

City of Zion
Planning and Zoning Commission

Juanita Winfrey, Chairperson

Jim Bowman

Howard Burkemper

Ernest Isley

Bruce Quinn

Gerald Riley

Madeline Santana

Meeting Minutes

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

Thursday, April 7, 2016, 7:00pm

ZION CITY HALL COUNCIL CHAMBERS

I. Opening Protocol

- Call to Order
Chairperson Winfrey called the meeting to order at 7:00pm.

- Attendance
Present: Jim Bowman; Howard Burkemper; Ernest Isley; Bruce Quinn;
Gerald Riley; Juanita Winfrey

Also Present: Richard Ianson, Director of Building & Zoning, City of Zion; Paula Randall, Attorney, City of Zion

Absent: Madeline Santana (Excused)

- Approval of Agenda
It was motioned by Mr. Isley and seconded by Mr. Burkemper to approve the agenda as presented:

Vote: Jim Bowman, aye; Howard Burkemper, aye; Ernest Isley, aye; Bruce Quinn, aye; Gerald Riley, aye; Juanita Winfrey, aye. Motion passed.

- Approval of Special Meeting Minutes from March 3, 2016
It was motioned by Mr. Riley and seconded by Mr. Quinn to approve the meeting minutes as presented.

Vote: Jim Bowman, aye; Howard Burkemper, abstained; Ernest Isley, aye; Bruce Quinn, aye; Gerald Riley, aye; Juanita Winfrey, aye. Motion passed.

- Approval of Regular Meeting Minutes from March 3, 2016
It was motioned by Mr. Quinn and seconded by Mr. Isley to approve the meeting minutes as presented.

Vote: Jim Bowman, aye; Howard Burkemper, abstained; Ernest Isley, aye; Bruce Quinn, aye; Gerald Riley, aye; Juanita Winfrey, aye.
Motion passed.

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 16-Z-5**

Petitioner: 103rd Street LLC

Request: Seeking a Variance from Section 102-206(b)(2) to continue multi-family use in a R-5 single family zoning district located at 2901 Elisha Avenue.

Director Ianson stated that in 1963, the building was permitted and built as a seven (7) unit apartment building. The zoning was changed in 1965 to R-5 Single family zoning and it has been a legal-non conforming structure up until it became vacant in 2011.

Mr. Burkemper asked Director Ianson if there is an ordinance that says if a building is destroyed by fire would it have to be torn down. Director Ianson stated that 50% of the structure is destroyed. Mr. Burkemper asked if the variance was granted and the building had to be torn down, would the variance still apply to the property. Attorney Randall stated that if the variance was granted it would give them a variance on the requirement to revert back to original zoning. If the building had to be demolished, the building is gone and the variance is gone.

Mr. Bowman asked Director Ianson the condition of the building. Director Ianson stated it will require a building and fire inspection in addition to a code update inspection. He also added that there is some minor damage to the building but overall the condition of the building is not that bad. Mr. Riley asked if the parking lot meets the requirements. Director Ianson stated yes.

Mr. Bowman commented on the frequency these types of requests are happening. He also stated that it was his understanding that we were going to try to address the rental issue in the city. Director Ianson stated that each situation is different. He stated that this building was built in 1963 as a seven (7) unit apartment building and there really is no other use for it. Attorney Randall added that this process is to prevent illegal conversions along the way. Mr. Bowman asked for an example. Attorney Randall used the illustration of single family structure that was converted

to a multi-family structure compared to a structure originally built as a multifamily structure.

Attorney Randall asked Director Ianson if he or the applicant knew why the property became vacant in 2011. Director Ianson stated that he believes it was in foreclosure and it was purchased by another person.

Elmer Atkinson, 2902 Elisha Avenue shared his concern about the maintenance and upkeep of the multi family units and wanted to know why the property was vacant for so long. He stated that the fence at 2900 unit is falling down and there are beer cans all over. Chairperson Winfrey asked Mr. Atkinson if he ever came into the building department regarding the upkeep of the property. Mr. Atkinson stated that he made calls. Director Ianson stated that the Building Department has recently increased their staff so he should see some differences in the next few months. Mr. Burkemper asked Director Ianson if the rental inspection program will help address this issue regarding maintenance and upkeep. Director Ianson said yes.

Matt Shamat, 3 River Hill Court, Bolingbrook Illinois, Petitioner, stated that his intent is to purchase and improve the building and invest in the neighborhood. Mr. Burkemper asked what the plans are for the building after it is purchased. Mr. Shamat stated that there will be repairs made to the facia windows and gutters. Mr. Shamat added that he hasn't seen the inside of the building yet. Mr. Bowman asked if this variance is approved will they come back with a parking plan. Director Ianson stated that the parking issues will be addressed by the building department. Mr. Isley asked Mr. Shamat if the purchase of the building is contingent upon this variance. Mr. Shamat said yes.

Mr. Riley asked Mr. Shamat how many other properties have you purchased and renovated and brought up to code. Mr. Shamat stated they own about six or seven, of which most of them are in Chicago. Mr. Riley asked Mr. Shamat how long he has been renovated properties. Mr. Shamat said since 2009. Mr. Riley asked how many have been successful. Mr. Shamat said all of them and they are at one hundred percent occupancy.

Mr. Burkemper asked Mr. Shamat how would the property be managed. Mr. Shamat said by a management company. Mr. Burkemper asked where is the management company located. Mr. Shamat said in Downers Grove. Mr. Burkemper asked if there will be an on-site manager. Mr. Shamat said that its hard to get someone in for one bedroom units. Mr. Burkemper asked Mr. Shamat who would choose the renters for them. Mr. Shamat said the management company.

Raf Shamat, 2651 W. Atlantic Avenue, Waukegan, Petitioner stated he lives in Waukegan and will be available if there are any issues or questions. Mr. Riley asked Mr. Shamat how many of the properties that he owns are Section 8. Mr. Shamat stated five. Mr. Riley asked how many apartments total. Mr. Shamat stated twelve. Mr. Riley asked if six

out of the twelve apartments are Section 8. Mr. Shamat said yes. Mr. Riley asked if there are any plans to rent these apartments out as Section 8. Mr. Shamat said that he will mark them “for rent” but he cannot refuse to anyone who wants to rent. Mr. Bowman added that our concern is not with you taking care of the building but just concerned about trouble in town. Mr. Shamat added that in the end they can choose not to rent to someone based on their credit, background date or criminal record.

Mr. Bowman asked Director Ianson if there are any applications that the city offers to screen renters. Attorney Randall stated that as anon home rule entity, the city has no authority to do that.

Mr. Quinn asked Mr. Shamat will be the co-owner with his brother. Mr. Shamat stated yes.

Mr. Atkinson asked how often would the grass be cut. Mr. Shamat stated that they plan to cut grass either every week or every two weeks.

After reviewing the findings of facts, it was motioned by Mr. Isley and seconded by Mr. Riley to recommend approval of the application.

Vote: Jim Bowman, aye; Howard Burkemper, aye; Ernest Isley, aye; Bruce Quinn, aye; Gerald Riley, aye; Juanita Winfrey, aye. Motion passed.

III. Public Participation

There was none.

IV. New Business

1. Agricultural Zoning Amendment

Director Ianson stated that Illinois Fresh Produce LLC is interested in purchasing property in Trumpet Park. The parcel is currently in Newport Township. Based on the information provided in the packet, Director Ianson is looking for a consensus from the board for support of this project. Mr. Bowman shared his support for the project. Mr. Burkemper stated that the way the paper described this type of operation seemed very impressive. Mr. Burkemper asked if there is enough protection in the ordinance to protect properties from converting to agricultural. Director Ianson stated that there are requirements that the property would have to meet. The consensus of the commission was in support of the project.

Mr. Burkemper asked if there was a way to add a question that asks of the variance would meet the city’s comprehensive plan on the Findings of Facts. Attorney Randall stated that it is asked on a Special use and a Zoning Change because that is factor. Attorney Randall stated that those uses would affect the comprehensive plan related to how the property is used. Attorney Randall added that the Findings of Facts of statutorily required findings that need to be found. The way that the city code is written, the only way the property owner can receive relief is through the

variance. Attorney Randall stated that is can be factored in the decision. Mr. Burkemper stated that he would like to see it as a question.

V. Adjourn

Being no further business to consider, it was motioned by Mr. Isley and seconded by Mr. Riley to adjourn the meeting at 7:43.

Vote: Jim Bowman, aye; Howard Burkemper, abstained; Ernest Isley, aye; Bruce Quinn, aye; Gerald Riley, aye; Juanita Winfrey, aye. Meeting adjourned.