

Village of Bradley Planning and Zoning Commission Regular Meeting Minutes for

November 7th, 2023 at 147 S Michigan Ave., Bradley, IL 60915

Members:

Chairman: Ryland Gagnon

Secretary: Charlene Eads

Members: James Guiss, Rick White, Michael Williams,
Robert Redmond, Bill Bodemer, Charlene Eads and Ryland Gagnon



Call to Order:

Chairman Ryland Gagnon called meeting to order at 6:30pm

Pledge of Allegiance:

The Pledge of Allegiance was recited by all

Roll Call:

Secretary Charlene Eads Called the roll. All members were present except for Mr. White and Mr. Bodemer. Secretary Eads indicated a quorum. Chairman Gagnon reminded all that the meeting is being recorded.

Approval of minutes: Regular Meeting Minutes - October 3rd, 2023

Mr. Gagnon asked for a motion to approve the Regular Meeting Minutes for October 3rd, 2023. Mr. Guiss made a motion to approve the regular Meeting Minutes for October 3rd, 2023 and Mr. Williams second the motion.

Ms Eads called the roll and all members present approved the regular Meeting Minutes for October 3rd, 2023.

Approval of minutes: Special Meeting Minutes - October 3rd, 2023

Mr. Gagnon asked for a motion to approve the Special Meeting Minutes for October 3rd, 2023. Mr. Guiss made the motion to approve the Special Meeting Minutes for October 3rd and Mr. Redmond second the motion. Ms. Eads called the roll and all members present at the PZC approved the Special Meeting Minutes for October 3rd, 2023.

Public Comment:

There was no Public Comment.

New Business:

Appeal for the Denial of an application for Village of Bradley Business Registration

Mr. Gagnon asked for a motion to open up a discussion for the appeal for the denial of an application for Village of Bradley Business Registration. Mr. Guiss made the motion and Mr. Williams second the motion. Ms. Eads called the roll and all members of the PZC approved the motion.

Mr. Bruce Page gave an overview of the appeal. He stated that on August 8th, 2023 Fortitude Community Outreach submitted a registration license, and permit application to the Village for review and approval. Mr Bruce stated that the application relates to the property commonly known as 152 S Schuyler Ave., Bradley, Illinois 60915 and bearing the current pin 17-09-219-010. At the same time Fortitude also submitted an informal floor plan diagram for the Villages' consideration. On August 30th, 2023 Mr. Page stated that he issued (in his capacity as Village Community Development Director and as Zoning Administrator for the Village of Bradley), a letter denying Fortitude's application. The Village denial was based in part on the definition of "homeless shelter" in the Village's Zoning Ordinance as amended by Ordinance O-06-23-02. On October 16th 2023, Fortitude filed an appeal with the Village, seeking review and reversal of the Village denial by the Planning and Zoning Commision (Plan Commission) and the Village Board (Appeal). Mr. Page indicated that all copies were attached as reference in the packets given to the PZC and as exhibits. Mr. Page further indicated that Pursuant to the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq) and the Village's Zoning Ordinance (BVC 60-310, et seq), the Plan Commission is required to conduct a public hearing, consider and decide whether the Appeal should be granted (sustained) or denied (overruled), and to

present its findings of fact and conclusions of law as a recommendation to the Village Board for final action.

Mr. Gagnon asked the applicant from Fortitude to get up and speak.

Ms. Samantha Woodmaster was the Spokesperson for Fortitude. Ms. Woodmaster was sworn in by Ms. Eads. She indicated that she has been a Director of Fortitude Community Outreach for 4 years but over the past 5 years they have been providing emergency overnight accommodations of priorities for the organizations but they have only been successful at creating temporary plans so that they can keep their homeless off the streets during the winter months. Over the last year they have had feedback from municipalities and the County that emergencies overnight accommodations and provisions of services during the day, jobs, and permanent housing were desperately needed so in response they have spent countless hours in securing funding, acquiring staff, infrastructure and locations where everything could come into fruition. She said that their plans were the building on Schuyler and they will be open from 1pm-9pm, 1pm-2pm will be time for staff to work, guests can arrive between 2pm-8pm and staff will work again between 8pm-9pm. They chose those hours because the Salvation Army provides lunch at noon. They plan to provide bus passes and tokens so that their guests would not be walking around the community.. They are looking to provide services such as laundry, advocacy, hygiene, and childbirth, connections to potential employers, primary care physicians etc. by pairing up with background services. They plan to improve individual dignitiy. In the past they have seen some of their guests who have easily been able to obtain a job but if they can't take showers or afford the boots or uniforms required for a job etc it makes it next to impossible to keep a job in order to keep the housing so that is why these services are desperately needed.

Mr. Gagnon asked if there were any questions from the PZC. Ms. Eads asked about staff working because of lunch provided by the Salvation Army. Ms Woodmaster indicated that staff will still be working from 2-8pm for guests to arrive and to receive services such as case management, showers and laundry with staff working. Mr. Williams asked about funding and if grants pay that. Ms. Woodmaster said yes. Mr Gagnon asked about medication and asked if they will have qualified staff to help with medicine. Ms. Woodmaster said that they will only help with resources for the medication. Mr. Gagnon asked about ancillary care because he has read 6 to 7 things about the ancillary care. Mr Gagnon asked which portion of ancillary care was provided. Ms Woodmaster said she didn't understand what ancillary care was. Mr. Gagnon asked if they intended to provide meals, showers etc and what kind of showers did they intend to provide? 1 shower, 2 showers? Ms. Woodmaster said that they intended to provide showers and meals. Ms. Woodmaster also said that they plan to provide 1 shower.

The Lawyer for the Village of Bradley, Mr. Michael Santschi reminded the board that this was an appeal of a denial letter and not like a normal PZC meeting where someone had put in an application looking for a zoning relief with public hearing on the merits of that. The applicant is actually appealing a decision of denial.

Mr. Santschi asked Mr. Jamie Boyd (Counsel to Community Development) if he had any questions. Mr. Santschi also asked the lawyer from Fortitude to make a presentation.

The Lawyer from Fortitude said that he was going to speak about some of the legal aspects regarding this issue.

He said that there were 3 main points. He said that it seems like the only reason why Fortitude's application was denied was because the Village had determined that it was a homeless shelter. Fortitude he said is not a homeless shelter. He gave a definition of a

homeless shelter. He said the definition of a homeless shelter necessarily includes lodging. Fortitude, he said, does not seek to provide lodging at this property and in fact it cannot provide lodging even if it wanted to because the space is not large enough for lodging. So he said that there is no lodging involved in this use. He said if you look at the actual application that Fortitude submitted. He said the proposed use is as quoted: "Office for Social Services organization provide these services, case management, housing assistance, job assistance." Simply put Fortitude needs a place where it can put its desk and case files and where its staff can go and work and meet clients. He said that this is the primary use. He said that secondly Fortitude would like to provide some additional incidental services if it could. Some of the services as discussed already like providing meals, laundry and providing an opportunity for someone to stay clean. He said that they don't think that these incidental services provide an obstacle. He said that he wanted to draw attention to the Village's Zoning Code. The list of permitted uses. The B1 district Permits as of right, offices, Laundry, and also food stores, clothes cleaning services and the B2 district permits all of the B1 permitted uses in addition to other uses such as restuarants. He said that their uses are exactly compatible with uses that are already permitted in the zoning districts. He said that his last point was that Fortitude wants to emphasize that the primary use of this building is office and Fortitude should at the very least be permitted to use this building for office. He said that he does not see any legal basis at all to deny them the opportunity to at least have offices at that property. He then asked if anyone had any questions.

Mr. Michael Santschi reminded the board that because this is an appeal all that is in front of the PZC is Mr Bruce's decision on the application as it was presented which included those incidental services. He said that if Fortitude would come in at a future date and present without the incidental services then we can look at it again to include without ed

as a Special Use in the Village's M (Industrial District). The property for the sought registration is presently zoned B-2 (Commercial)." In order to establish the proposed use on the property, you would first need to seek approval of (1) a zoning map amendment, and (2) the issuance of a special use permit for a homeless shelter on the property.

Mr. Boyd said that M classification is the zoning class that allows for a homeless shelter and Mr. Bruce said Yes under a special use. Mr Boyd also asked about the photograph of a floor plan that Fortitude provided to Mr. Page and the Village which was one of the determination of the denial of Mr. Page. Mr. Boyd laid out the drawing of the floor plan which he said included: A major open area, a nearly commercial like Kitchen, a shower area, restroom area, and office and a waiting area and incidental services but that is not what is in front of the Planning Commission tonight.

Mr. Gagnon and Mr. Santschi then asked the Village to make its presentation. Mr. Boyd confronted the Board and also Mr. Bruce Page was sworn in by Ms. Eads. Mr. Boyd asked Mr. Page to read his denial to the application from Fortitude. Mr. Page read the denial letter. Mr. Page read the reason for denial was because "the proposed use is not permitted by the Village Zoning Ordinance." The letter stated that "Specifically the Village has determined that your proposed use constitutes that of a homeless shelter and such a use is only allowed as a Special Use in the Village's M (Industrial District). The property for the sought registration is presently zoned B-2 (Commercial)." In order to establish the proposed use on the property, you would first need to seek approval of (1) a zoning map amendment, and (2) the issuance of a special use permit for a homeless shelter on the property.

Mr. Boyd said that M classification is the zoning class that allows for a homeless shelter and Mr. Page said Yes under a special use. Mr. Page also said that he gave Fortitude the

chance to either establish the proposed use on the property by seeking approval of (1) a zoning map amendment to make it an industrial use, and (2) the issuance of a special use permit for a homeless shelter on the property.

Mr Boyd also asked about the photograph of a floor plan that Fortitude provided to Mr. Page which was one of the determination of the denial of Mr. Page. Mr. Boyd laid out the drawing of the floor plan which he said included: A major open area, a nearly commercial like Kitchen, a shower area, restroom area, and office and a waiting area and a laundry area. Mr. Boyd also asked if there was discussion of advising of the specifications of entering a lease. Mr Page said yes. To enter a lease you want to make sure that this an a approved use and Mr. Page said he did that in this case. Mr. Boyd asked Mr Page if he made the determination that the requested use would fall under a homeless shelter because of the ancillary services presented by Fortitude which were going to be provided on the premises? Mr Page said yes. The ancillary services included specifically that they would be allowing people to come in and specifically to have meals, use the shower, and specifically to rest, take shelter during the day time which Mr. Page considered as lodging purposes. Mr. Boyd asked if Mr. Page happened to look on facebook and other social media to see what Fortitude was about. Mr Page indicated Yes through social media and newspapers. Mr. Boyd asked if Mr Page made a determination from Social Media/facebook that Fortitude was a homeless shelter and Mr. Page said yes. Mr. Boyd also asked about the screenshot pages of Fortitude's facebook pages and social media which was included in the exhibits. Mr. Boyd asked Mr. Page if there was anything else and Mr Page said no.

The Lawyer for Fortitude asked Mr. Page if a homeless shelter is permitted under special use in an MI district and Mr. Page said Yes. The Lawyer for Fortitude asked Mr. Page if a homeless shelter is permitted anywhere by right in the Village. Mr. Page said no. The Lawyer for Fortitude asked who was responsible for writing the codes and Mr. Page said

generally that it would be the staff and him that would be responsible for writing the codes then it goes for recommendation to the Village Board. The Lawyer asked Mr Page what definition was applied when the determination was made for lodging and Mr. Page said "overnight stay." The Lawyer asked if what we were doing here was considered lodging and Mr. Page said no. The Lawyer asked which uses outside of the office did the staff have issues with and Mr Page said the ancillary services. The Lawyer asked Mr. Page if Mr. Page was aware that clubs, lodging, and fraternity was permitted by right in the B2 district? Mr. Page said not without reviewing it . And the Lawyer asked why would the Village code permit by right clubs and lodges and not homeless shelters which are defined as lodging? Mr Page said he didn't know because he didn't write the codes. The Lawyer for Fortitude then said that he didn't have any further questions.

Mr. Boyd then asked Mr Page a few more questions. He asked if Mr. Page was to his understanding that lodging is not limited to overnight stay? Mr Page said Yes. Mr. Boyd then asked if Mr Page agreed that providing laundry as part of a lodging service and providing meals as part of a lodging service is separate and apart from allowing a laundry service business and meals in a business district. Mr. Page said yes.

Mr. Boyd asked about the drafting of the codes and said most of the codes was in existence long before Mr. Page took a position with the Village of Bradley and Mr Page said yes. Mr. Boyd then asked if amendments proposed from the codes either come from a board member, the Mayor, one of the departments, perhaps the public, and even the legal department? Mr. Page said Yes.

Both side rested their case

Mr. Gagnon asked if anyone had any questions.

Mr. Gagnon asked for a motion to close the hearing.

Mr. Guiss motioned to close the hearing and Mr. Redmond second the motion. Ms Eads called the roll and all members of the PZC approved the motion.

Mr. Mike Santschi asked for an execution session which included just the board.

Mr. Santschi asked for a motion for an execution session to consider evidence presented in the hearing. Mr. Gagnon motioned and Mr. Williams second the motion. Ms Eads called the roll and all members present approved of the motion.

The PZC Recessed from the executive session at 7:30pm

Back to Regular session after Executive Session:

Mr Guiss made a motion to reopen and Mr. Redmond second the motion. Ms. Eads called the roll and all members of the PZC approved the motion.

Mr. Santschi said that because this was an appeal his office will put together a written order for the PZC to consider and he is asking for a motion to recess until Tuesday 11/14/2023 at 6:30pm

Mr. Gagnon asked for a motion to recess until 11/14/2023 6:30pm. Mr. Guiss motioned and Mr. Williams second the motion. Ms. Eads called the roll and all members of the PZC approved the motion.

Unfinished/Old Business

There was none

Announcements:

There was none

Public Comment

Curt from the public said that we should consider the ancillary services and outreach programs provided by Fortitude Outreach because the community needed services like that and that we as a community can help.

Mr. Gagnon said that he understood about helping the homeless that it was important to provide those services.

John, whose wife is the owner of Chatter Box Restaurant also made a public comment stating that he pleads with the PZC about considering the significant loss of business to their building if Fortitude provides their services next to their restaurant. He said they are trying to provide their customers comfort and it will make their customers uncomfortable. He said he did research and it is very important for homeless shelters to be close to critical resources which is what Fortitude had in Kankakee and they chose to leave. He said that Fortitude has not been honest with the community but PZC should consider the loss of business to their restaurant.

Adjournment:

Mr. Gagnon made a motion to adjourn. Ms Eads made the motion. Mr. Williams second the motion and all members of the PZC approved the motions.

Adjourned at 7:40pm