

MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
September 8, 2009

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Call to Order:

Chairman Weigel called the meeting to order at 10:34 a.m.

Members Present at Roll Call:

Tom Weigel, Debbie Rozak, Katrina Deutsche, Michael Wisniewski and Kathleen Konicki.

Members Absent:

Sharon May and Brian Smith

Staff Present:

David Dubois, Curt Paddock, Eileen Franz, Mike Smetana, Karl Palmquist, Anita Wesse and Leigh Kelley.

State's Attorney Present:

Melanie Manning

Others Present:

See sign in sheet.

Approval of Minutes:

Debbie Rozak made a motion to approve the minutes from August 11, 2009; seconded by Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (5-0)

Michael Wisniewski made a motion to approve the minutes from August 20, 2009; seconded by Debbie Rozak.

MOTION CARRIED (4-0-1)

FINAL PLATS

1. Lang Subdivision – FR

Chairman Weigel advised the Committee that this case would be tabled until October 13, 2009.

Kathleen Konicki made a motion to table until October 13, 2009; seconded by Debbie Rozak.

ALL IN FAVOR

MOTION CARRIED (5-0)

TABLED ZONING CASES

REMANDED ZONING CASES

NEW BUSINESS (ZONING CASES)

1. **5840-SV Prairie Investment Corporation**

Chairman Weigel asked Mr. Palmquist to open Case 5840-SV. The applicant is requesting a Special Use Permit to allow storage of cargo containers and a Variance to allow fencing as screening buffer and to permit no screening along property line abutting railroad.

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Staff is recommending approval of a Special Use Permit to allow storage of cargo containers with the following seven (7) conditions: 1. Upon (fourteen) 14 days of written notice to the owner of record at their last known address, Will County Land Use Employees and Will County Sheriff's Department employees are hereby granted the right of entry in or upon premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit. 2. If any cargo containers will be located in the floodplain or if any work is proposed in the floodplain, a special use permit for floodplain development will be required. 3. The vertical racking of chassis shall be limited to fifty-seven (57) feet in height. 4. The applicants shall comply with the current Will County Building Ordinance and Codes (Resolution #01-422). 5. Full cut off fixtures shall be used to illuminate the facility, including driveways or maneuvering areas, and be designed, arranged and screened so that the source of lighting shall not be visible to adjacent properties. All lighting fixtures, including security lighting, shall not be of an intensity that adversely impacts adjacent properties. 6. The Special Use Permit shall be limited to McDowell acquisitions, LLC, and shall be null and void upon change in tenancy. 7. The cargo containers shall be screened from the public right-of-way and adjacent properties. A landscape plan that meets the requirements of Section 8.10 shall be submitted within 60 days of County Board approval.

Staff is also recommending approval of a Variance to allow cargo container storage location from 1,000' to 0' on the existing identified floodplain based upon the findings of fact.

Chairman Weigel asked if this was an existing truck terminal and Mr. Palmquist answered yes.

There were no objectors.

Ms. Konicki asked why we would allow cargo containers in a floodplain and Mr. Dubois explained that the request is outside the floodplain. The ordinance requires a separation distance from the boundary of the floodplain and this variance request is to eliminate the separation distance.

Ms. Konicki asked what the purpose of the separation distance was and Mr. Dubois answered at the time of the ordinance adoption it was determined that there may be some adverse impacts upon the floodplain from storing containers within 1,000 feet of the floodplain. Due to the close proximity to the existing Burlington Northern Railroad tracks, the existing truck terminal and surrounding land use staff felt this would be an appropriate use for the subject property.

Ms. Konicki asked if the cargo containers would be stored on the ground and Mr. Dubois explained that the containers would be stacked.

Conversation ensued regarding the floodplain line and Ms. Wesse gave an explanation.

Mrs. Rozak stated this is in her district and she could not think of a better location for it and has never seen any flooding in the area.

Debbie Rozak made a motion to approve a Special Use Permit to allow storage of cargo containers with the above listed seven (7) conditions; seconded by Katrina Deutsche. MOTION CARRIED (4-0-1)

Michael Wisniewski made a motion to approve a Variance to allow cargo container storage location from 1,000' to 0' on the existing identified floodplain based upon the findings of fact; seconded by Debbie Rozak. MOTION CARRIED (4-0-1)

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5856-SV Forest Preserve District of Will County

Chairman Weigel asked Mr. Smetana to open Case 5865-SV. The applicant is requesting a Special Use Permit for floodplain development and a Variance from the Stream and Wetland Protection Ordinance. The purpose is to allow construction of a boardwalk and culvert for a multi-use (non-motorized) trail within floodplain.

Staff is recommending approval of a Special Use Permit for floodplain development with the following one (1) condition: 1. The applicants shall provide compensatory storage for all floodplain impacts.

Staff is also recommending approval of a Variance from the Stream and Wetland Protection Ordinance.

There were no objectors.

Michael Wisniewski made a motion to approve a Special Use Permit for floodplain development with the above listed one (1) condition; seconded by Debbie Rozak.

ALL IN FAVOR

MOTION CARRIED (5-0)

Katrina Deutsche made a motion to approve a Variance from the Stream and Wetland Protection Ordinance; seconded by Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (5-0)

5857-MV Venson

Chairman Weigel asked Mr. Smetana to open Case 5857-MV. The applicant is requesting a Map Amendment from A-1 to E-2. The purpose is to bring combined parcels into compliance in order to build a new single - family residence.

Staff is recommending approval of a Map Amendment from A-1 to E-2.

There were no objectors.

Kathleen Konicki made a motion to approve a Map Amendment from A-1 to E-2; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (5-0)

5858-SV Forest Preserve District of Will County

Chairman Weigel asked Mr. Palmquist to open Case 5858-SV. The applicant is requesting a Special Use Permit for continued use of existing overnight campground. The purpose is to allow campground expansion and to bring the property into compliance.

Staff is recommending approval of a Special Use Permit for continued use of existing overnight campground based upon the findings of fact with the following two (2) condition: 1. Upon (fourteen) 14 days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in and upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit. 2. The applicants shall comply with the current Will County Building Ordinance and Codes (Resolution #01-442).

There were no objectors.

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Debbie Rozak made a motion to approve a Special Use Permit for continued use of existing overnight campground with the above listed two (2) conditions; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (5-0)

5860-S Shew

Chairman Weigel asked Mr. Smetana to open Case 5860-S. Mr. Smetana explained that the applicant was cited by the Land Use Department for constructing an addition to the detached garage without a permit. This request is to allow that addition to remain on the property, which is located in the floodplain. The applicant may also construct a deck in the floodplain.

Staff is recommending approval of a Special Use Permit for floodplain development with the following five (5) conditions: 1. Upon (fourteen) 14 days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in and upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit. 2. The applicants must comply with the Will County Stormwater Management Ordinance and Water Resource Ordinances. 3. The applicant shall submit plans for the garage addition and deck to the Subdivision Engineering Division of the Land Use Department, and to the Illinois Department of Natural Resources, Office of Water Resources, 2050 W. Stearns Road, Bartlett, IL 60103, for review and approval. No permit will be issued from the Land Use Department unless the Illinois Department of Natural resources approves the project and the plans are in conformance with the Will County Flood Damage Prevention Ordinance. 4. If applicant receives approval of a special use permit for floodplain development, the Subdivision Engineering Division of the Will County Land Use Department will still require a site development permit application with a site plan stamped and signed by a professional engineer to be submitted. The applicant must also submit an estimate of cost to the Subdivision Engineering Division of the Will County Land Use Department. 5. It shall not be construed that zoning action taken relieves the Owner of any, and all, responsibilities set forth by the Will County Building Ordinance. It shall be understood that a standard Building Permit application, with completed requirements, followed by permit issuance, shall be required for any proposed or existing construction.

Ms. Konicki asked what leverage we had since the addition is in place and Mr. Smetana explained that the addition must meet the Will County Stormwater Management Ordinance, Will County Water Resource Ordinances and Will County Flood Damage Prevention Ordinance or it would not be allowed to remain on the property. The applicant still must apply for a building permit for the addition.

Ms. Wesse explained that the applicant's structure is above the base flood elevation, but the structure does plot in the floodway, which is the most restrictive part of the floodplain. The applicant must contact IDNR and meet any requirements they have as well as our own. He would not require compensatory storage because he is already above the base flood elevation.

Ms. Konicki asked if we would have granted this if the applicant had come to us in a timely manner and Ms. Wesse answered yes, we would have required him to go to IDNR. Ms. Wesse explained that IDNR would review this because it is in the floodway and the floodway is under IDNR's jurisdiction. Ms. Konicki asked what would happen if they did not like the fact that the addition is in the floodway and Ms. Wesse explained the applicant would have to tear it down.

Michael Wisniewski made a motion to approve a Special Use Permit for Floodplain Development with the above listed five (5) conditions; seconded by Debbie Rozak.

ALL IN FAVOR

MOTION CARRIED (5-0)

5865-M Watermark Investments

Chairman Weigel asked Mr. Smetana to open Case 5865-M. The applicant is requesting a Map Amendment from R-2* & R-2A* to R-3 for the Veridian Subdivision. The Veridian Subdivision was approved approximately three years ago and the applicant is making this request to address perceived market trends and to utilize the Conservation Design section of the Subdivision Ordinance that was recently passed. R-3 zoning is compliant in the Rural Form as long as it is under Conservation Design.

Staff is recommending approval of a Map Amendment from R-2* & R-2A* to R-3 for the Veridian Subdivision.

Michael Wisniewski made motion to approve a Map Amendment from R-2* & R-2A* to R-3 for the Veridian Subdivision; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (5-0)

Conservation ensued regarding this applicant requesting higher density

PREAUTHORIZATION TO FORECLOSE

1. Fairway Lakes Estates, PUD, Phases I & II – GG - \$582,783.78

Debbie Rozak made a motion to approve pre-authorization to foreclose on Fairway Lakes Estates PUD, Phases I & II in Green Garden Township in the amount of \$582,783.78; seconded by Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (5-0)

OTHER

1. **DLA between the County of Will and Washington Township**

Chairman Weigel asked Mr. Zhou to present this case. Mr. Zhou explained that this was a standard Data License Agreement.

Debbie Rozak made a motion to approve a Data Licenses Agreement between the County of Will and Washington Township; seconded by Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (5-0)

2. **Text Amendment Changes – Internet Auto Sales**

Mrs. Franz stated this went to public hearing and was approved by the PZC. Staff is asking to add Internet Auto Sales as a permitted use in the I-1 zoning district and this would be strictly for people who wanted to sell automobiles, boats and various vehicles on-line and store them in a warehouse. It would not allow them to store them outside or advertise outside, this would be strictly for Internet sales. Staff is asking for the LUDC approval to move this along to the County Board.

Section 6.1 – Internet vehicle sales, where automobiles, trucks, motorcycles, RV's, boats or trailers are stored and distributed, but not displayed for retail sales. Outdoor storage of vehicles, including automobiles, trucks, motorcycles, RV's, boats, or trailers is not permitted.

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Michael Wisniewski made a motion to approve the text amendment changes – Internet Auto Sales - as listed above; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (5-0)

3. Text Amendment Changes – Administrative Variance Extensions

Mrs. Franz explained that this was approved by the PZC on August 18th. Currently the Zoning Administrator has the authority to grant a few variances but not the authority to issue extensions. Due to the economy there have been several requests from people who would like to extend their variances. Staff would like to add text so the Zoning Administrator could provide extensions for these types of variances as well. The proposed additions are identified in bold and underlined text.

Section 14.8-5 Effective Period – No order of the Planning and Zoning Commission granting a variation **or Zoning Administrator granting a variation** shall be valid for a period longer than one (1) year from the date of such order unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The **entity that granted the original variance, the commission or Zoning Administrator (the original variance grantor)** may grant one (1) additional extension of this period, valid for no more than one hundred eighty (180) additional days, upon written application within the initial extension and upon good cause shown without notice or hearing. If any of the benefits conferred by any variation, whether heretofore or hereafter granted, are abandoned, or are not utilized for any continuous period of one (1) year, said variation shall, to the extent of such abandonment or non-utilization, become invalid after a public hearing as provided for herein.

Debbie Rozak made a motion to approve the text amendment changes – Administrative Variance Extensions – as listed above; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (5-0)

REPORTS, COMMUNICATIONS, CORRESPONDENCE

Ms. Konicki asked Mr. Paddock if he was bringing forward a request from New Hope and he stated it would be on the next LUDC agenda.

Chairman Weigel asked Mr. Paddock to put it on the next agenda.

ADJOURNMENT

Michael Wisniewski made a motion to adjourn; seconded by Kathleen Konicki.

ALL IN FAVOR

MOTION CARRIED (5-0)

The meeting recessed at 11:04