

September 11, 2014
Meeting
Of the Zoning Committee of Stickney Board of Trustees

State of Illinois

County of Cook

Village of Stickney

The Zoning Committee of the Stickney Board of Trustees of the Village of Stickney met on Thursday, September 11, 2014 at 6:30 p.m. in the Stickney Village Hall, 6533 W. Pershing Road, Stickney, Illinois.

Trustee Patrick Sleigher, Chairman of the Zoning Committee called the meeting to order.

Upon the roll call, the following Trustees were present:

Trustees present: Trustees Gomez, Lazansky, Sleigher and White

Trustee Patrick Sleigher explained that the purpose of this meeting is make recommendations on zoning district changes. He read the following meeting outline.

Outline issues for discussion re Stickney Zoning Ordinance

- 1. Need for hearing and ratification re elimination of Commercial District.**
- 2. Elimination of Park Zoning District and providing for parks to be permitted in all Zoning Districts.**
- 3. Clarify the difference between nonconforming uses and nonconforming structures.**
- 4. Discuss amortization of nonconforming uses.**
- 5. Provide for certain additional permitted uses in the Business District which were previously permitted in the Commercial District.**
- 6. Provide that “adult uses” be permitted only in industrial districts. Provide for regulations re same.**

7. Clarify zoning regulations re cell towers and that such towers be “special uses” in Business and Industrial Districts.
8. Rezone Jewel property to conform to existing uses.
9. Discuss rezoning of portion of Village North of Pershing Road to allow for business development.

Attorney Donald Kreger conducted the meeting from this point on. He stated that he felt that the most important item was the last item (#9) on the outline. This area is west of Cicero Avenue. We have no area of significant size that would be for business or shopping center type uses. We have a narrow strip along Pershing Road and a similar narrow strip along Harlem. We have the Jewel located on Harlem. They actually built a lot of it in a single family zoning area. That is on the agenda to make

Page 2

sure that if they had a fire they couldn't rebuild because it is non-conforming. We should inform the Jewel that they are going to be rezoned.

The attorney explained that the area north of Pershing Road, that includes the track and the area south of the track and north of 39th Street. The clerk asked if we should include the track in the business area because if the track closes that would be an excellent area for development. The attorney said it is not in the best interest of city to have more industrial area. The idea if the village board agreed to some of this would actually vote that a petition be prepared for a public hearing before the zoning board. And, the petitioner would be the village. That is the way villages effect their zoning changes. The discussion would be whether to make this entire area business and grandfather in Penske or whatever. They will not go away overnight, but they are not going to expand either. In the race track, unless they change the gaming laws, the track has special use zoning. He suggested that if we change that special use to business, that special use would be grandfathered. He is not going to tell people that they are closed down. They can keep their track as long as they want. Trustee White then clarified that if something happens and it did close then we could have a shopping center or whatever we want to do as a business district. The attorney went on, if that would be a recommendation that the entire area be zoned a business district, he would like a motion passed at the end of this meeting to make that recommendation to the village board.

Trustee Lazansky asked if these changes would cause their taxes to go up by going from one zone as they are now to a business. The attorney said that if their property was vacant, but most of that property is not vacant. The trustee then asked how far north is our property. Observations were made over an available map. Attorney Kreger explained that the whole thing is square.

Attorney Kreger now referred to item 8 to rezone the Jewel property. He is going to have to get a legal description. Then we can rezone that property to be business so it is not in a single family area. He questioned, “So, half the store in a single family area.” Trustee White said they bought a few houses there on Pershing and they paid a lot of money for them. Attorney Kreger added in, “And, they paid a lot of money but they never rezoned them.” He then asked if anyone had any objection to this. The clerk asked what might this do to their property taxes. We were told that he felt that they were being treated as a commercial zone. It would have to be because it was constructed there. It is the building itself that make up most of the value. Theoretically, if that store burned down they would need rezoning to rebuild it.

Number 7 is to clarify zoning regulations. Trustee White stated, "So we don't end up with a cell tower in a park?" Attorney Kreger said that there are cell towers up that don't get anything. You have one on the water tower. You could grant yourself a special use I guess. He finally said that he is going to clarify that it is a special use if no one objects to that.

Number 6 adult uses. We have got to provide for them but we don't want to provide for them in certain areas. He recommends that we provide for them in the I/2 district. Not even in the light industrial. We do have some regulations as to what they are. He will take a look at what they are permitted to do and what they are not. And, there is a difference if they have a liquor license. You can regulate them more if they have a liquor license.

Page 3

Trustee Sleighter explained that when they created the parks and rec district they got rid of the commercial district. A lot of stuff that was in the commercial district things were eliminated from the business district like service stations, resale shops, political organizations.....that was all in the commercial district that was not reinstated into the business district. He suggested that we put everything that was in the commercial district into the business district. Not reinstate the commercial district. Commercial businesses are commercial. So, let's just take everything that was omitted from the commercial district, put it into the business district and that way it just stays at the business district.

Trustee Sleighter clarified that even the service station, Stickney Auto, was omitted the from business district. Sleighter gave these additional businesses as examples: Auction rooms, automobile accessory stores, automobile service stations, boat marine sales, and all the things listed on the sheet he was reading from. He offered to share this material with anyone. All we have to do is put them back into the business district. Nothing has to change. Trustee White agreed that this is the right thing to do.

Attorney Kreger stated that when they eliminated the commercial district there was not, to his knowledge, a public hearing to eliminate it. So we will ratify that. That would be part of the hearing to ratify the commercial district elimination.

Mr. Kreger now addressed the non-conforming uses and non-conforming structures, numbers 3 & 4. He explained that the difference between con-conforming uses and non-conforming structure is a great deal. When you have a non-conforming use and it stops for 160 days, or 180 days, or whatever, then you can eliminate it. A non-conforming building such as the one at 43rd and Wisconsin, this is an apartment building right in a single family area. If that thing had building violations, it is not justification to get rid of the use. It is not the use. It is a non-conforming structure and that is a big difference.

Attorney Kreger said that maybe we are happy with the way it is, do we amortize non-conforming uses? Or, do we say, the only way to get rid of it if the building.....Trustee White questioned if we should place a time frame on it. Give it twenty years on it and there is no more. He continued by saying that he didn't think it was a good idea. He then said that if it changes hands. Attorney Kreger stated that changing hands is not justification though in law. Trustee White said that I think we have the same problem at 43rd and Wisconsin because a loan was allowed to be taken out as an apartment building at the time that it was done. There was cross talking going on at this point. Trustee White said that it is for sure now it is an apartment building. You can't back off of it now. Attorney Kreger stated that it is....a big one. He continued to say, my point is you have a single family residence that has been a two flat, it could easily be a single family but it has been a two flat for years. Trustee White said that we have been eliminating basement apartments all along. Kreger asked, can we eliminate it just because it changes ownership? Theoretically they can be renting it out to somebody and it can continue to be used and there is no stoppage of the usage. And, that creates a problem. Trustee White continued if we don't put in amortization there is no changing of that, isn't that correct?

Kreger went on to say, the only changing is would be if it goes for a certain length of time as a single family dwelling they can't re-establish it. Otherwise you have to do it with an amortization over ten years or twenty years. He said he put it on here but he didn't think that this board would change it. He just wanted to tell them that it isn't effective to say that it changes ownership.

Trustee Lazansky questioned the coach houses. He asked if a person sells a house with a coach house in the back, when he sells it are we going to do away with the coach houses? Trustee White responded as it stands now, if they are inspected and they are on the non-conforming list, they can sell it as a non-conforming building. Donald Kreger explained that it is a non-conforming structure. In other words, you have a non-conforming structure that is being used as a single-family residence. When it is a non-conforming structure and something happens to it, you can't rebuild it. Trustee Lazansky rationalized it by saying that if the building inspector went there and he found many violations and it can't be fixed because it is greater than half the value of the property, therefore, they will have to rip it down. You can't sell it even though that person owned it for forty years renting it out to whomever. Kreger said that they can't expand the structure either. They can remodel inside but they can't expand the structure because it increases the non-conformity.

Trustee Sleigher explained that as it stands now the owners are notified when they do buy the building they do have to register every year. The attorney chimed in that it is for usage and not structure.

The attorney spoke of a district that was developed called for Parks. Parks are all over the place. They could be in single family. When someone asks if a village has a park district, they are not asking about a zoning district. They are talking about a separate entity that is a park district. Or, a separate taxing district all together. We don't have that. In Berwyn, parks are permitted uses in every district. Trustee Sleigher asked if he wants to eliminate the parks and recreation off the zoning map. Kreger said yes. Kreger explained that the map has spots of green throughout. If we sold a park we would have to rezone it to single family. The clerk asked if it wasn't called a park than what would we call it. He said it would be permitted use.

Attorney Kreger again spoke of the land north of Pershing Road because we could put a park in there. He questioned if we should have be different business zoning. Do we want that to be commercial and be broader and have hotels? Trustee White suggested that we talk to the future and something beneficial to the town. It may not be in the immediate future but, we have to have that door open. Trustee Sleigher explained that in the commercial district before motels were in there, race tracks, raceways and speedways. We don't have speedways. He went on to add clubs, organizations, fraternal and religious organizations. If we make that strictly a commercial district (pause) he continued, if we put it in a business district, motels are allowed in a business district if we amend the business district. Kreger interjected that that is the way to do it also for hotels and motels. The clerk

stated that we could amend the list of permitted use. Kreger said, "Yes", that is what we want to do. He thinks that it is one of the first things that will be recommended is a hotel. Trustee White agreed that if gambling comes it will be one of the first things.

Page 5

We mentioned that we already have an ordinance that relates to a hotel tax on the books. The attorney said that we have the business district and increase the broadness of the list of the businesses. He also said that a park on 39th will not happen there anyway because it is not deep enough.

Trustee Sleighter now asked about permitted uses would have to go. If someone puts in a permit for business we would have to decide whether that is a permitted use or not if we put in "permitted uses" into the business district. He felt that it was a pretty vague area, "permitted uses". Kreger responded that it is broad enough to include everything if it is related. If someone comes in and you don't have a specific designation and it is similar it is automatic. Trustee White added that that is why it is needed for the adult venues because we don't want to fight that battle (inaudible) (it sounded like they were saying "the business district") the clerk stated that this could be classified with medical marijuana too. . . . Also porn shops. The attorney stated that medical marijuana he can't include because there are all sorts of regulations at the state level. Plus, they have to pay extra money. Trustee White asked if we would have to give board approval for something like that. If the state approves it, does the board have anything to say about it? Attorney Kreger said that we could zone for it. We might want to make it a special use. He is looking to see if we could do that. He can't call it adult use because of the legislation. He added , "Why doesn't Walgreens sell it?" "They are selling all kinds of drugs now." Additional opinions were given on that subject.

Donald Kreger stated that he thinks he has a feel as to what everyone wants to do. He suggests that the district stuff, the public hearing stuff, he will suggest to the zoning board that they have one right after the other. They will keep the Jewel one separated from the property north. He will try to draft up a motion that will be satisfactory with everybody. When he has that, he will pass it out and you could have a meeting ½ hour prior to your regular Village Board meeting. Kreger reminded us that the zoning board calls their own meeting to put together recommendations for the Village Board. He would try to accomplish this as soon as possible.

Trustee Savopoulos questioned the property south of 39th on Cicero. Mr. Kreger explained that there was some talk about moving the people on the north side to the south side. Conversation went on. Trustee Sleighter mentioned that Penske wanted to expand on the north side. Although it would not be beneficial to our community. Kreger said there is some sales tax of between \$1300 to \$1400 per month. If one of these big projects comes up and they have all this property there, there is nothing we could do about it. Kreger mentioned that at one time he met with a group of people in Chicago at a law firm office dealing with wanting to put this together. Penske was part of the discussion. Someone asked Mr. Kreger what would be the biggest roadblock to getting it done. Kreger answered, "Penske". They are the only one to have the money to fight you on what you want. If they

joined with you, fine. But, Penske was a possible joint venture there. Kreger stated that he didn't have any authority to speak on behalf of the village. But, he didn't think that the village was the problem. Trustee White said that letting them expand just creates a bigger problem. It gives them too much control. Trustee Savopoulos asked if Penske requires 450 feet frontage, and are you saying that they would move Penske on the other side?

Page 6

Attorney Kreger now looked at the map to orientate himself with the Koppers plant. They will be expanding within their own property to frontage road.

There being no further business, Trustee White moved, duly seconded by Trustee Gomez that the meeting be adjourned at 7:00 p.m.

Respectfully submitted,

Audrey McAdams, Village Clerk

Approved by me this 9th day of October, 2014

Patrick Sleigher, Chairman of the Zoning Committee of the
Stickney Board of Trustees