ms. Rogers is requiring the new owner to comply with city ordinance.

Mr. Bowman asked Ms. Rogers what would happen if the sale doesn't go through. Mr. Rogers stated that the special use permit would be issued in the name of the new owner.

Mr. Andersson asked the zoning board to deny this request until they have more facts of what is going to be done there.

Mr. Quinn asked Mr. Andersson if his lots are across the street between 18th and 19th. Mr. Andersson stated his lots are everything south of Shirl's.

Mr. Bowman stated that he would like to table this application until more information is provided. Mr. Bowman stated that he would like to see the present owner get a special use permit. Attorney Randall noted the sale to the new owner is contingent upon getting the special use.

Mr. Burkemper asked Ms. Rogers if the petitioners were in attendance. Ms. Rogers stated no. Mr. Burkemper expressed his concerns of the applicants not being in attendance and others taking their time to come out. Mr. Burkemper stated that the application should not be tabled and that the commission should vote. Ms. Rogers stated that if the application is denied that the applicant request could not be heard again for a year.

It was motioned by Mr. Bowman and second by Mr. Burkemper to table this application to May 5, 2011.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Gabe Garriga, aye; Mamie McNutt, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passes.

III. Old Business

1. Docket No. 10-Z-17

Petitioners –Shieta Taylor of Boss Dogg Custom Wheels & Tires.
Request – Variance to erect a 14’ 6”sign.

Lyle DeGraff, 3059 Sheridan Road, is the owner of the building. Mr. DeGraff stated that the sign would not be on the property line but would be approximately eighteen inches in. Mr. DeGraff also stated that letter would realistically be about 11 feet high. Mr. DeGraff stated that a ladder would not be needed being that he can stand flat-footed and change the letters using a 3-foot extension pol. Ms. DeGraff also stated that he has discussed these concerns with the neighbors.

Mr. Burkemper asked about the sign being lighted. Mr. DeGraff stated that it is lighted and that the power goes to a junction box already existing on the outside of the building underneath the beam.

Mr. Burkemper asked if the sign itself was lit and not a spotlight sign. Mr. DeGraff stated the sign is interior lit.

After reviewing the Findings of Facts it was motioned by Mr. Bowman and seconded by Mr. Quinn to approve this request.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Gabe Garriga, aye; Mamie McNutt, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passes.

2. Discussion regarding City of Zion Comprehensive Plan Discussion will continue to May 5, 2011.

Laura Murrie, 2816 Jethro Court asked if A Safe’s place petition for parking that was denied could be heard again. Attorney Randall stated that this is a recommending body and that the City Council makes the ultimate decision to approve or deny the request. Chairman Winfrey stated that this would go before the council on April 19th.

Mr. Burkemper asked Ms. Rogers to please encourage the petitioners the come to the meetings.

IV. New Business

None

V. Adjournment

It was motioned by Mr. Bowman and seconded by Ms. McNutt to adjourn the meeting at 9:05.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Gabe Garriga, aye; Mamie McNutt, aye; Bruce Quinn, aye; Juanita Winfrey, aye. Motion passes.

Recording Secretary

Minutes Approved on: _____