

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

**CALL TO ORDER:**

Meeting was called to order at 7:02 pm by Chairman John Bruce:

**ROLL CALL:**

Roll call was taken. Present at meeting were: Henry Oszakiewski, Rich Berkowicz, Charlene Carter, Jack Kennedy, Jim Brock, Chairman John Bruce, and Secretary Shirley Shilka. Bogdan Ogorek is excused.

**IN ATTENDANCE:** Orley Betcher, Ray Hodson, Trustee Melanie Kuban, Jim Lurquin, Trustee Ed Rusch, Trustee Sue Small, John Small, Trustee Rick Symonds.

**READING AND APPROVAL OF MINUTES FROM:** January 21, 2013 MEETING.

Chairman John Bruce entertains a **MOTION** to approve the Minutes from the January 21, 2013 meeting, as amended.

**MOTION:** To accept Minutes from January 21, 2013 meeting, as amended.

Henry Oszakiewski: **SO MOVED**

**SECOND:** Rich Berkowicz

**VOTE:** All Ayes.

John Bruce: Introduced Jim Lurquin for a presentation about the need to rewrite the village code to include changes to cover Hotel/Motels.

John Bruce: Most of what Mr. Lurquin has is actually building related so it will not really relate to us. This is a pre-public hearing discussion so that Jim Lurquin can get a better handle on what he needs to include in the draft to be presented next month on the 18<sup>th</sup>, at the public hearing.

Jim Lurquin: For this petition we are going to request that the village waive the \$750.00 application fee; it doesn't make any sense for us to pay our own fee. The application will be submitted on the 18<sup>th</sup> of March.

John Bruce: The application should be submitted next week, once the board approves it.

Jim Lurquin: We will have that done at the next board meeting.

John Bruce: Once the board approves the application, then I have authorization to conduct a public hearing.

Jim Lurquin: In the package that I have passed out to everyone including the board members, there is a 2 page memo. The first page gives you a small background of what we are talking about. This is the second draft, the first draft was sent to each department head for their submissions.

The issues that we are still mulling over in the building department are the four items listed on the first page. The second page is specifically for the zoning board members. You need to read thru the entire ordinance to understand what we are trying to do when it comes time to change the zoning portion. There are four paragraphs in Chapter 12 that we need to change, but to get there we had to go thru all the other stuff, then you will understand why we are changing those four paragraphs.

Actually the zoning issues come up on page 15 and 16. What I did here so that you could see, on this section only, we crossed out what we want to delete and we underlined what we want to add. So that you know it is section 1286, 1287 and 1288. There are 11 different uses for B-1 currently in code, #1 which is hotels/motels, the other one that has a square footage and parking issue in that section. None of the other sections have that set out. So what we want to do is take that paragraph out and just leave it as hotel/motels. Where you make the change in that section will actually be in section 1287 building regulations, which deal with set backs. The other portion is parking which comes into 1288. Hotels/motels were added in a separate section so that we can separate them from all the other B-1 uses.

John Bruce: Would you need to specify in there, as far as the set back, any utility requirements, incase some of the utilities run behind the property.

Jim Lurquin: An easement agreement will have to be drawn up by the interested party. We have been using easement and set back interchangeably. We deleted the word easement from the paragraph and stated that there shall be no rear set back requirements from the rear lot and that the front set back shall be 30 feet.

This section applies to all B-1 except for hotels defined in section 842 of the code, which is the building section that section alone, refers to height. Basically height is 30 feet, anywhere from 45 to 499 feet.

John Bruce: Something for you to consider, as far as the height is concerned, going back to the memo of February 8, 2013, on the sign height, for the allowable signs. Hotels sometimes like to put a sign on top of their hotel.

Jim Lurquin: We would not allow signs on the roof but we might allow them on the mansard or front of the building on the top floor. One of the questions that came up in the building department was what if we required signs on hotels like they do in Orland, where it is set in the ground. If we do that, then we have to have a set back for the sign so that coming out of the driveway there is no line of sight problem.

The way our sign ordinance is right now is you have to leave the first 48 inches empty so that there is no line of sight that makes the bottom of your sign start at 4 ft in the air. If we want to set them on the ground that would be fine, but now you have to make a set back for your sign so far from the right of way, so that when you are coming out of the driveway you have at least a car length and you can see both ways.

Trustee Rusch: Prime example is Da Mar Funeral Home. You may be able to see both ways down the street but you cannot see who's on the sidewalk.

Jim Lurquin: The building height for hotels should not be less than 40 ft above grade or higher than the Federal Aviation Administration regulations for this area. That happens to be 499 feet. That is basically almost 50 stories. Not that we would do anything that is 50 stories high.

John Bruce: I believe any structure over 100 feet has to have FAA height approval. I remember something about the sign by Nextel or Sprint, that they wanted to put up behind Forest Med Surgical Center. They wanted to go 200 feet and they had to get an FAA approval to be able to go that high.

Jim Lurquin: In the last section of building regulations, in the zoning section; all utilities for hotels/motels shall be placed under ground and easements established for said utilities. If they decide to put them in the rear of the building that is fine, or on the side of the building that is fine, as long as they are under ground.

John Bruce: You had said something to me since we are working on the code, about moving some items out of zoning that should be more in building. Are you still going to do that from this or is that at a different time?

Jim Lurquin: That will be done at a different time. This will be all by itself. Mobile Home Park items are 90% building and very little zoning that got put in and shouldn't have been there. That needs to be cleaned up.

One of the ordinances that did get cleaned up already was all of the zoning information that was in chapter 2, about how to do an application, what their job is, and what the zoning board job is. I believe there are 14 or 15 paragraphs that got moved from chapter 2 to chapter 12.

John Bruce: Chapter 2 is administration correct?

Jim Lurquin: Yes.

John Bruce: The items that are being taken out, is that referenced to see chapter 12? Is there a reference in Chapter 2 to see chapter 12?

Jim Lurquin: There is no need for a referral from one to the other. It was completely taken out of chapter 2 to chapter 12. One of the paragraphs was how big of a sign you needed and what you needed to put on the sign for when you do a sub division. All the subdivision information came out of chapter 2, how to do the newspaper postings, etc., they all belong in zoning.

Some of the main differences you will see for hotels and other B-1 buildings are height and parking. B-1 buildings require one square foot of parking per each square foot of building on the first floor and 5 square feet on the second floor. The parking for hotels, were asking for one parking space per hotel room plus one parking space for every two employees.

John Bruce: Are we going to specify the size of the parking space of 10 x 20, 200 sq ft.

Jim Lurquin: Yes, some communities use 9 x 18 we have always used 10 x 20, we have specified that in the ordinance.

In the building section, for the parking areas you will see we have where they can use pervious surface or impervious surface specifications; we have island requirements and driveway requirements. On the islands in the parking lot there are a certain number of trees that you have to have, there is also landscaping requirements for hotels and motels. The second section of the ordinance is basically taxation that comes straight out of state law, since we are not a home rule unit we can only charge 5 % of the hotel tax and we can only use that tax for promoting tourism for bringing people into town to use those hotels, and you cannot use it to entice people to build for competition.

John Bruce: What do you figure per floor, 12 feet?

Jim Lurquin: It is generally between 10 and 12 feet

John Bruce: What does Roberts Park have to say or have you talked to Roberts Park Fire Department about fire protection?

Jim Lurquin: That has nothing to do with this ordinance.

Henry Oszakiewski: If you have a 499 foot building, Roberts Park Fire Dept would need the equipment for that fire.

Jim Lurquin: No, in a 499 foot building or 50 story building, you are going to have stand pipes in the building. Anybody in the MABIS group, which is all of the fire departments including Chicago, they will have power trucks that go up 4 floors but above 4 floors has to be done by stand pipes.

Henry Oszakiewski: Where do we address anything like a bed and breakfast?

Jim Lurquin: The words "Bed and Breakfast" are not in here, but if you look on page 3 the State of Illinois defines a hotel for tax purposes as; inn's, hotels, tourist homes, lodging houses, rooming houses, and apartment houses, they all fall into that category. We can list them if you want.

Jack Kennedy: Bed and Breakfasts are basically no more than one or two room's, it's actually a big house.

Jim Lurquin: One thing that Trustee Symonds brought up was a bed and breakfast, the other one was single room occupancies.

John Bruce: Are you talking about extended stays, boarders and/or sleeping rooms?

Trustee Symonds: Yes.

John Bruce: I do not think they are allowed in Justice.

Trustee Symonds: I did not see anything prohibiting them.

Jim Lurquin: Item 4 regarding the adult hotels, basically talks about the things they do and the time limit. Which is in the prohibited section, on the SRO we can put that in as well as explaining what that is.

Henry Oszakiewski: The extended stay as mentioned, that's a hotel for a certain length of time?

Jim Lurquin: The extended stay is there, it is in the ordinance now. This is for stays over 30 days and there is a special taxation on the first 30 days.

Henry Oszakiewski: On page 8, where you are talking about landscaping, is there anything about detention and retention or is that covered in another section?

Jim Lurquin: That is not landscaping, that is drainage which is Page 6 item 6; Construction/Surfacing/Drainage. One other thing Trustee Symonds brought up was #5; Access.

Henry Oszakiewski: I have a concern about the signage being 48 inches off the ground. Is that something we would want?

Jim Lurquin: That is how it is currently, if we do it on the ground like Orland does and some of Oak Brook Terrace, then you have to change the line of sight

paragraph as well, then you may have to have a set back for signs for hotels. That would be in the building sections, I am not sure if you have to add it to zoning or not.

Jack Kennedy: You would have to give them the option on design, your not going to just regulate that you can only have one type of sign. If somebody comes in with a building design and they have enough land to do a set back on a ground sign or if they don't, you would basically have to go with building design.

John Bruce: You are also going to want to allow them to have multiple signs, because a ground sign is not going to be able to be seen from a distance, especially from the highway.

Jack Kennedy: It would have to be what ever design they want to put there.

Trustee Rusch: Suggestions I would have, is to make the town look nicer, their might be an opportunity to give them a variety of signs, but I wouldn't want to open up the door and say here are the major large parameters, versus how high and how wide and so far back. Regardless of what the requirement is in most cases they all are very uniform.

Trustee Small: That is another thing; there are lots of grants out there to help businesses with existing signs if in fact they want to go with a uniform sign code. I don't know if this is the time to enact some kind of uniformity.

Jack Kennedy: Some places might not have the set back or height from the ground.

Jim Lurquin: When we changed the sign code the last time it was basically changed for one business, but it incorporated all businesses. When we went around and took a look at all the businesses only one qualified under the ordinance that we wrote. Basically you can't be within 25 feet of a street intersection, plus the fall zone of the sign. If you have a sign that is 30 feet high and your front set back is only 30 feet to the intersection your out of luck.

Jack Kennedy: It would go by lot size and the design. You are not going to say we want all signs attached to the building.

John Bruce: If you notice the Hyatt's, along with other hotels, they will have some sort of neon or back lit sign on their buildings, up high on the building itself beside the street level sign.

Trustee Small: There are a lot of villages who have gone to no higher than roof height or first floor. So that might be something we want to think about.

Jim Lurquin: What I have suggested here is similar to the heights we have now. B-1 height is 35 feet or the height of the roof whichever is less, but it also allows for

45 feet for a municipal building sign. What we did with the hotels is the height limit at 45 feet or the height of your building which ever is less. So you can put it on the building or on a pole or set it in the ground.

Trustee Kuban: Most hotels put a sign on the building itself, and their sign in front is a ground level sign. Right now it would have to be written in so there is a set back if they want a ground level sign, and like Mr. Kennedy said we should give them that option. That would be something that has to be written in.

Jim Lurquin: The front set back right now of a hotel is currently 30 feet so if we are setting the set back of the sign can it be less than that 30 feet?

John Bruce: I would imagine if it is at ground level.

Jim Lurquin: You would have to come up with a visibility away from the driveway.

John Bruce: Also, how is it going to impact any other ingress or egress within the line of sight? If it is in the middle of the property is it going to impact somebody coming out of the property or coming out a ½ block away?

Henry Oszakiewski: On page 14 where you talk about the penalty, do we have to say anything about the village attorney's fees, would or should they have to pay for that?

Trustee Rusch: They are automatic.

Henry Oszakiewski: I have a question on the height of 499 feet; let us say it is 20 stories not 50. We don't want something 20 stories?

John Bruce: How much parking will they need? They will not have enough parking to begin with.

Henry Oszakiewski: They could have plenty of parking in the building, we should have a limit. If they want it higher, they can come to the zoning board and request it. We don't want an eyesore in the village.

Jim Lurquin: We do have a limit and that is an FAA regulation.

John Bruce: Also, we are not talking about in the middle of a residential area.

Trustee Symonds: You are talking about 499 feet tall?

Trustee Kuban: That's FAA, we should look at this realistically, you are not going to have a hotel come in here and build a 50 story hotel in this area.

Trustee Rusch: Let's then make a recommendation.

John Bruce: There is no need for a recommendation, this is just a discussion for Mr. Lurquin's benefit to point out ahead of time any concerns we might have so we can address them before we go to the public hearing.

Ray Hodson: There was someone in Ashbury Woods that attempted to turn her condo into a hotel you could rent for one day or 2 weeks. She had a web site and you could check off the day you wanted to rent, she even advertised it and she never got a permit to do this. So I gave it to you guys; meaning the village and you gave it back to me.

Trustee Rusch: Your by laws would supersede ours.

Ray Hodson: Our bylaws did supersede, we also have the Illinois Condo laws, which show you just can't turn it into a hotel.

Trustee Rusch: Are there any considerations or recommendations talking about height that you can come back to the board for discussion.

Henry Oszakiewski: I believe we should have some height considerations.

John Bruce: It is not even a recommendation it is a suggestion as to how to word the code for the public hearing. We haven't even addressed an all purpose structure which would include parking inside. That would be something that Jim Lurquin would have to research, as far as inside parking, that is a whole different category.

Jim Lurquin: If you have 3 stories of parking and then 4 stories of hotel rooms, the parking counts as part of the total stories of the building. These are international building codes and this ordinance references that. There has to be 1 parking space for each room and 1 parking space for every 2 employees and all other uses of the building revert back to B-1 parking; which is 1 foot per square foot of structure, you can look at page 5; Parking and Loading Areas, section D #1.

Possibly go over the second draft I have handed out, for the next meeting when we have the public hearing.

John Bruce: Yes.

Jim Lurquin: Once we get your recommendation from the meeting, you want to get it put together in a third draft so we can present it to the board with those recommendations. The committee meeting following the zoning meeting is Monday to Wednesday of the same week,

John Bruce: Is that enough time for you?

Jim Lurquin: It is not me that will have the problem, Shirley Shilka will have to type the minutes, the attorney is going to have to go thru the findings, and then it will have to come to me to update the ordinance.

Trustee Kuban: The committee meeting is on Wednesday, if this is brought forth, there is still time to get the final draft by the following Monday.



John Bruce: The main specifics that have to be presented at the public hearing are any changes to the code or additions to the code.

Jim Lurquin: Only Section 12, the only thing we cannot change is the zoning portion.

John Bruce: Are you going to put a height elevation in section 12?

Jim Lurquin: No, that's going to stay in section 8 of the code.

John Bruce: I would think that roughly 100 feet tall is a pretty tall building, anything taller would require probably inside parking, am I right? I don't think there would be the square footage for parking for anything more than 100 feet based on the number of units, put aside the ground floor and you are looking at 30 parking spaces.

Jim Lurquin: You are always going to have the size of the building or number of rooms per building based on how many parking spaces you will have.

John Bruce: I am trying to get a consensus as far as how everyone here feels about a 100 foot tall building.

Jack Kennedy: The height doesn't really matter to me, it depends on how many units you have on the floor, you could have 10 rooms on a floor then you only need so many spaces, it is not really the height.

John Bruce: If it's more than a certain height are they going to have to bring that before us for a variance on height based on specific issues; we are creating new code here.

Jack Kennedy: Limited parking is limited to what they can do already, and is already in the code.

Henry Oszakiewski: You could put the parking in the building itself.

Jim Lurquin: That would then follow the building code, but it still counts towards your parking. If you have parking in the building, or if you have a combination of parking in the building and parking around the building.

John Bruce: But keep in mind that if there is parking in the building you still have to raise the elevation for that parking. We also have FAA height, and economic feasibility.

Ray Hodson: A good prototype is the Holiday Inn over on Route 83, they have no inside parking and certainly have large weddings, and is all outside parking.

Trustee Kuban: Your not going to have somebody come in here and spend that kind of money for indoor parking and take up all of this other space, there are a lot

of mechanics involved in that, plus everything else they have to do along with all EPA standards.

Trustee Small: Rule of thumb is basically they are not going to build a hotel unless they can be guaranteed 85% occupancy year round, then that limits the number of rooms they will build.

Trustee Symonds: Orley Betcher was concerned about semi parking and having enough space if the ramps were ever re-opened.

Jim Lurquin: We took that into consideration, there is a paragraph in there that allows for semi's as long as they are patrons of the hotel, if they are not, then that is ticket able offense.

Trustee Symonds: I saw that renting a space is prohibited.

John Bruce: Are there any other questions?

Trustee Small: Just a reminder of the business networking function will be this week end, at Lipinski Center at 5:00pm.

Charlene Carter: It seems inevitable that the state will be passing the medical marijuana law. A number of towns in the area are making ordinances for provisions so that they don't get a number of grow houses and dispensing places where they don't want them. I copied an article off the internet from the Chicago Tribune I thought you might want to look into it. I am sure we don't want grow houses or dispensing houses to start up in our area.

Henry Oszakiewski: Are there any updates on the gas stations.

Trustee Rusch: Jim Lurquin could probably fill you in on this subject.

Jim Lurquin: I talked to Marlin Environmental today; they have completed soil borings on the Archer Avenue gas station. They will be sending me the paper work tomorrow to get it set up for us to take ownership of the tanks. Once we take ownership of the tanks, and since they did find enough contamination, we can get into the LUST (Leaking Underground Storage Tanks) fund. We are going on the basis that the gas station was not in operation in either 1979 or 1980, the EPA has no record of this being in operation, it was 50 years ago it is not on their records now. If we need an affidavit from someone saying it was in operation in 1979 or 1980 we can get that information from someone saying they remember when they had been there in 1979 or 1980. Once we get the go ahead we can get this set up and done in a couple of months.

As for the gas station on 88<sup>th</sup> Avenue our attorney is talking to the bank to see what we can do as far as them cleaning it up or them giving it to us and have it qualify for the LUST fund.

The cost is \$5000.00 each, which is the insurance deductible. For registering the tanks on Archer there is a cost of \$1800.00 plus a \$200.00 fee for permits. That fee is covered by a Brownfield bank account that we have had for the last 15 years from a grant that we originally had for these tanks.

Trustee Rusch: What about the demolition of the building on 88<sup>th</sup> Avenue?

Jim Lurquin: That will all be part of it.

Trustee Rusch: Just recently we have talked about Economic Development and we are moving well, it is working, and working very quickly, as long as we have those LUST funds this is going to move quickly. I wouldn't hesitate, and Jim Lurquin would know better than I, that with those LUST funds done, this time next year we are going to see a nice intersection at the Archer gas station, and maybe someone building over at the other gas station on 88<sup>th</sup> Avenue. Those improvements are coming, and once we are done with those we move on and tackle something else.

Just looking at the zoning boards "to do list" there are a lot of places to go and a lot of things we can do. Eventually the triangle will disappear, when the time is right, and we can still look at compass. Things are getting better and businesses are coming back into town, we even have businesses coming into town that are re-locating from other towns. So it is a very bright picture. We are pleased, as trustee's, working with the zoning board as that relationship unfortunately has not existed for quite some time.

John Bruce: I don't remember it ever existing. It was simply that the planning was in the hands of one or two people and that was it.

Trustee Rusch: We have done a good sharing of information now for a long time. It is nice to have that rapport which has not existed for many many years. When you see those things, let us know we will take some action. With Trustee Symonds help we have gone thru some Public Works issues where next year we plan on getting a substantial amount of summer workers to help us keep this town nice and clean and neat all summer, the residents will see that. You, the zoning board have really got this going, we don't want to see this rapport die, and we are very impressed at what you are doing as everyone else is. It makes our job so much easier to have that communication back and forth.

Henry Oszakiewski: We are also happy to see this happening and to see the trustees here on a regular basis, along with Orley Betcher for the past year; this is something we really appreciate.

Ray Hodson: Sometimes it like watching a chess game, two people are playing but the bystander see's something the players don't.

Jim Lurquin: The building department cannot be everywhere all the time so it's good that the board is out there moving around to spot things we do not see.

Jack Kennedy: Are we going to have a street light check.

Henry Oszakiewski: They wait for a number of them to be reported, and then they come out every three months.

Jim Lurquin: Call Shirley Shilka, she is the one that calls Com-Ed and Pinner Electric to report the lights that are out.

Trustee Rusch to Shirley Shilka: What kind of response do you get from them, is there a follow up?

Shirley Shilka: I don't follow up unless I get a second report, Com Ed and Pinner Electric will follow up if they don't see a problem. The one on Willow Drive was called in by a resident last Thursday and I reported it. It was called in again today by another resident, I also reported that. Now that I know there are two on Willow Drive I will call again tomorrow on both lights that is out.

There was one light out on 87<sup>th</sup> Avenue, and they had it fixed within a week.

Chair entertains motion to **ADJOURN:**

At 8:18pm

Jack Kennedy: **SO MOVED**

**SECOND:** Rich Berkowicz

**VOTE:** All Ayes

Next meeting: March 18, 2013

Respectfully Submitted

Shirley, Shilka, Secretary

*John W. Bruce*

**John W. Bruce, Chairman**