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City of Kankakee

PLANNING BOARD

Tuesday, December 20, 2011

TRANSCRIPT OF PROCEEDINGS had in the
above-entitled matter, taken before DEBRA K.
TURRELL, a CSR, RPR, and Notary Public within and
for the State of Illinois, 385 East Oak Street,
Kankakee, Illinois, commencing at the hour of 7:00
p.m., on December 20, 2011.

PRESENT:
Chairman Loretto Cowhig
City Planner Cliff Cross
City Attorney Christopher Bohlen

Members Present:
Edwin Eckhardt
Carole Franke
Rayleen Harris
Marsha Lloyd
Berry McCracken
Deb Terrill

1 CHAIRMAN COWHIG: I'll call this meeting to
2 order.

3 Mr. Cross, would you call the roll,
4 please.

5 MR. CROSS: I will. Edwin Eckhardt.

6 MR. ECKHARDT: Here.

7 MR. CROSS: Carol Franke.

8 MS. FRANKE: Here.

9 MR. CROSS: Rayleen Harris.

10 MS. HARRIS: Here.

11 MR. CROSS: Marsha Lloyd.

12 MS. LLOYD: Here.

13 MR. CROSS: Berry McCracken.

14 MR. MCCRACKEN: Here.

15 MR. CROSS: Debra Terrill.

16 MS. TERRILL: Here.

17 MR. CROSS: Chip Rorem. Willie Ames. Loretto
18 Cowhig.

19 CHAIRMAN COWHIG: Here.

20 MR. CROSS: We have a quorum.

21 CHAIRMAN COWHIG: Thank you.

22 You have the minutes of the
23 November 15 meeting. If there were no corrections,
24 we will file those, with thanks.

1 MR. CROSS: Yes, we thank you for the
2 expediency in getting them to us.

3 CHAIRMAN COWHIG: You have the meeting
4 schedule for 2012, and I particularly call your
5 attention to the fact that the January and February
6 meetings are on Wednesday. That's because the whole
7 schedule shifts due to Martin Luther King Day and
8 Presidents' Day.

9 MR. CROSS: Correct.

10 CHAIRMAN COWHIG: City Council action.

11 MR. CROSS: We have multiple actions from our
12 previous meeting on November 15. On the November 2
13 City Council agenda you had several cases, ranging
14 from case PB 11-11, which was the application by RVP
15 on their recycling facility on Hobbie Avenue. You
16 have the application by F&L Partnership, which was
17 the conditional use for the multi-use planned unit
18 development. You had the 11-13, which was the
19 resolution in which we adopted the concept plan for
20 the west downtown district plan. We had PB 11-14,
21 which was the application by the City of Kankakee in
22 a partnership with Mercy Housing to establish and
23 operate a senior assisted living facility within the
24 200 block of South Sixth Avenue. And then we also

1 had case PB 11-15, which was an application by the
2 City of Kankakee Planning Department where we
3 requested a text amendment to our PUD requirements
4 and Chapter 9 of the City of Kankakee zoning
5 ordinance.

6 CHAIRMAN COWHIG: And I'm happy to report that
7 at the Council meeting at which they acted on all
8 these, many members of the Council were singing the
9 praises of the Planning Commission.

10 MR. CROSS: Yes, they were.

11 CHAIRMAN COWHIG: And all you accomplished.

12 MR. CROSS: Very much so.

13 CHAIRMAN COWHIG: The first of our cases this
14 evening is number 11-05-2, and that is a case we
15 have considered a related case earlier this year for
16 property at 2450 Grinnell Road. The applicant is
17 Russel Jensen, and he is requesting a conditional
18 use permit for a crematorium.

19 Mr. Shapiro, you are the spokesman
20 for the applicant?

21 MR. SHAPIRO: Yes.

22 CHAIRMAN COWHIG: Tell us what we need to
23 know.

24 MR. SHAPIRO: Good evening. With me is Russel

1 Jensen, who is the applicant for the conditional use
2 permit.

3 We, as you will recall, spent a good
4 deal of time with you, I think it was in April and
5 maybe even May, presented evidence, which I think
6 you still have in your folder, so we're not
7 presenting any new evidence in support of this.
8 Mr. Jensen is properly zoned for the construction
9 and operation of a crematorium. The property lies
10 on Grinnell Road, which is, as Chairman Cowhig said,
11 near the intersection of I think Eastgate Drive, if
12 I'm correct, and Grinnell Road.

13 In our previous presentation we
14 informed you that the facility is regulated by the
15 Illinois EPA. They are strictly regulated by the
16 EPA. There is a machine which is on the property
17 which is a machine typical of most crematoriums, and
18 that machine has been at least partially constructed
19 and has been sitting there. Obviously, it's been
20 sitting in the open, so the Illinois EPA will have
21 to, if this Commission and City Council see fit to
22 grant the conditional use permit, the Illinois EPA
23 will have to reinspect that machine and Mr. Jensen
24 will have to bring it up to whatever standards they

1 require.

2 Mr. Jensen can speak if there are any
3 questions in terms of the actual operation of the
4 facility. I can tell you that the facility will be
5 well maintained. I know there have been questions
6 about maintenance of the property. While that's not
7 a factor in these proceedings, I can tell you that
8 Mr. Jensen, once the building is constructed, will
9 have a nice-looking building. It will be properly
10 and appropriately landscaped and maintained. He
11 does propose -- signs are not prohibited. He does
12 propose a small business sign which he would like,
13 but it won't be anything glitzy or neon or anything
14 like that.

15 If this body issues a conditional use
16 permit or recommends it, the City Council approves
17 it, Mr. Jensen will begin construction as soon as he
18 can, weather permitting. I'm not sure how long
19 conditional use permits are done for, but he will
20 get it done in whatever time is allowed by the
21 planning department.

22 The facility itself, and I didn't
23 really understand it before the hearing as well as I
24 did after it, is really a noiseless, odorless

1 facility. One of the things, as you will recall,
2 that came out in the evidence at the hearings before
3 you previously was that Kankakee already has a
4 cremation facility, and I didn't realize that
5 before, but that's at the Clancy Gernon Funeral Home
6 at the west side of town. I think all of us have
7 been by there many times, and I've been in the
8 facility before for various purposes, visitations,
9 and never had the slightest inkling or clue that
10 there was a cremation facility in there. I recall,
11 I think, one witness stated he walks every morning
12 and he walked by there quite a bit and he has never
13 heard any noise coming out of there which would lead
14 one to believe it's a cremation facility; he's never
15 smelled any odors.

16 These facilities are regulated by the
17 Illinois EPA. The property itself, as I said, is on
18 Grinnell Road just east of the intersection of
19 Grinnell Road and Eastgate Drive, and it's in an
20 industrial park which is, as I stated before, which
21 contains the proper zoning for a facility of this
22 nature.

23 As you know, Eastgate Industrial Park
24 is populated by many other industrial uses, most of

1 which are far more intense than this use would ever
2 be. FedEx, I think you have a truck wash facility,
3 I think there are warehouse facilities. So the
4 intensity of the use as proposed by Mr. Jensen is
5 really far less than most of the uses that I think
6 you will see on Industrial Drive. We believe,
7 Mr. Jensen believes there is a great need for this
8 type of facility. The closest, as I understand,
9 facility, cremation facility outside of Clancy
10 Gernon is Clifton -- is that right?

11 MR. JENSEN: Chebanse.

12 MR. SHAPIRO: Chebanse. And so if one is to
13 partake of the services of Clancy Gernon, they also
14 use Clancy Gernon. But I also understand if other
15 people who don't use Clancy Gernon, funeral
16 directors, if they want their loved ones to be
17 cremated, the remains have to be sent to Clifton.

18 Mr. Jensen believes he can provide a
19 good service to the community, a necessary service
20 to the community, at a cost less than people are
21 currently being charged.

22 He also, I would also state, and I
23 think it came out in the evidence last time, while
24 this is not going to be a huge job creator, it will

1 create some jobs for the community, which are
2 needed. And I think it will, also in terms of the
3 tax base of the community, put a viable, nice
4 looking, well run, well maintained building and
5 facility on that property, which will make a great
6 contribution to the tax rolls of the City of
7 Kankakee and other taxing bodies.

8 As I said, we previously, and I think
9 most of you were here last time, but we did present
10 evidence supporting the conditional use permit. I
11 think Mr. Cross sent packets to you. We are asking
12 that you approve Mr. Jensen's application for a
13 conditional use permit and, in the sense you
14 recommend it for approval, which is I think your
15 action, approval or no approval, for the City
16 Council. We're asking that you approve this and
17 send it forth to the City Council with your
18 recommendation for approval.

19 And Mr. Jensen or I can answer
20 questions if you wish. Thank you for your time
21 today.

22 CHAIRMAN COWHIG: Any questions for Mr.
23 Shapiro or Mr. Jensen?

24 MR. McCracken: Yeah, I've got a question.

1 What happens after the body is burned, basically?

2 MR. CROSS: I would advise we swear in
3 Mr. Jensen.

4 CHAIRMAN COWHIG: Yes, we should. Thank you.
5 (Witness sworn.)

6 MR. CROSS: State your name for the record.

7 MR. JENSEN: Russ Jensen.

8 MR. SHAPIRO: The question is what happens to
9 the body, the remains, after the cremation.

10 MR. MCCRACKEN: Right.

11 MR. JENSEN: Well, you mean what's left over
12 is put in an urn and returned to the family.

13 MR. McCRACKEN: And then it's basically an
14 urn, correct?

15 MR. JENSEN: Right.

16 MR. McCRACKEN: What happens outside of the
17 building?

18 MR. JENSEN: The machine has multiple chambers
19 in it. Most of the human body is mostly water, it
20 is burned and evaporated.

21 MR. McCRACKEN: And smoke or ashes or anything
22 like that escapes the building?

23 MR. JENSEN: No, it goes through the second
24 chamber which is so hot. If you go by Clancy Gernon

1 when they're doing a cremation, they do cremations
2 all day long. So during a service, parking a car
3 and walking in there, the machine is running. They
4 cremate in the garage. You'd never know. You can
5 see the smoke stack sticking out of the garage and
6 nothing is coming out of it.

7 MR. McCracken: There's no ashes or anything
8 like that?

9 MR. Jensen: No.

10 MR. McCracken: Inside, trapped inside?

11 MR. Jensen: Right.

12 MR. McCracken: All of it?

13 MR. Shapiro: I think it's fair to say, Berry,
14 there are no emissions which escape.

15 MR. McCracken: Okay.

16 MS. Terrill: And are there any embalming
17 fluids or anything like that used in the process?

18 MR. Jensen: The only time there would be any
19 embalming fluid is if somebody had a visitation
20 first where they were already embalmed. My business
21 is immediate cremations, mostly. So those are
22 people that do not have services, they just want
23 them cremated. I'm sure every once in a while you
24 have somebody that is embalmed first.

1 MS. TERRILL: But you won't do any embalming
2 there?

3 MR. JENSEN: No.

4 MR. ECKHARDT: One of the things we discussed
5 in one of the other meetings was the people in the
6 neighborhood around there was concerned about the
7 odor.

8 MR. JENSEN: Right. There's no odor that
9 comes out of the machine. Again, using Clancy as an
10 example, they're right in the middle of town.
11 People are constantly going in and out of there.
12 And they couldn't run that business if there was an
13 odor coming out of there all the time.

14 CHAIRMAN COWHIG: Is there anyone in the
15 audience who wants to ask a question or to make a
16 statement either for or against this proposal? You
17 need to come forward and be sworn in.

18 (Witness sworn.)

19 MR. CROSS: Please state your name for the
20 record.

21 MR. ENNS: Okay. My name is Larry Enns. I'm
22 the Kankakee Township supervisor and the subdivision
23 that lies immediately next to this proposed
24 crematorium is in my township.

1 MR. ECKHARDT: What are you talking about
2 here?

3 MR. ENNS: Kraftdale subdivision. It would be
4 right here.

5 MR. ECKHARDT: Okay.

6 MR. CROSS: There is an aerial photo that you
7 have behind that map that you can start to see the
8 front of it.

9 MR. ENNS: All right. And obviously this
10 property is not zoned for this, otherwise we would
11 not be getting a conditional permit. Am I right?

12 MR. CROSS: No.

13 CHAIRMAN COWHIG: Not exactly.

14 MR. CROSS: No, sir, you are not. Conditional
15 use permits are not exclusionary zoning. In our
16 zoning ordinances under Appendix A, we identify uses
17 as either being permitted, requiring a conditional
18 use permit, or being prohibited. If you look in
19 Appendix A of the Zoning Ordinance under conditional
20 use permits under the I-2 zoning district, it
21 clearly is indicated to have a C, which means it is
22 eligible for a conditional use permit. Doesn't
23 necessarily mean you'll get it, but it is applicable
24 for the process.

1 MR. ENNS: Right, but it does take a variance.

2 MR. CROSS: The conditional use permit is the
3 process.

4 CHAIRMAN COWHIG: It's not a variance, it's a
5 conditional use.

6 MR. CROSS: Not a variance.

7 MR. ENNS: I just have some concerns that the
8 people brought to me. One of them is devaluation of
9 their property. And, in all reality, this
10 subdivision has been there for years and years.
11 They were there first, you know. And I've talked to
12 the Kankakee Township Assessor and he does feel that
13 they will probably have a legitimate cause to go and
14 ask for reduction in their valuation, which will be
15 a loss of taxpayer money.

16 MS. TERRILL: And who would that be?

17 MR. ENNS: Pardon?

18 MS. TERRILL: Who did you speak with?

19 MR. ENNS: I spoke with the Kankakee Township
20 Assessor.

21 MS. TERRILL: Who is that?

22 MR. ENNS: David West.

23 MS. TERRILL: And do you have a letter or
24 something from him stating that's the case?

1 MR. ENNS: No, I did not, I just spoke to him
2 today. But he said they would have a good case if
3 they came to him and wanted reduction in their
4 taxes, because the value is probably going to go
5 down. Nobody wants to live next to a crematorium.

6 And I have one question for,
7 according to the application I seen, there was a
8 little section in it said that there was 6.6 million
9 particulate going to be given out. And he just
10 stated that there was going to be nothing coming
11 out, and that's per year. And I'd like him to
12 answer that question.

13 CHAIRMAN COWHIG: This is on page 2 of the
14 document headlined Joint Construction and Lifetime
15 Operating Permit, about the middle of the page, says
16 particulate matter emissions one and a half pounds
17 an hour or 6.6 tons a year.

18 MR. BOHLEN: That's the maximum.

19 CHAIRMAN COWHIG: Read the first part of the
20 sentence. Emissions and operations of the crematory
21 shall not exceed the following limits. That's not
22 necessarily what it will do. That's the maximum
23 that would be allowed.

24 MR. SHAPIRO: And, again, all we can do in

1 terms of an example is point to the Clancy Gernon
2 facility which, as Mr. Jensen said, when you go
3 there, and I'm sure most of us have been there,
4 that's basically a facility which the public is
5 continually entering, ingress and egress for
6 visitations, and I know of absolutely no odor,
7 emissions or anything else which come from that. So
8 I think the chairman accurately stated the emissions
9 cannot exceed that, as Mr. Jensen said.

10 MR. JENSEN: Whatever, there's a, in the thing
11 from the EPA it says what emissions are allowed.
12 From what you guys say are allowed and what comes
13 out of the machine, and if it's 1.4, this machine
14 puts out .06. It's way, way under what is even
15 allowed in an area zoned that way.

16 MR. ENNS: I'd just like to make everybody
17 aware that there is particulate that does come out
18 of there, so it's not like he stated where it's all
19 going to be eaten up.

20 MR. JENSEN: It's not like these are floating
21 out. There's a sensor on the machine where if
22 anything goes in front of the sensor the machine
23 shuts down. It's not going to have things coming
24 out. Like I said, you would never see anything

1 coming out of the machine if you are standing there
2 watching it.

3 MR. ENNS: Then I have another concern. The
4 gentlemen has not been particularly a good caretaker
5 of the property in the past several years. And I've
6 seen nothing except his word that says he's going to
7 be a better caretaker of the property. For years
8 that property sat in weeds that was as tall as I am.
9 There was material and junk around there. There was
10 boats sitting there, there was cars sitting there.
11 I wonder how good of a caretaker he's going to be.
12 He's told us what he's going to do, but I'd like to
13 see, you know, I'd like to see it before I believe
14 it.

15 MS. TERRILL: Mr. Enns, are they still there,
16 or have they been removed?

17 MR. ENNS: They have been cleaned up somewhat,
18 yes. As a matter of fact, he was under demolition
19 by the City of Kankakee, if I'm not mistaken, for a
20 while, and then he finally did forcibly have to
21 clean it up or they were going to tear the building
22 down.

23 Also, in talking to all of the
24 neighbors, they're just real concerned. I just

1 don't feel that that's an appropriate place. He
2 could have went down the road a couple blocks and
3 then buried into the exterior of that and there
4 probably would have been no problem. I hope, at
5 least, I did notice there's going to be no type of
6 advertising signs on this whatsoever, outside of the
7 road number, is that correct?

8 MR. CROSS: Well, that came off the original
9 ordinance that was discussed. Now that's subject to
10 prospective amendment, depending on whatever
11 recommendation comes from this Board and the City
12 Council.

13 MR. ENNS: Well, at the very minimum I would
14 like to have in there that there would be no
15 advertising. That would help eliminate the
16 devaluation of the neighborhood. Because who wants
17 to buy a house, you know, next to a crematorium? I
18 don't. I don't think you would. And I just behoove
19 you to vote on this as though this was going to be
20 next door to your house. That's about all I got to
21 say.

22 CHAIRMAN COWHIG: Thank you, Mr. Enns.

23 MR. McCRACKEN: Larry, why do they think it
24 would devalue the property? Just because it's a

1 crematorium?

2 MR. ENNS: Right. I personally would not want
3 to buy a home next to a crematorium.

4 MR. McCRACKEN: Why is that?

5 MR. ENNS: Why?

6 MR. MCCRACKEN: Yeah.

7 MR. ENNS: Because I don't know what's coming
8 out of there, because they're burning dead bodies.
9 And the EPA does say there is particulate coming out
10 of there, regardless of what he said. And I don't
11 know it's going to be a health issue or not.

12 MR. ECKHARDT: What about Clancy's crematorium
13 there? Look at the property around there. I don't
14 think they have any problem selling that. I don't
15 believe there's smells or anything coming from that
16 neighborhood.

17 MR. ENNS: I'm not familiar with the
18 neighborhood.

19 MR. ECKHARDT: Do you run a crematorium
20 someplace else besides the one you plan on building?

21 MR. JENSEN: No. I'm certified to run one,
22 but that's all I'm trying to get done. I just
23 wanted to say Mr. Ozinga, who is an alderman, lives
24 in a house right on the corner where in the side

1 yard he's looking directly into the garage of the
2 crematorium. And he said that story when he was
3 here the last meeting. And he said in all the years
4 he's lived there he's never had trouble with living
5 next door to a crematorium, so.

6 MR. ENNS: Any more questions?

7 MS. TERRILL: Mr. Enns, this isn't a question,
8 but just to put your mind at ease somewhat, I'd just
9 like to tell you next time you got your Com Ed bill
10 and they include the little environmental
11 information envelope, if you take a look at that you
12 will see that the particulate matter that is
13 produced in the area by electric generation far
14 exceeds anything that this crematorium would.

15 MR. ENNS: Right.

16 MS. TERRILL: Particulates are something
17 that's produced from everything from automobiles,
18 electricity, laundromats. There isn't any activity
19 that humans can do that doesn't create particulate
20 matter.

21 MR. ENNS: I'm aware of that, but there's
22 possible contamination in this particulate, in my
23 opinion. I mean, I'm not a doctor, I'm not a
24 chemist, you know, but when you burn somebody that's

1 full of disease, possibly, some of that has to come
2 out in particulate.

3 MS. FRANKE: I think, I would just like to say
4 I think if we look at our crematorium that's in the
5 midst of the City of Kankakee, there have been no
6 negative impact on property value, there have been
7 no complaints from surrounding neighbors, just to
8 reassure the residents that you are representing.
9 There have been no problems with a crematorium in
10 the midst of the City of Kankakee.

11 MR. ENNS: Well, that's not problems that we
12 know of. Have we done any medical tests?

13 MS. FRANKE: I couldn't respond to that. But
14 the main problems that he brought up were property
15 values and odors and those kind of things, and there
16 have been no known problems although it's been there
17 many years.

18 MR. ENNS: All right.

19 CHAIRMAN COWHIG: Thank you, Mr. Enns.

20 Anyone else?

21 (Witness sworn.)

22 MR. CROSS: Please state your name for the
23 record.

24 MS. KNICKERBOCKER: Rosanna Knickerbocker.

1 I'm a resident of Kraftdale subdivision. My
2 property backs up to the property that this
3 crematorium is going to be built on. It's a vacant
4 lot. We've tried to sell this lot -- I've told you
5 guys this before. We've tried to sell this lot. A
6 few times we've had potential buyers to build on
7 this lot. And when they found out about the
8 building, that this shell of the building is
9 supposed to maybe be a crematorium, they backed out.
10 We lose money because of this building here.

11 And why is it okay for people who
12 have been there for 20 or more years to have to lose
13 money for somebody who wants to come in to try and
14 make money on the backs of the people that have
15 lived there? That is just not right.

16 And another thing I'd like to know is
17 I was under the impression -- I've been to several
18 of these meetings. I was under the impression that
19 it would be a year before he could do anything else
20 about this.

21 MR. CROSS: No, ma'am, because of the
22 agreement that was acted upon. That's exactly why
23 the agreement was put into place. It took precedent
24 over the zoning ordinance of the City of Kankakee.

1 So, therefore, they are eligible, as part of the
2 agreement, to apply for this application.

3 MS. KNICKERBOCKER: Okay, fine. I still don't
4 think it's right for somebody to come in and try to
5 make money off the backs of people that have been
6 there 20, 30, 40 or more years.

7 CHAIRMAN COWHIG: Thank you.

8 Anyone else?

9 Are you ready to make a decision?

10 MS. HARWOOD: Could I say something?

11 CHAIRMAN COWHIG: Yes, this is your
12 opportunity.

13 (Witness sworn.)

14 MR. CROSS: Please state your name for the
15 record.

16 MS. HARWOOD: Leanna Harwood, and I live on
17 East Miracle Drive east of the property. I have a
18 question. How come it's always up to everybody else
19 but the people that actually live in that situation
20 or that, whatever? How come it's up to you people
21 to decide about the rest of us?

22 MR. CROSS: I can answer your question and her
23 question both. The City of Kankakee is a municipal
24 authority that regulates this particular lot. It's

1 within our municipal boundaries. The zoning is I-2,
2 heavy industrial, which allows for an application to
3 apply for a conditional use permit. That's what
4 Mr. Jensen has opted to do. You have a right to
5 come here and voice your opinion and it is
6 considered.

7 As for her question concerning the
8 zoning, the zoning for that property, as far back as
9 I've been able to tell, has been M-2 to I-2, M-2
10 heavy industrial. That goes all the way back to the
11 early '70s, as far as I tell, which means that
12 industrial zoning class has been in place since at
13 least 1974. So decisions are made based on a
14 current ordinances, and that's the process.

15 MS. HARWOOD: Well, I understand that and I
16 just want to come up here and say I wish it wasn't
17 built there. Thank you.

18 CHAIRMAN COWHIG: Thank you.

19 Anyone else?

20 MR. BOHLEN: Madam Chairman, I would like
21 clarified by the applicant if he is aware of the
22 conditions that were previously in the ordinance and
23 if he is still willing to abide by those conditions,
24 or whatever other conditions this Board may impose.

1 CHAIRMAN COWHIG: Do they have a list of those
2 conditions?

3 MR. BOHLEN: It's in the draft ordinance.
4 It's included in the packet.

5 MR. CROSS: The one I do know he's mentioned
6 already he would like to amend is a sign, because he
7 requested to have a small sign on the property.

8 MR. SHAPIRO: Yes, he would like to have a
9 small sign, not neon or anything like that. And I
10 think before there is a four month building period.
11 Obviously, that's not feasible at this point because
12 it's going to be the winter period. Whatever the
13 allowable time for conditional use permits in terms
14 of time for building is what he will abide by. But
15 he would like a small sign, won't be large, but
16 something.

17 MR. CROSS: Conditional use permits are valid
18 for 12 months. What I would recommend, if you are
19 going to request a construction time period, because
20 building permits typically are six months at a time,
21 but when you start looking at construction seasons
22 it's 12 to 24 months, based on the cycle. I don't
23 see any reason why you cannot request to extend the
24 conditional use permit as a condition of the permit

1 to 24 months.

2 MR. BOHLEN: But I think realistically one of
3 the issues before the Council, as you are aware, is
4 the previous condition of the property and its
5 ongoing maintenance. And the thought was if it got
6 built as quickly as possible, that would resolve the
7 ongoing maintenance issues of the property. So I
8 would suggest -- you know, again, I'm aware that so
9 far it's been a very mild winter and we don't know
10 what it's going to be from here on. But 180 days I
11 know is going to be, anything beyond 180 days I know
12 is going to be problematic to passage.

13 And, secondly, I think there needs to
14 be some commitment made regarding the ongoing
15 maintenance to the property, considering what's been
16 there and what's still there.

17 MR. SHAPIRO: On the second point, absolutely.
18 On the first point, Mr. Bohlen, I think the weather
19 will control. I don't have a problem with that 180
20 days with the understanding that certainly, and I
21 don't remember whether the condition was he commence
22 construction or complete.

23 MR. BOHLEN: Occupancy permit to be obtained
24 within 180 days.

1 MR. SHAPIRO: Certainly, weather permitting.

2 MR. JENSEN: Yes, but 180 days, I have to get
3 a building permit, I have to resecure financing. I
4 have a lot to do.

5 MR. BOHLEN: 180 days after the issuance of
6 the building permit, so once you get the permit.

7 MR. CROSS: Yeah, I think as long as you pull
8 the permit --

9 MR. BOHLEN: Right.

10 MR. CROSS: -- before the 12 months, then that
11 kicks in, correct?

12 MR. BOHLEN: Plan was to be submitted within
13 30 days under the conditions here.

14 MR. SHAPIRO: The answer is he will apply for
15 the building permit within 30 days, he will do that.
16 That will take us to the Council, I think they're
17 going to take it up at the first meeting in January.

18 MR. BOHLEN: I would anticipate.

19 MR. SHAPIRO: Which means he will apply for
20 the building permit by February 1. Certainly once
21 he begins the facility, he will see it through to
22 completion. As long as he's making reasonable
23 progress, I assume the City will understand delays
24 can occur, so on and so forth. But once he starts

1 the progress, he's committed to it.

2 So I think he can agree to that,
3 provided, however, that if he's moving along with
4 construction, the City after six months, as with
5 most things, doesn't say time's up, you are done.

6 MR. CROSS: That's regulated through the
7 Building and Code Department in terms of their
8 permitting process. Mr. Banaziak has authority to
9 extend permits based on his regulations.

10 MR. SHAPIRO: We just want some assurance that
11 if he agreed to that 180 days after the issuance of
12 the building permit, that the City, as long as we
13 move forward, is making progress in construction,
14 substantial progress, not a brick here and brick
15 there, but the City would work with him. I'm sure
16 while it's done in a timely manner, it's done in a
17 correct manner, if he needs an extra month, he needs
18 an extra month; if he needs an extra two months, he
19 needs an extra two months.

20 MR. ECKHARDT: Sir, if and when this is built
21 and you go into operation, approximately would you
22 know how many hours a week or month would this been
23 operated?

24 MR. JENSEN: I figure about eight cremations a

1 year. So if actual operating time of the machine is
2 about an hour and a half per person.

3 MR. ECKHARDT: So you are talking maybe twice
4 a month?

5 CHAIRMAN COWHIG: Did you say eight a year?

6 MR. JENSEN: Eighty.

7 CHAIRMAN COWHIG: Oh, eighty.

8 MR. JENSEN: Eighty. That's the amount of
9 cremations that I do right now, so I expect that to
10 stay the same. I'd just be doing them for myself
11 now.

12 MS. TERRILL: Mr. Bohlen?

13 MR. BOHLEN: Yes.

14 MS. TERRILL: Has the demolition order been
15 vacated via the agreement?

16 MR. BOHLEN: I don't believe it has been at
17 this point.

18 MS. TERRILL: So that's still a condition?

19 MR. BOHLEN: Still something they have to do.

20 MS. HARRIS: I'm curious as to what would your
21 reaction have been if we had had a request to put a
22 recycling center on that spot? Would you have
23 objected to that? There would have been all kinds
24 of traffic, things moving in and moving out, noise

1 in the daytime.

2 I think this is a perceived
3 conception that this is a bad, bad thing. And I
4 think if you will talk with people in Kankakee who
5 live by the crematorium that's here, they didn't
6 even know it was there for years, that's how well
7 it's run.

8 MS. TERRILL: I didn't know that I lived a
9 couple blocks from a crematorium until this case
10 came up, for 22 years.

11 MS. HARRIS: I've never heard anybody
12 appealing their taxes because it was there.

13 I'm not saying that you should just
14 change your mind and say it's okay, but I'm just
15 trying to decide if this is because it's a
16 crematorium you feel that's not a good thing. You
17 can have a whole lot worse things out there in that
18 industrial park, lots of noise, trucks in and out.
19 That's what industrial parks are about.

20 If they were doing it on my block I
21 guess we would just accept it as part of life. We
22 all die, we're going to be cremated or buried, one,
23 and more and more poor are getting cremated because
24 that's the cheaper way to go and they can't afford

1 all the expenses of a funeral. I don't think it's a
2 bad thing.

3 MR. ENNS: Can I respond to that?

4 CHAIRMAN COWHIG: Briefly, yes, but then we
5 need to get on with the consideration of the
6 conditions.

7 MR. ENNS: I couldn't hear you.

8 CHAIRMAN COWHIG: Yes, briefly.

9 MR. ENNS: Well, evidently Kraftdale people
10 and myself are not the only ones that feel that way
11 because the City Council voted this down once, so
12 evidently the City Council felt the same way that we
13 did, otherwise we wouldn't be here today. They did
14 vote this down.

15 CHAIRMAN COWHIG: Thank you.

16 MR. SHAPIRO: Can I just ask Mr. Bohlen, what
17 Mr. Jensen would like, he's going to apply for
18 building permit within 30 days after the City
19 Council would approve this. We're a long way down
20 the road right now, let's been honest. You know,
21 we're almost nine to ten months after he submitted
22 his initial application. This has been delayed no
23 fault due to this body, which was very supportive.

24 All he's saying on the building

1 permit is that he'd like the same consideration that
2 everybody else gets who gets, who seeks and obtains
3 a conditional use permit. I understand the
4 condition, Mr. Bohlen.

5 MR. BOHLEN: The issue that caused this is the
6 previous maintenance of the property and the
7 condition that the property has been in until now
8 and still is in some ways.

9 MR. SHAPIRO: I can absolutely assure
10 Mr. Jensen, we've talked about that, we don't argue
11 that. He's going to run a public business, a
12 business where the public is going to be going in
13 and out, not frequently, but, as he says, maybe up
14 to 80 times a year to partake of his services. So
15 it is not in his best interest that he maintain this
16 property in any other way than in top condition.

17 So I understand your concerns, but
18 please be assured that once he obtains the
19 conditional use permit, or once it's approved and
20 once he applies for building permit, he intends to
21 move forward with all deliberate speed, because he
22 wants to get this done and constructed. That's in
23 his best interests.

24 He just wants at this point to be

1 treated as any other applicant would be. I assure
2 you he will maintain the property in whatever manner
3 the City requires, he will do that.

4 MR. BOHLEN: Okay.

5 MS. HARRIS: Cliff, I have a question. If he
6 doesn't follow through with maintaining his property
7 per our agreement, can his conditional permit be
8 revoked?

9 MR. CROSS: Yes. I would take official action
10 to bring it back before the Board to request it, and
11 then it would go before Council.

12 MR. SHAPIRO: We think that's fair.

13 MS. FRANKE: Then Mr. Bohlen, just to clarify,
14 under number 7 we were increasing that to 180 days,
15 correct?

16 MR. BOHLEN: Because of the time of the year,
17 right.

18 MS. FRANKE: Because of the time of the year.
19 I just wanted to make sure, because it was in
20 writing. Thank you.

21 CHAIRMAN COWHIG: And number 5 about signs,
22 we've heard the request to be allowed to have a
23 small sign. What constitutes a small sign?

24 MR. JENSEN: Well, I haven't got as far as a

1 sign, but I'm guessing a typical sign for a business
2 like that on an acre of property would be maybe six
3 feet wide by three or four, I don't really know, but
4 from the street that's not a big sign if you are
5 driving by. If you look at a stop sign that's this
6 big, that doesn't look like it's that big when you
7 are driving by.

8 CHAIRMAN COWHIG: So the sign, for instance,
9 would say Jensen Services, Inc.?

10 MR. JENSEN: Kankakee County Cremation
11 Society.

12 MS. TERRILL: I think it's unreasonable not to
13 allow the petitioner to have a sign to tell people
14 where the business is when they're trying to find
15 it.

16 CHAIRMAN COWHIG: So do we. Instead of no
17 outdoor advertising signs do we want to say one sign
18 no larger than --

19 MR. CROSS: The way it's regulated, regulate
20 freestanding and wall signs, and they are regulated
21 by the frontage of the building. You are allowed so
22 much sign square footage per linear frontage.

23 A unique thing about this lot is he
24 has the potential to have two signs because there

1 are technically two frontages. You have the
2 Grinnell Road and then you have Eastgate. So the
3 point I'm making is he could have a rather large
4 sign because it's an industrial zoning district. If
5 you are in favor of the sign, I have no objection to
6 that, but I think what we need to do is limit it to
7 maybe the sign be in front of Eastgate Industrial to
8 where it's not visible from the traffic heading
9 east-west on Grinnell. And then maybe you limit it
10 to, he designates a sign size, maybe limit it to
11 like two linear feet for every, two square feet for
12 everyone linear foot, and then put a maximum on it.
13 He's talking six foot sign. A five by five sign is
14 only 25 square feet so, you know, he's going to be
15 able to have a much larger sign. Industrial zoning
16 districts allow for signs up to 600 square feet, so
17 you probably want to specify.

18 MS. TERRILL: Is 25 square feet reasonable?

19 MR. JENSEN: It should be.

20 MR. CROSS: If you are talking six foot high
21 by five foot wide, and it's going to be a monument
22 sign?

23 MR. JENSEN: I don't want a huge sign.

24 MR. CROSS: Is it going to be a monument sign

1 or post sign?

2 MR. JENSEN: Somebody coming to my facility, I
3 want to be able to say there it is.

4 MR. CROSS: Is it going to be a monument sign
5 or pole sign, because a pole sign starts having
6 height regulations, that's why you want to limit the
7 height.

8 MR. JENSEN: Just want it in the grass.

9 MR. CROSS: I would suggest a monument sign no
10 more than six by six or five by five. That would be
11 my recommendation.

12 MR. SHAPIRO: We're here, as I think you all
13 know, because litigation ensued after the City
14 Council voted to deny the conditional use permit.
15 One of the things that I discussed with, the City
16 had a retained counsel, the insurance company
17 provided counsel, and one of the things I will tell
18 you I specifically told them as part of an agreement
19 is he would be treated in the same manner as anybody
20 else requesting the conditional use permit. I
21 understand the politics of the situation, but what
22 I'm asking you to do, urging you, is to give him the
23 same consideration as he's entitled to.

24 As I said, we're well down the road.

1 He is concerned. You know when we were here before,
2 and the only reason he agreed -- well, he agreed to
3 the 120 days for a couple of reasons. One is that's
4 what you wanted. But, number two, we were going
5 into construction season so he felt that would be no
6 problem.

7 It's been a mild winter, no question
8 about it. We don't know if that's going to
9 continue. If he obtains the conditional use permit
10 in the first meeting in January, he has to pull the
11 building permit by early February. I mean, he's
12 greatly concerned that, you know, February may not
13 be so kind, who knows, March may not be kind. And
14 so he has great concerns at this point about placing
15 that type of restriction because of that very fact,
16 the weather. Weather now plays into the equation.

17 Mr. Cross accurately stated what the
18 City can do. If Mr. Jensen is not living up to the
19 city ordinance as to maintenance, as to proceeding
20 with building, so on and so forth. I understand the
21 desire that this be done in a timely manner. It
22 will be. But, again, the weather concerns are a
23 factor which never entered into the equation before.

24 MR. BOHLEN: But it did enter into it before,

1 that was part of the conditions before. And this
2 still gives you 120 days building period, assuming
3 you have February and March are lousy months.

4 MR. SHAPIRO: I understand, Chris. All I'm
5 saying is, you know.

6 MR. BOHLEN: We're not really changing, we're
7 giving the same thing that was agreed to before.

8 MR. SHAPIRO: I appreciate that. As I told
9 counsel, Mr. Brisani, where we have been before, we
10 are beyond that now.

11 MR. BOHLEN: We are beyond that, except the
12 same issue is going to come up again and again, and
13 that's the history. And the history is what's
14 driving the conditions.

15 MR. SHAPIRO: Chris, I understand that.

16 MR. BOHLEN: And the building permit is good
17 for six months anyway. So I think we're giving you
18 essentially what the ordinances of the City provide.

19 MR. SHAPIRO: If this is the condition the
20 City is going to impose, and I will tell you that's
21 imposing, that's not something we agreed to as part
22 of the discussions. But if the City is going to
23 impose a 180-day requirement, we hope the City, once
24 construction is started and is making progress,

1 after six months they don't say you are not done,
2 you are finished.

3 MR. ECKHARDT: Sure, this Board, are you going
4 to have to start all over again?

5 MR. SHAPIRO: No, I don't think so, that's not
6 what we're saying.

7 MR. ECKHARDT: Well, that's the biggest.

8 MR. JENSEN: More than likely, once the
9 building is started it's only going to take three
10 months to do it. What I'm afraid of --

11 MR. ECKHARDT: You got the roughest part built
12 already.

13 MR. JENSEN: The part I'm afraid of, I have to
14 order all new steel for the outside. Things have
15 been stolen. It takes a month just to get some of
16 that stuff. I need to order stuff, get it there or
17 get it up. And I'm afraid we're within a couple
18 days or a month and they say forget it.

19 I had an architect look at it and
20 they said there are some spots you touch up with
21 primer. And the building, the structure itself is
22 in good condition. But, like I said, what comes up
23 when you are building something, things come up, and
24 that's what scares me, we're trying to cut it that

1 close.

2 I'm okay with the sign, if you want
3 to restrict it to what we're talking about, because
4 that's fine. Like I said, I don't want a big huge
5 thing anyway.

6 MR. ECKHARDT: We talking monument granite
7 stone?

8 MR. JENSEN: Not granite stone.

9 MR. CROSS: Just terminology to a sign, like
10 an entrance sign. We have an architecture standard
11 says the facade has to be the same as the facility.
12 Just a monument is a different type of sign than a
13 pole sign or freestanding sign.

14 CHAIRMAN COWHIG: Suppose that February and
15 March are severe weather and you are not able to
16 start construction until early April. What do you
17 consider a reasonable timeframe to complete the
18 work?

19 MR. JENSEN: I would like just, if nothing
20 ever happened and I came in getting a building
21 permit, whatever timeframe that I would get is what
22 I would like.

23 I want this thing done more than
24 anybody else. If I had the building done and I had

1 the land cleared off where it was all to grade where
2 I could mow it and take care of it, that would be
3 fantastic.

4 I want it done very bad. I'm just
5 afraid of getting into a spot where I'm waiting on a
6 piece of metal for a roof that hasn't come in. I
7 just want whatever anybody else coming in would get.

8 MS. TERRILL: What would the ordinary time
9 allowed be?

10 MR. CROSS: The code, I don't believe they've
11 changed it, a building permit in Chapter 8, upon
12 issuance you have 180 days to complete the work.

13 MS. TERRILL: Isn't that what we're giving
14 him?

15 MR. BOHLEN: Right.

16 MR. SHAPIRO: And provisions for extension?

17 MR. CROSS: There are provisions where you get
18 a written request for an extension for 30 days.

19 MS. TERRILL: Isn't that treating like
20 everybody else?

21 MR. SHAPIRO: Let me say this, Ms. Terrill.
22 All we're saying is this. There are provisions in
23 the Building Code for an administrative arrangement
24 for building department to set a building permit. I

1 think our concern is getting a trick bag where the
2 conditional use permit, for whatever reason, weather
3 or something, construction, you know, been delayed,
4 and at the end of, let's say at the end he gets, the
5 conditional use permit would be issued, let's say
6 January, and we go six months out, and I think that
7 takes us to July. Now, it should be done, but we
8 don't want to be in a situation where at the end of
9 six months there's still some things to do, the
10 conditional use permit is expired, and where are we.
11 We come back in and we have to make new application,
12 we have to go through another public hearing. I'm
13 not sure what would happen on that case.

14 CHAIRMAN COWHIG: Isn't a conditional use
15 permit valid for 12 months?

16 MR. BOHLEN: Yes.

17 MR. CROSS: There's a specific, yeah.

18 MR. SHAPIRO: We're not asking anything
19 different on the building permit. Obviously, that
20 is what it is. Just the conditional use permit.

21 CHAIRMAN COWHIG: It's good for a year.

22 MR. CROSS: Yes, ma'am. The conditional use
23 permit is good for a year.

24 What would happen is there's 180 days

1 and it would not completed, I would have the option
2 to present a conditional use permit revocation of
3 this because he isn't meeting these. I think that's
4 what he's getting to.

5 MS. TERRILL: That's the trick bag you are
6 referring to.

7 MR. SHAPIRO: Right. And, you know.

8 MR. CROSS: But bear in mind this. You have
9 180 days.

10 MR. BOHLEN: He has 210 days.

11 MR. CROSS: 180 after.

12 MR. BOHLEN: After the conditional use permit
13 is issued. He has 210 days.

14 MR. CROSS: Right.

15 MR. SHAPIRO: I think maybe we're talking
16 about the same thing. The conditional use permit
17 stuff I think is good for a year. I don't know that
18 you are trying to alter that. The building permit
19 is good for six months. That's your ordinances,
20 we're bound by that. So I guess maybe we're talking
21 the same thing.

22 CHAIRMAN COWHIG: So we're all happy on that
23 point?

24 MR. SHAPIRO: Okay. If Mr. Bohlen thinks

1 we're on the same page, then I think we're on the
2 same page. Are we or not?

3 MR. BOHLEN: I thought we were from the very
4 beginning. When we agreed to 180 I thought we were
5 giving you the store, so I thought we were being all
6 happy at that point. And, instead, you start coming
7 back and nit-picking at me.

8 MR. SHAPIRO: I think we're on the same page.
9 So the conditional use permit will be good for a
10 year. The building permit is good only for six
11 months.

12 MR. CROSS: The building permit is good for
13 six months.

14 MR. SHAPIRO: Okay, that's fine.

15 MR. BOHLEN: And you have 30 days to get --

16 MS. FRANKE: 210.

17 MR. CROSS: You have 30 days to get things
18 submitted.

19 MR. SHAPIRO: Okay, fine.

20 CHAIRMAN COWHIG: So condition number 7 in
21 this list in the draft ordinance, instead of 120
22 days it will be 180. And condition number 5 that
23 says no outdoor advertising or signs, when last we
24 touched on that point we had agreed --

1 MR. BOHLEN: You did say larger than.

2 CHAIRMAN COWHIG: -- tentatively to one
3 monument sign no larger than, we hadn't agreed, say
4 30 square feet?

5 MS. TERRILL: Twenty-five, facing Eastgate
6 Drive.

7 MS. FRANKE: Facing Eastgate Drive.

8 CHAIRMAN COWHIG: Okay. One monument sign no
9 larger than 25 square feet and facing Industrial
10 Drive.

11 Any other terms in that list that you
12 want to modify?

13 MR. CROSS: We may be getting the cart before
14 the horse here. We haven't decided to recommend the
15 permit in the first place.

16 MS. FRANKE: That's if we do recommend it.

17 CHAIRMAN COWHIG: No further testimony from
18 the audience and no further questions for the
19 applicant, are you ready to make a decision?

20 MR. CROSS: I have one thing. I need to enter
21 into the record I did receive three letters from
22 concerned citizens. I haven't even had a chance to
23 read through them they came in at 4:00 and they're
24 rather lengthy. I guess I have to officially read

1 them into the record.

2 This is in reference to the letter I
3 received regarding the application for Russel Jensen
4 to construct a crematorium on the proposed site. We
5 residents of Kraftdale would like to voice our
6 opinion -- hard to read -- and concern on this
7 matter. To have a crematorium constructed in an
8 industrial park is absurd. Who would want to be
9 cremated next to a rebar factory located in the same
10 park just a block away?

11 As far as the condition of this site,
12 it is deplorable and has been in this condition for
13 years. Most of the residents are homeowners and are
14 not anxious to have our property value decline
15 because of this. We, the residents of Kraftdale,
16 are asking the City of Kankakee to please reconsider
17 this request and consider our concern and deny him
18 this application.

19 Thank you. A resident of Kraftdale.

20 I want to enter that as Exhibit 1.

21 CHAIRMAN COWHIG: There's no name on it?

22 MR. CROSS: No.

23 To the City of Kankakee Planning
24 Board. I am a resident of the Kraftdale subdivision

1 where a crematorium is trying to be built. The
2 building was started as a storage facility over
3 seven years ago and left unfinished for seven years.
4 The only time anyone attempted to clean it up was
5 this past summer when they were looking for
6 approval. Explain to me how a permit for a storage
7 facility turns into a crematorium. That tells me I
8 can get a storage facility permit and decide to put
9 a nuclear plant there instead. There are so many
10 violations on this property along with being zoned
11 for industrial property.

12 There's over 150 people in Kraftdale
13 that don't want this crematorium out here. We all
14 thought it was a storage facility being built. All
15 of us know it will lower our property value. If we
16 don't want it here, who else would want to live by
17 one?

18 We're all tired of fighting this.
19 The place has looked like a dump for seven years.
20 We are asked by people all the time about the
21 property. It should be tore down so we can be done
22 with it.

23 From Kraftdale residents. Submitted
24 by Cheryl Trumble.

1 That's Exhibit 2.

2 For seven years have been looking at
3 this mess. We've asked the City multiple times to
4 clean it up. Didn't happen. Why is the code
5 enforced in parts of the city and not in others? If
6 we kept our properties like that, it would be
7 condemned.

8 The original permit for the building
9 was storage. Why are we considering burning bodies?
10 This park is zoned industrial. Crematorium is not
11 an industry. If it is, they can be cremated a short
12 distance away at the rebar factory. They have ovens
13 that can melt steel. I'm sure they can burn skin
14 and bones. If I were to have a loved one cremated,
15 it would be in the serenity and dignity of a funeral
16 home, not in an industrial park, which happens to be
17 300 feet of a park where kids play. Some kids are
18 asking what are they going to make there.

19 If the City wants revenue, we need A.
20 O. Smith, Ropers, and American Spring Wire back, not
21 three part-time jobs. Over.

22 In the past I've been told my
23 property value won't go down, but that's a lie. My
24 taxes won't go down but the value will, along with

1 80 percent of the people that would be interested in
2 it.

3 Kraftdale resident, Kenny Wooldridge.

4 And that's Exhibit 3.

5 CHAIRMAN COWHIG: Thank you.

6 Now, are you ready to make a
7 decision?

8 MS. TERRILL: I'd like to move that we
9 recommend approval of the petition described in case
10 PB 11-05-2, a request for a conditional use permit
11 to establish and operate a crematorium on the
12 property commonly known as 2450 Grinnell Road.

13 The proposed use is consistent with
14 the currently adopted land use element of the City's
15 Comprehensive Plan. The proposed use is consistent
16 with the future land use map. The proposed use is
17 appropriate with the character and use of the area,
18 which is an industrial park. The proposed use, with
19 permit, is allowed in the I-2 zoning district. The
20 proposal has cleared all required EPA and IEPA
21 mandates and will continue to be monitored by these
22 agencies.

23 In addition to my motion, I would
24 like to attach the following conditions. That the

1 site be built in accordance with the landscape
2 ordinances, specifically the section that pertains
3 to buffers between incompatible uses. That the
4 necessary parking requirements be met. And also,
5 Section 3, Number 1, all property maintenance
6 violations must be resolved within 30 days of
7 approval and prior to the issuance of any applicable
8 building permits. Number 2, all outstanding debts
9 to the City of Kankakee must be resolved and paid in
10 full prior to obtaining all necessary permits.
11 Number 3, all applicable IEPA, EPA certifications or
12 permits must be obtained and maintained during the
13 life of the facilities. Number 4, all operations
14 must be conducted entirely indoors. Number 5,
15 permission will be granted for a monument style
16 sign, front and Eastgate Drive and limited to 25
17 square feet. Number 6, all plans must be submitted
18 for planning, engineering and architectural review
19 within 30 days of the issuance of the conditional
20 use permit. Upon the issuance of all applicable
21 building permits and occupancy permits will be
22 obtained within 180 days. Number 8, the owner must
23 secure vacation of the demolition order prior to the
24 building permit issuance. Number 9, the conditional

1 use permit will expire upon change of ownership or
2 tenancy.

3 CHAIRMAN COWHIG: Is there a second?

4 MR. ECKHARDT: I will second.

5 CHAIRMAN COWHIG: Motion by Ms. Terrill and
6 seconded by Mr. Eckhardt is to recommend approval of
7 the requested conditional use permit, with a list of
8 recommended conditions.

9 Any further discussion?

10 I think we're ready to vote. A yes
11 vote is to recommend approval.

12 MR. CROSS: Edwin Eckhardt.

13 MR. ECKHARDT: Yes.

14 MR. CROSS: Carol Franke.

15 MS. FRANKE: Yes.

16 MR. CROSS: Rayleen Harris.

17 MS. HARRIS: Yes.

18 MR. CROSS: Marsha Lloyd.

19 MS. LLOYD: Yes.

20 MR. CROSS: Berry McCracken.

21 MR. MCCRACKEN: Yes.

22 MR. CROSS: Debra Terrill.

23 MS. TERRILL: Yes.

24 MR. CROSS: Chip Rorem. Willie Ames. Loretto

1 Cowhig.

2 CHAIRMAN COWHIG: Yes.

3 MR. CROSS: Motion carries.

4 CHAIRMAN COWHIG: So this will go to the City
5 Council for their first meeting in January.

6 MR. CROSS: January 3.

7 CHAIRMAN COWHIG: Thank you.

8 MS. HARRIS: I'd like to say, folks, if I were
9 in your shoes I'd be more concerned about the
10 factory that makes rebar than I would about the
11 crematorium.

12 CHAIRMAN COWHIG: The first piece of new
13 business on our agenda tonight is case 11-16. The
14 applicant is Jasper Hall, and it is for property at
15 1375 West Jeffery, which is the northeast corner of
16 Jeffrey and Curtis. He is requesting a conditional
17 use permit to allow outdoor merchandising and
18 display.

19 Who is the spokesman for the
20 applicant?

21 (Witness sworn.)

22 MR. CROSS: I need both of you to state your
23 name for the record.

24 MR. HALL: Jasper Hall.

1 MR. NEELY: James Neely.

2 CHAIRMAN COWHIG: Thank you.

3 We have the application that you
4 submitted, but what else do we need to know?

5 MR. HALL: There's not anything you need to
6 know. Can I do it or can I not do it?

7 CHAIRMAN COWHIG: Well, would you describe the
8 operation that you are proposing?

9 MR. HALL: I run a liquidation company now
10 that I buy and sell furniture goods. And from time
11 to time we get liquidators, we get by a trailer
12 load, two or three trailer loads maybe within a
13 week, maybe once a month, depending on what we can
14 buy. And sometime we be unloading the truck and
15 people come up and want to buy stuff, and a couple
16 times I've had someone say, well, then, I'll run
17 outside sale. What do I have to do maybe sell it
18 outside, if somebody comes to buy it, and that's why
19 I'm before the Planning Board. That's my question,
20 that's what I'm asking.

21 MR. CROSS: What's happened here is Mr. Hall
22 does operate a furniture liquidation business off of
23 Jeffery. It has been, has on a regular basis
24 presented outdoor merchandise and outdoor sells on

1 the premises where he's had mattresses, chairs,
2 different types of furniture.

3 As identified in the staff report,
4 Chapter 8 of the City zoning ordinance requires that
5 outdoor sales, outdoor merchandising require the
6 issuance of a conditional use permit. Therefore, I
7 did approach Mr. Hall. I went into his business, I
8 indicated to him that that was not a permitted use
9 and he was required to go through this process. And
10 to Mr. Hall's credit, he did come in and he has made
11 the application. And as indicated to him, you have
12 to go through this process. This Board is a
13 recommending body. You make the application here
14 and the request goes before the City Council. So
15 this is the process.

16 So that's the history behind the
17 property and what's going on.

18 MR. HALL: That's right.

19 CHAIRMAN COWHIG: So are you thinking you
20 would have furniture outdoors during --

21 MR. HALL: Not every --

22 CHAIRMAN COWHIG: -- when the store is open
23 and then bring it indoors every night?

24 MR. HALL: Right, that's correct.

1 MR. NEELY: Mainly what it's for is
2 advertisement. Cars that are passing by, to see
3 some of the merchandise that we have is outside the
4 building, like you just stated, it is brought out
5 once the store is open, it is brought back in once
6 the store closes. There are times where maybe the
7 guy's in a rush and he leaves something outside, and
8 I do apologize about that. But that's what it gets
9 to take a recommendation, we'll make sure everything
10 is brought inside prior to the store closing for the
11 business day.

12 MS. HARRIS: So this is household furniture
13 that you want to put outside on display?

14 MR. HALL: Yes, ma'am.

15 MS. HARRIS: Not outdoor furniture that you
16 are going to have a fenced lot or anything?

17 MR. HALL: No, ma'am.

18 MS. HARRIS: Don't we have a problem with
19 outdoor displays like this? I thought we were
20 allowing them to have a Saturday.

21 MR. CROSS: Well, that is a separate
22 ordinance. That's a Municipal Code ordinance that
23 allows for, in a sense, sidewalk sales during a
24 seasonal time period. I don't know the specifics of

1 that ordinance, but I believe it's between May and
2 November, every Saturday between 8 and 12 I think
3 you can have merchandise on the public sidewalk.

4 The difference here is a couple
5 issues. He's wanting to do it, if I understand it
6 correctly, more than just on Saturdays. Also, it's
7 on private property. Strange as that sounds, that's
8 a different issue altogether. Private property is
9 then regulated by provisions of Chapter 8 under the
10 commercial conditions of the commercial zoning
11 district in which the property lies.

12 MS. HARRIS: But it still looks tacky.

13 CHAIRMAN COWHIG: You may remember we had an
14 outdoor display case is Jazzy Jeneque's on River
15 Street, and they put furniture out on the east side
16 of the building on private property, it's not in the
17 alley, but they have to haul it out every day and
18 put it back at the end of the day.

19 MS. TERRILL: That case we did grant the
20 conditional use permit for that, and I'm sorry to
21 say that I was the person who made the motion to do
22 that and I have regretted it ever since. She has
23 stretched the boundaries of what we agreed to in
24 more ways than one. There has not been probably a

1 week of my life since we did that that someone has
2 not complained to me about the appearance of that
3 shop. I would strongly suggest that we not go down
4 that road again and set a real precedent.

5 MR. ECKHARDT: Are you talking about the one
6 just across the bridge where that lady has got, what
7 is it, furniture and clothing?

8 MS. TERRILL: Yeah.

9 MR. ECKHARDT: It's not junk, but it's stuff.

10 MR. NEELY: I do appreciate you guys letting
11 us know how you feel, but I do assure you that in
12 the matter of advertisement we wouldn't put out junk
13 for the public to see on a public street where
14 hundreds of cars are passing. And at the most we do
15 only put out maybe two or three mattress sets, maybe
16 a couple chairs, maybe four or five chairs, you
17 know, just something to let the public know we're
18 back there, just because of the place of the
19 business and how we are struggling, you know, as a
20 business.

21 MS. HARRIS: Haven't we started to crack down
22 on thrift stores who have had merchandise sitting
23 out in the front?

24 MR. CROSS: Fifth Avenue is cleaned up, as

1 you've noticed. I've been through there.

2 MS. HARRIS: That's what I've been told.

3 MR. CROSS: And to everyone's credit along
4 Fifth Avenue to those businesses, I have not had to
5 send a violation letter. I have actually gone in
6 and verbally talked to them. And there's more
7 businesses than just Fifth Avenue, and they have all
8 been fairly good about removing everything.
9 Occasionally I have to go back and say, look, if I
10 have to come back again then I have to put it in
11 writing. But the answer is yes, we are cracking
12 down on that, because it is becoming more and more
13 of a hassle.

14 And I'm not saying their particular
15 business is going to be anything like them, but I
16 said this during the Jazzy Jeneque's case and I'll
17 say it during this one. If it's a recommendation,
18 we want clear definitions of the criteria. I do not
19 want to become the police to determine what's put
20 out, whether it is junk or it is not. Therefore, on
21 the side of caution, from a caution standpoint I
22 would oppose any outdoor storage unless it's
23 specifically regulated.

24 MS. TERRILL: I don't know that's it possible

1 to be that specific when it comes to merchandise
2 outdoors, and therein is the problem. I don't think
3 we can keep doing this. It hasn't worked. That was
4 an experiment. It failed, in my estimation, and I
5 think we need to nip it in the bud, as Barney would
6 say.

7 MR. ECKHARDT: That building right next door
8 to us, the grocery.

9 MS. HARRIS: A sign would be a solution. I
10 don't like the idea of merchandise outside.

11 MR. ECKHARDT: We're talking too much money,
12 instead of putting it outside put that in the
13 building next to you.

14 MR. HALL: That building next to us isn't
15 open.

16 MR. ECKHARDT: I thought from the east there
17 was a space in between there that was vacant.

18 MR. HALL: No, sir.

19 MR. NEELY: It's not a matter of just storage,
20 it's a matter of letting the people in the community
21 know what we have. That's why it's only little. We
22 have a lot of storage inside. It's just to let the
23 public know it.

24 MR. ECKHARDT: You don't have room inside

1 instead of bring it out to display it?

2 MR. NEELY: We do, but it's just a way to show
3 somebody passing by, hey, they have mattresses, hey,
4 they have chairs.

5 CHAIRMAN COWHIG: Is there a sign?

6 MR. ECKHARDT: No. I go by there just about
7 every day.

8 MR. NEELY: We write the prices on the
9 mattresses.

10 MS. TERRILL: Why don't you just put up a
11 sign? Then you can advertise your prices on the
12 sign like other stores.

13 MR. HALL: That's no problem doing that.

14 MS. FRANKE: I think what we're saying, we
15 understand that you want to increase your sales, but
16 what I'm really hearing is the majority of it is
17 we've had bad --

18 MR. HALL: Yeah.

19 MS. FRANKE: We wish you the best, and perhaps
20 increased signage for your store might be the best
21 answer to advertise it.

22 MR. HALL: Okay. I thank you for your time.

23 CHAIRMAN COWHIG: Hold on, we're not finished
24 yet.

1 Is there anyone in the audience who
2 wanted to speak either for or against this petition
3 or to ask a question? Apparently not.

4 (Witness sworn.)

5 MR. CROSS: Please state your name for the
6 record.

7 MR. SKARBONKIEWICZ: Paul Skarbonkiewicz. I
8 live about kitty-corner from his store on the corner
9 of Curtis and Jeffery. And I just was concerned
10 about whether if he did get the permit whether it
11 would increase his hours, have noise later at night,
12 or if he was going to put up a sign, would there be
13 more light? There's plenty of light on that corner
14 already, and my bedroom window is right there.
15 Those are my two questions, whether there would be a
16 new sign or increased hours. I know it closes at
17 five now, right?

18 MR. HALL: No, I have no intention of
19 increasing the hours or putting up a sign, but just
20 I thought I could put a few pieces out on the lot to
21 sell. I got the big parking lot there, everybody
22 parks cars. I'm not in the car business. Thought
23 maybe I could put a piece of furniture or two out
24 there. If I can't, I can't.

1 MR. SKARBONKIEWICZ: I just had those two
2 points to ask about.

3 CHAIRMAN COWHIG: Thank you.

4 Anyone else?

5 If you have no further questions, are
6 you ready to act?

7 MS. FRANKE: Yes. In the case of PB 11-16, an
8 application by Jasper Hall requesting a conditional
9 use permit to allow for outdoor merchandising at the
10 property commonly known as 1375 West Jeffery Street,
11 I make a motion that we recommend to City Council to
12 deny the conditional use permit request because the
13 proposed use is not consistent with the surrounding
14 neighborhood; there are residential homes in the
15 close vicinity. It is really not suitable for that
16 proposed use, and it would not be an improvement to
17 the neighborhood. It would not suit the
18 developmental trends of the general area, and it
19 really would not be in compliance with the official
20 Comprehensive Plan. And it would not improve the
21 public's health, safety, or general welfare, and it
22 would not increase the enjoyment of the surrounding
23 property and businesses by the neighbors for their
24 intended use.

1 CHAIRMAN COWHIG: Is there a second?

2 MR. MCCRACKEN: Second.

3 CHAIRMAN COWHIG: Second by Mr. McCracken to a
4 motion made by Ms. Franke to recommend denial.

5 Any further discussion?

6 Would you call the roll, please?

7 CHAIRMAN COWHIG: A yes vote is to recommend
8 denial.

9 MR. CROSS: Edwin Eckhardt.

10 MR. ECKHARDT: Yes.

11 MR. CROSS: Carol Franke.

12 MS. FRANKE: Yes.

13 MR. CROSS: Rayleen Harris.

14 MS. HARRIS: Yes.

15 MR. CROSS: Marsha Lloyd.

16 MS. LLOYD: Yes.

17 MR. CROSS: Berry McCracken.

18 MR. MCCRACKEN: Yes.

19 MR. CROSS: Debra Terrill.

20 MS. TERRILL: I'm sorry, yes.

21 MR. HALL: No problem, ma'am, you don't have
22 to be sorry.

23 MR. CROSS: Chip Rorem. Willie Ames. Loretto
24 Cowhig.

1 CHAIRMAN COWHIG: Yes.

2 MR. CROSS: Mr. Hall, I do want to advise you,
3 you do have a right to appeal this. This is just a
4 recommendation for a conditional use permit. This
5 will still, it's not necessarily an appeal, this is
6 a conditional use permit, this is a recommendation
7 of this body. It still will appear before the City
8 Council, but it will appear with findings that are
9 recommending denial of your request. This will most
10 likely appear before the City Council during their
11 January 17 meeting, so you have a right to attend
12 that and it still will be on their agenda. So
13 further action can still be taken on this issue
14 then, okay?

15 MR. HALL: Thank you, sir.

16 CHAIRMAN COWHIG: Thank you.

17 11-17, property at 1144 South
18 Washington, and the request is to reestablish a
19 legal, currently legal non-conforming two-unit
20 residential. And the applicant is Matthew
21 Smarjesse.

22 We have the information that was in
23 the application. First of all, you need to be sworn
24 in and then tell us your story.

1 (Witness sworn.)

2 MR. SMARJESSE: Thank you for taking the time.
3 I know it's the holiday season.

4 CHAIRMAN COWHIG: Thank you for waiting
5 patiently.

6 MR. SMARJESSE: I bought this property three
7 weeks ago, closed on it from HUD. It's a two-unit.
8 It's identical to the one next door. I purchased it
9 for \$17,000. Needs about \$15,000 worth of work.

10 This is the second property I
11 purchased in Kankakee in the last three months, the
12 other one being another single family home that I've
13 since rehabbed it, and I spent probably seven, eight
14 thousand dollars on that. Now it has its license.
15 I'd like to purchase probably three or four more
16 after this and, you know, I have strong feelings in
17 Kankakee, and I've previously owned properties out
18 there.

19 This one right now has a boarded up
20 garage, two-car garage, garage 675 square foot, so
21 there's no parking. I've voided the previous
22 violations on the rental application. And there was
23 some, there's not a boat in the yard and some things
24 like that. But you won't have that problem with me

1 or store furniture outside or too many people
2 inside.

3 The home, it needs a lot of work, but
4 it's well built. In my belief, it was always
5 intended to be a two-unit. The upstairs and the
6 downstairs are about a hundred square foot in
7 difference. I can give you the exact figure by the
8 appraisal. The upstairs is 918 square foot and the
9 downstairs is 820 square foot. And it's
10 interesting, there is floor plans.

11 CHAIRMAN COWHIG: Would you give us those
12 figures again?

13 MR. SMARJESSE: 918 square foot.

14 CHAIRMAN COWHIG: On the second floor?

15 MR. SMARJESSE: 820 square foot, sir.

16 MR. CROSS: There was 820, right.

17 MR. SMARJESSE: That's correct.

18 MR. CROSS: 918 on the first.

19 MR. SMARJESSE: And the garage is 667 square
20 foot. The garage is boarded up. In 30 days I'll
21 have the garage to submit, so the board will be
22 down. I already done some interior work.

23 MS. TERRILL: Did you reside it, or was that
24 done by the previous owner?

1 MR. SMARJESSE: It was done by the previous
2 owner. Everything was built correctly about it.
3 The walls have been fixed already. The floors all
4 need to be replaced. Both bathrooms are full
5 bathrooms. It's a really well constructed home, or
6 duplex, for that matter.

7 And, you know, I have a home in Aroma
8 Park. I'm in the community and care to keep it
9 nice. I realize there are some problems now with
10 rentals, and I won't have that problem.

11 MS. HARRIS: Were you aware when you bought
12 the property that it had been empty long enough that
13 you would have to come before us?

14 MR. SMARJESSE: Yes.

15 MS. HARRIS: You've already done some of the
16 work inside before you even got here?

17 MR. SMARJESSE: Yeah. I would say if you are
18 adverse enough to buy a home for \$17,000 that needs
19 a lot of work, you know, you are not adverse to
20 risking and doing this.

21 MS. HARRIS: Next time you need to keep in
22 mind to find out how long it has been vacated before
23 you jump into repairs before you have your permits.

24 MR. SMARJESSE: I understand. But the repairs

1 didn't require a permit from the city, they just. I
2 understand that I very well ate \$2,000 or 3,000, or
3 however much I've spent so far, plus the purchase
4 price.

5 MS. HARRIS: It really doesn't look in that
6 bad shape from the outside, considering that it's
7 not been lived in for a while. I'm surprised it
8 hadn't been trashed.

9 MR. SMARJESSE: I have owned it three weeks
10 and tried to clean it up on the outside. And, you
11 know, everything that people can see from inside,
12 because the exterior window paints need to be done.
13 The weather hadn't been good enough. And the garage
14 door is the biggest issue, because I hate seeing
15 boarded up houses, specially ones, this particular
16 one, it's fairly nice. It's the only house on that
17 street has anything boarded up. That street, from
18 VanMeter to Walnut there are seven duplexes, six
19 single-family homes, and one laundromat, so I do
20 feel like it does fit in that neighborhood.

21 MS. TERRILL: My son actually lived in that
22 dwelling 17 years ago and it was in such terrible
23 shape then that I couldn't bring myself to look that
24 direction when I drove by, let alone go in. It's

1 much improved.

2 MR. SMARJESSE: I have photos of them now, but
3 I'm scared to show them to you. But it's a work in
4 progress. I intend, if I'm granted the application,
5 the day that I'm granted the application I intend to
6 go ask for a renter's inspection the next day. I
7 believe I'll be ready by then.

8 MS. HARRIS: He will have to do something
9 about a driveway, right? Because you have to enter
10 the garage from the side.

11 MR. CROSS: Well.

12 MS. HARRIS: You don't come off the alley, you
13 have to come into --

14 MR. CROSS: Well, it depends, because by
15 granting the major variance you are not really
16 accepting a conforming use, you are accepting a
17 grandfathered use back to its original state. The
18 point I'm making is if you accept it as it was, if
19 it didn't have any parking it would have been
20 accepted as it was. Now, you have the right to say,
21 as part of your request, that you want this to be
22 improved. Unless that's in there, I can't force
23 him. That's the point I'm making. Now if he goes
24 to put in a new driveway, then it has to comply.

1 But if you accept it as it is and you reestablish it
2 based on that, it's accepted as it was.

3 MR. SMARJESSE: I will not have any cars or
4 boats or RVs or trains parked on any grass.

5 MR. CROSS: I guess what I'm saying is, and I
6 know where you are going, and I believe I'm in favor
7 of improvement and adding a driveway to get you in
8 that garage to prevent off-street parking, because
9 that's one of the biggest concerns with any of these
10 multi-families, whether it was ever illegally
11 converted or legally converted, it can be a
12 detrimental impact on the infrastructure.

13 Last night I think during the utility
14 board, I think it was, when you have too many cars
15 on the streets it's impossible to plow the streets.
16 The point I'm making, if it's possible to
17 reestablish this and improve the parking to get the
18 cars off the street, that's a bonus, that's a plus.

19 MS. TERRILL: But is it fair to say in the
20 cases where we've made the point to improve parking
21 situation it's been when there's a change in
22 density?

23 MR. CROSS: Yes.

24 MS. TERRILL: This is not changing the

1 density, because it's been.

2 MR. CROSS: Very correct. In a sense, you are
3 not adding any detrimental impact, you are not
4 increasing it, you are correct.

5 CHAIRMAN COWHIG: How many bedrooms would each
6 unit have?

7 MR. SMARJESSE: There's two bedrooms in each
8 unit.

9 CHAIRMAN COWHIG: And you think the building
10 was intended as a duplex from the outside?

11 MR. SMARJESSE: I believe so. I can't speak
12 with certainty, but I believe it was.

13 CHAIRMAN COWHIG: There's a complete kitchen
14 in both units?

15 MR. SMARJESSE: Yes, ma'am.

16 CHAIRMAN COWHIG: And a complete bathroom?

17 MR. SMARJESSE: Yes, ma'am. I have some
18 photos that I took, if you'd like to see them.
19 There's photos in the appraisal, but they're pretty
20 rough, too.

21 MS. FRANKE: And when do you think, if this
22 was approved, the variance, when would it be ready,
23 or once you got a rental license?

24 MR. SMARJESSE: I would hope so. I'm under

1 the assumption it would go to the City Council
2 mid-January.

3 MR. CROSS: This will not go to City Council,
4 this is done tonight. This is different. That's,
5 when I mentioned the appeal I was saying earlier a
6 variance, depending what action is taken here. The
7 only way it will ever go before City Council is
8 continued upon appeal of any aggrieved party. We're
9 an acting body on a variance.

10 MR. SMARJESSE: Nothing is going to get done
11 in the next week, but I would call the City, because
12 it's around, I think, three, four weeks to get an
13 appointment for a rental license. I would call and
14 ask for one February 1.

15 MS. LLOYD: How many rentals do you own in
16 Kankakee?

17 MR. SMARJESSE: In Kankakee?

18 MS. LLOYD: Yes.

19 MR. SMARJESSE: One, and then one, and I own
20 one in Aroma Park.

21 MS. LLOYD: And how long have you owned the
22 one in Kankakee?

23 MR. SMARJESSE: One month. And the one in
24 Aroma Park I've had five years. And my wife has a

1 strip mall.

2 CHAIRMAN COWHIG: The ordinance sets a minimum
3 square footage per unit of a thousand square feet.

4 MR. CROSS: That would be if you established a
5 duplex today. I just felt like I needed to mention
6 that to you so you had a number that you could scale
7 this to. If you were building a new duplex today,
8 and another reason I added that, if it, the variance
9 allowing you to reestablish a non-conforming, you
10 still have provisions that apply to, rebuild
11 provisions still apply, and I think you talked about
12 this when you came in. If this was to burn down,
13 the 60 percent rebuild provisions still apply. And
14 the reason I'm making that point is if you ever were
15 going to try to put a two-unit back on if it burned
16 down, you have to come back and get a major variance
17 to reestablish that or rezone to R-2 to build a
18 duplex, and then that's when a thousand square feet
19 would come into play per unit.

20 MR. SMARJESSE: Yeah. Let's hope it doesn't
21 burn down.

22 MR. CROSS: I want to make you aware. I don't
23 want you to think it burned down you can come in and
24 you get a permit to rebuild it. That's one of the

1 drawbacks and plus for both the City and the
2 applicant.

3 MR. SMARJESSE: Thank you.

4 MS. HARRIS: I think if you go to the tax
5 assessor's office with your PIN number, it will show
6 you the record, it will tell you how it's built, you
7 will get a year.

8 MR. SMARJESSE: I have a year.

9 MS. HARRIS: So you know whether it was a
10 one-family or two-family and how it was built.

11 CHAIRMAN COWHIG: What year was it?

12 MR. SMARJESSE: The year the tax assessor
13 states it was built was -- sorry, I know I have that
14 in here somewhere. It was in the 1800s.

15 MS. LLOYD: It should be on the appraisal,
16 too.

17 MR. CROSS: I've okayed from a City standpoint
18 that it had been licensed and established as far
19 back as I can tell in their records in '88, so it's
20 been a two-unit, there's no dispute.

21 MS. FRANKE: That was what I was just going to
22 clarify, according to your comments, that it had
23 been licensed as a two-unit in 1988.

24 MR. MCCRACKEN: Assessment shows 1895.

1 MR. SMARJESSE: Thank you. There's a lot of
2 information here.

3 MR. CROSS: Barry knows how to read those.

4 MR. MCCRACKEN: For the electric and gas and
5 everything, there's two meters for everything?

6 MR. SMARJESSE: There is. There's two for
7 electric and gas, I know. I'm pretty sure the water
8 has two units.

9 MS. HARRIS: Are there two furnaces?

10 MR. SMARJESSE: There are two furnaces.

11 CHAIRMAN COWHIG: How many off-street parking
12 spaces, counting the garage, can you provide?

13 MR. SMARJESSE: Counting the garage?

14 CHAIRMAN COWHIG: Two-car garage.

15 MR. SMARJESSE: It has two doors, so I would
16 take it as a two-car garage, but it's very large.
17 Besides that, I can't provide any without parking on
18 the grass, the way she was saying you have to drive.

19 CHAIRMAN COWHIG: I think the ordinances
20 requires for a two-bedroom unit two spaces each, so
21 that would be a total of four. Did we confirm that?

22 MR. CROSS: Yes, if you were building by
23 today's standards.

24 MR. SMARJESSE: I don't have any problem with,

1 you know, it being granted on the case of repairing
2 the driveway. Obviously, I have to apply for a
3 permit to have that done.

4 MS. HARRIS: The problem is when you are
5 required to do a driveway it has to be cement, and
6 that gets expensive. You can't come off the alley,
7 you are having to pull into the back of the yard and
8 into the garage.

9 MR. SMARJESSE: I understand.

10 MR. BOHLEN: I think it could be asphalt, too.
11 Wouldn't have to be cement.

12 MS. FRANKE: Asphalt.

13 MR. BOHLEN: It has to be a paved surface.

14 MR. CROSS: Yeah, you talk about the base that
15 goes underneath, there's a little bit difference in
16 the depth. But, either way, it's about the same.

17 CHAIRMAN COWHIG: The economics work if this
18 were just a single family unit?

19 MR. SMARJESSE: No. One issue is that the
20 taxes are 3800 right now.

21 CHAIRMAN COWHIG: \$3800?

22 MR. SMARJESSE: Yeah.

23 MS. LLOYD: Do you have a rent schedule with
24 your appraisal?

1 MR. SMARJESSE: No, because it had been
2 vacant. The appraisal was done by HUD so there is
3 no --

4 MS. LLOYD: There's no estimate of the rent
5 per each unit?

6 MR. SMARJESSE: No. It had been vacant for a
7 year before HUD, they weren't in contact.

8 MS. LLOYD: When was the appraisal?

9 MR. SMARJESSE: 8-1-11.

10 MS. TERRILL: According to the paperwork that
11 Berry has here, when it was for sale for 112,000 in
12 '09 it was rented, both units, one for 500 and one
13 for 450.

14 MS. LLOYD: Okay.

15 MS. HARRIS: And they're calling this a two
16 and a half car detached garage, so that's a good
17 size garage.

18 MR. CROSS: 667, that's pretty good size
19 garage.

20 MR. SMARJESSE: The garage is, I wish I had
21 that garage myself.

22 MS. TERRILL: Wasn't it actually a barn?
23 Wasn't the garage actually built as a barn?

24 MR. SMARJESSE: It's new. It's not ten years

1 old.

2 MS. TERRILL: Really?

3 MR. SMARJESSE: Yeah, it even has the larger
4 steel beam across the top. If you were going to
5 skimp on, that would be the first thing to go.

6 MS. FRANKE: I have a question. If we would
7 vote to reestablish the legal non-conforming use
8 status, does that require the same amount of parking
9 spots?

10 MR. CROSS: No.

11 MS. FRANKE: That was my understanding.

12 MR. CROSS: No.

13 MS. FRANKE: Thank you.

14 MR. MCCRACKEN: How do you intend on using the
15 garage?

16 MR. SMARJESSE: Intend to give it to the
17 renters, one per unit. I'm not going to rent it out
18 separately.

19 MR. MCCRACKEN: What about the extra space?

20 MR. SMARJESSE: No, I don't want to mess with
21 \$50 a month or, if it would even be that. I have a
22 commercial garage in Aroma Park already that's half
23 empty, too.

24 MR. BOHLEN: That's where the horses will be

1 kept, the livestock.

2 MR. SMARJESSE: Or my nuclear power plant.

3 MR. CROSS: The garage is an accessory to the
4 primary. The garage must be used as a clear
5 accessory use to the prior. You can't use the house
6 for rental and then use the garage as a storage
7 facility for a separate business, so it has to be a
8 garage associated with the rental.

9 CHAIRMAN COWHIG: Are you ready to act?

10 MR. CROSS: One thing before you do. I did
11 receive a call from a citizen who previously lived
12 down, she doesn't live down there anymore, she got a
13 friend that still lives down there, but she didn't
14 give me her name, but she did say that she would, if
15 she had a choice it would be a single family. She
16 didn't specifically say, come out she was opposed to
17 it, but she said if she had a choice she would
18 prefer to have it is a single family. And that was
19 based mainly on parking, she didn't want any parking
20 issues. But I have to state that for the record
21 that I did receive an anonymous call.

22 CHAIRMAN COWHIG: Are you ready to act?

23 MS. FRANKE: In the case of PB 11-17, I make a
24 motion that the Planning Board approve the request

1 of the major variance to reestablish a legal
2 non-conforming two-unit complex at the property
3 commonly known as 1144 South Washington Avenue.
4 This does appear to be consistent with the original
5 intent of the building or structure or property, at
6 least as far as we know since 1988. The property
7 has been, I think, in foreclosure for a number of
8 years, but the request for the major variance for
9 the non-conforming use does appear appropriate. The
10 extent, the trend of the development in the area is
11 duplexes and residential, so it would not interfere
12 with that development. And there is the proof of
13 the previous use and prior non-conforming use
14 status. This can be granted without any substantial
15 detriment to the public good. The benefits of such
16 reestablishment would substantially outweigh any
17 detriment, as there does appear to be a plan to
18 improve the property, which would increase taxes and
19 revenue for the City. And that such reestablishment
20 would not substantially impair the intent and
21 purposes of the zoning ordinances and Comprehensive
22 Plan.

23 CHAIRMAN COWHIG: Is there a second?

24 MS. LLOYD: Second.

1 CHAIRMAN COWHIG: Motion by Ms. Franke,
2 seconded by Ms. Lloyd, to grant the requested legal
3 non-conforming status for this property.

4 Any further discussion?

5 Would you call the roll please. A
6 yes vote is to grant the request.

7 MR. CROSS: Edwin Eckhardt.

8 MR. ECKHARDT: Yes.

9 MR. CROSS: Carol Franke.

10 MS. FRANKE: Yes.

11 MR. CROSS: Rayleen Harris.

12 MS. HARRIS: Yes.

13 MR. CROSS: Marsha Lloyd.

14 MS. LLOYD: Yes.

15 MR. CROSS: Berry McCracken.

16 MR. MCCRACKEN: Yes.

17 MR. CROSS: Deb Terrill.

18 MS. TERRILL: Yes.

19 MR. CROSS: Chip Rorem. Willie Ames. Loretto
20 Cowhig.

21 CHAIRMAN COWHIG: Yes.

22 MR. CROSS: Motion carries.

23 Now, just to reiterate what I told
24 the previous applicant, this was an action by this

1 Board, they actually took action as opposed to doing
2 a recommendation. Therefore, any aggrieved party
3 has seven days to appeal the decision. The point
4 I'm making, I know as quickly as you would like to
5 get started, they would not be able to issue permits
6 or anything at the Code Department until seven days
7 from today, in case an appeal was filed. And then
8 if that happens, it goes before City Council.

9 MR. SMARJESSE: All right.

10 MR. CROSS: If you want to call me, I can give
11 you a date at the office. I will let you know.

12 MR. SMARJESSE: I'll call you on the 2nd.

13 CHAIRMAN COWHIG: Good luck with your project.

14 Do we have any other business?

15 MR. CROSS: No, ma'am, other than wish
16 everybody a Merry Christmas. I know we said before
17 the City appreciates the late nights you put in on
18 Tuesdays, although this is a short one.

19 MR. BOHLEN: You should know there were
20 several aldermen, I believe, at your last meeting.

21 MR. CROSS: Chairman Cowhig brought it up.

22 MR. BOHLEN: And they were privately extolling
23 what a great job you did.

24 CHAIRMAN COWHIG: That's gratifying to hear.

1 MR. BOHLEN: They thought you really went
2 through the process in a very exemplary manner. I
3 had several comments to me, to which I said what did
4 you expect.

5 CHAIRMAN COWHIG: I'm pleased to hear it.

6 MR. CROSS: Chairman Cowhig does have one
7 thing that she wanted.

8 CHAIRMAN COWHIG: Did everybody get a copy of
9 this note from Chip Rorem?

10 MS. FRANKE: Yes.

11 CHAIRMAN COWHIG: He had commented about the
12 case we just considered, but not specifically
13 related to that, he suggested we have a handout so
14 that we could say to somebody who is interested in
15 the possibility of such real estate development,
16 here are the requirements for parking, for
17 landscaping, for minimum size of the unit, minimum
18 size of the lot, setbacks, whatever other
19 requirements, make it easy for people to understand
20 exactly what they're signing up for before they sign
21 up for. And that seems like an excellent suggestion
22 to me.

23 MS. FRANKE: So this handout would be given to
24 them when they came to ask to be --

1 MR. CROSS: Yes.

2 MS. FRANKE: For the, whatever it was,
3 conditional use?

4 MR. CROSS: I know he mentioned he was
5 possibly going to give a letter. Him and I talked I
6 believe it was yesterday. He had to go to
7 Minneapolis, that's why he's not here tonight. Him
8 and I talked. I said I have no problems with that
9 with preparing some sort of handout. I suggested
10 maybe a brochure or packet.

11 The biggest issue, I just want to
12 make everybody aware, one of the biggest issues that
13 sometimes we do have applicants that come before us
14 that don't have as detailed drawings as I would like
15 but, unfortunately, a lot of times when these
16 applicants come in they bring the packets in the day
17 of, you know, they've already done their notices.
18 So I've got to get them on the agenda and then,
19 unfortunately, you have to come and sometimes we
20 table it, sometimes we don't.

21 I'll be happy to prepare a packet or
22 brochure for you all to review and start presenting
23 that to them. But point I'm making is, until we
24 actually change our ordinances that sets a whole new

1 set of guidelines, and maybe a way to do it is to
2 say, maybe the way to do it is for us to actually do
3 the notices to make sure they're done right, and
4 then increase the fees, because we've talked about
5 doing that in the new one.

6 And we can speed up that process and
7 go ahead and amend this current ordinance. I don't
8 mind doing it. We just got to make sure, it is
9 going to generate -- that's why I propose the fees,
10 like the County. It is going to generate where we
11 buy more materials, we do the postings, so we're
12 going to have to pass that cost on to the applicant.
13 They'll still be responsible for submitting more
14 information. But if they bring it in, it's
15 incomplete, I say, well, we're not ready to go to
16 the notice stage here, we're going to have to do it
17 next month, so you need to bring more information.
18 You complete the checklist, now I go forward with
19 the notices. So what I'll did is I'll prepare a
20 packet for you and bring it to you next month, try
21 to next month, if not next month, then February.

22 MS. FRANKE: That sounds reasonable.

23 CHAIRMAN COWHIG: I think it would be helpful.
24 Many applicants have only the vaguest idea of how

1 zoning works.

2 MR. CROSS: And I agree. I'd be more
3 comfortable myself with that because, trust me, I
4 sit down with them and I talk to them, I say, look,
5 these are some obstacles, these are some things that
6 you have, but they don't always explain that. The
7 point is, they don't understand zoning. Most people
8 compare conditional use permit to a building permit,
9 I walk in, I get it, I walk out, I got it. And it's
10 different. So we'll prepare something.

11 CHAIRMAN COWHIG: Anything that helps clarify
12 would be useful.

13 MR. CROSS: That's a goal of the comp plan and
14 the unified code, but Comprehensive Plan May, June,
15 Unified Code is August, September. If we want
16 quicker action, I'll have to prepare something to
17 amend this ordinance.

18 CHAIRMAN COWHIG: Now I think that is all we
19 have on our agenda. Thank you all. Especially we
20 appreciate on a messy night in a busy week, we
21 appreciate your coming.

22 MS. FRANKE: Happy holidays.

23 CHAIRMAN COWHIG: And we are adjourned.

24 *****

1 STATE OF ILLINOIS)
)
2 COUNTY OF KANKAKEE)

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4 I, DEBRA K. TURRELL, CSR, RPR, and Notary
5 Public, License No. 084-001311, do hereby certify
6 that I am a court reporter doing business in the
7 state of Illinois; that I reported in shorthand the
8 above-captioned proceedings, and that the foregoing
9 is a true and correct transcript of my shorthand
10 notes so taken on December 20, 2011.

11

12

13 _____
14 Debra K. Turrell
15 Court Reporter
16 License No. 084-001311

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