

MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
June 9, 2009

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Call to Order:

Chairman Weigel called the meeting to order at 10:36 a.m.

Members Present at Roll Call:

Tom Weigel, Kathleen Konicki, Michael Wisniewski and Brian Smith.

Members Absent:

Debbie Rozak, Katrina Deutsche and Sharon May.

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:

Michael Wisniewski made a motion to approve the minutes from May 12, 2009; seconded by Brian Smith.

Kathleen Konicki passed MOTION DENIED (3-0-1)

Michael Wisniewski made a motion to approve the minutes from May 26, 2009; seconded by Brian Smith.

Kathleen Konicki passed MOTION DENIED (3-0-1)

PRELIMINARY PLATS AND PLANNED UNIT DEVELOPMENTS (PUD)

FINAL PLATS

TABLED ZONING CASES

REMANDED ZONING CASES

NEW BUSINESS (ZONING CASES)

5831-M Soto

Chairman Weigel asked Mr. Palmquist to open Case 5831-M.

Mr. Palmquist gave an overview. The applicant is requesting a Map Amendment from R-4 to C-3. The purpose is to be able to construct a building for storage of event equipment.

Staff is recommending approval of a Map Amendment from R-4 to C-3.

There were no objectors.

Hearing no further discussion, Chairman Weigel called for a motion.

Michael Wisniewski made a motion to approve a Map Amendment from R-4 to C-3; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (4-0)

5832-S Stipanovich

Chairman Weigel asked Mr. Palmquist to open Case 5832-S. The applicant is requesting a Special Use Permit for cargo containers. The applicant was cited for violations in 2008 and this request would bring the parcel into compliance.

Staff is recommending denial of a Special Use Permit for cargo containers based upon the findings of fact. However, if the request is approved, the staff recommends the following twelve (12) conditions to mitigate negative effects of the requested special use: 1. Upon 14 days of written notice to the owner of record at his last known address, County of Will employees and officials 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 and County ordinances. 2. If the ownership of the property changes, the cargo containers shall be removed from the parcel. 3. The applicant shall be limited to the three (3) existing cargo containers on site and no additional cargo containers shall be permitted on the subject parcel. 4. The applicant shall not store any chemicals in the cargo containers. 5. Cargo containers cannot be located within a setback. 6. The cargo containers shall be screened from the public right-of-way and adjacent properties. A landscape plan shall be submitted within 60 days of County Board approval. 7. The cargo containers may not be stacked. 8. No signage shall be allowed on the cargo containers. 9. Open dumping and open burning of any waste debris, including off-site generated landscape waste, is strictly prohibited under the Illinois Environmental Protection Act. 10. The cargo containers may not be modified or retrofitted for habitation. Containers shall be prohibited from having windows, heating and cooling, plumbing or multiple entrances. 11. The cargo containers shall be painted a neutral color that blends with the surrounding environment. 12. Applicant must contact the Office of the State Fire Marshall and get approval for any outdoor liquid storage containers, such as gasoline/fuel storage tanks. 13. The Special Use Permit expires five years after the adoption by the County Board with removal of the cargo container(s) by that date.

Mr. Palmquist advised the Committee that the wording needed to be changed for condition number 1 to read "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".

Kathleen Konicki stated she did not believe that these containers should be permitted in this part of the County. They are limited to the I-3 district for a reason.

Mr. Wisniewski stated there were several agencies that recommend denial so he would be a no vote.

Mr. Tom McGrath (attorney) approached and explained that the cargo containers were on this parcel prior to the ordinance being passed. He stated his client agreed to an additional condition that the special use be for no more than five years. His client runs a union shop and employees eight to ten full time employees. It would be a financial burden at this time to build a new building and remove the cargo containers. This area is not

residential it is more urban. The PZC approved this request with a five- year time limit. When the economy gets better the containers would be removed and a permanent building would be built. Mr. McGrath asked for approval on this request.

Chairman Weigel stated that he would be more comfortable with a three-year time limit and Mr. McGrath stated that if that were what it would take for this to pass his client would agree.

Michael Wisniewski made a motion to change the expiration of the special use to three years;

Mr. Wisniewski asked what staff's recommendation would be and Mr. Paddock stated staff makes their recommendation based upon their interpretation of the adopted rules (ordinances) and how they apply in certain circumstances

Mr. Wisniewski asked what the time frame would be for the applicant to correct this if the request was not approved and Mr. Paddock explained that the normal enforcement process would be to send a letter asking them to correct the situation within approximately ten days if they don't another letter is sent out asking them to correct the situation in ten days if they don't comply the matter is turned over to the State's Attorney who then files the matter in court and then it becomes a court proceeding.

Mr. McGrath stated his client would comply with three years but to remove the cargo containers would be a hardship for his client.

Ms. Konicki stated this is not the only parcel in Will County that has cargo containers on their parcel. She would support giving six months to remove the cargo containers. She believed the applicant should build a building.

Chairman Weigel stated that he would like to give this applicant three years to remove the cargo containers.

Michael Wisniewski made a motion to amend condition number thirteen (13) to read three years not five; seconded by Tom Weigel.

ROLL CALL VOTE: Weigel, and, Wisniewski voted "yes", Konicki and Smith voted "no".

MOTION DENIED (2-2)

Ms. Konicki stated she supported amending the condition and changed her vote to yes.

MOTION DENIED (3-1)

Mr. Smith asked if it would be a hardship to change the zoning to I-3 and Chairman stated they would have to go through a public hearing. Mr. Smith stated he is also against the cargo containers. He suggested the applicant look into changing the zoning and suggested tabling this case.

Chairman Weigel asked if staff felt I-3 would be appropriate for the area and Mr. Dubois answered that there was no I-3 zoning in the area so he would not recommend introducing it into the area.

There were no objectors.

Michael Wisniewski made a motion to amend condition number 1;

Mr. McGrath asked to table this case to discuss it further with his client.

Michael Wisniewski withdrew his motion.

Michael Wisniewski made a motion to table the case; seconded by Brian Smith.

MOTION DENIED (3-1)

Melanie Manning advised the Chairman that the motion to table failed with a vote of 3-1.

Michael Wisniewski made a motion to amend condition number 1 to read [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]; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (4-0)

Michael Wisniewski made a motion to approve a Special Use Permit for cargo container storage based upon the findings of fact with the above listed thirteen (13) conditions as amended; seconded by Tom Weigel.

ROLL CALL VOTE: Weigel and Wisniewski voted "yes" Konicki and Smith voted "no".

MOTION DENIED (2-2)

Conversation ensued regarding the outcome of this vote and that this motion failed and it would go forward to the County Board as denied and Mr. Paddock stated it would show denied.

Kathleen Konicki made a motion to deny;

Mr. Paddock advised the Committee that normal practice is for motions to be put forward in the affirmative.

Ms. Konicki withdrew her motion.

5834-S Findley

Chairman Weigel asked Mr. Palmquist to open Case 5834-S. The applicant is requesting a Special Use Permit for a kennel. Mr. Palmquist gave an overview of this request.

Staff is recommending approval of a Special Use Permit for a kennel based upon the findings of fact with the following twelve (12) conditions: 1. The Special Use Permit is not transferable upon change of property ownership. 2. Once removed from animal pens or enclosures, all animal manure and spoiled bedding shall be placed into a self-contained covered waste receptacle or dumpster, which shall be stored on site in excess of 75' from neighboring property lines. 3. Applicant must obtain all required permits from the Illinois Department of Agriculture. 4. No new dogs or cats may be boarded on the parcel upon the passing of current animals. 5. Animals other than those currently boarded on the parcel may not be boarded, bred or cared for on the subject property. 6. The animals currently boarded on the parcel shall be micro-chipped and inventoried. 7. Animal manure shall be removed offsite for proper disposal to an Illinois Environmental Protection Agency (IEPA) permitted disposal facility; IEPA permitted or permit exempt compost facility, or for immediate land application to agricultural land pursuant to Part 560 of the Illinois Administrative Code. 8. Waste receptacles or dumpsters containing waste in addition to animal manure and spoiled bedding shall be removed offsite for proper disposal to an IEPA Permitted disposal facility. 9. Animal manure shall be removed from the property at least on a bi-weekly basis during the months of April, May, June, July, August, September and October and at least on a monthly basis during the remaining months in an effort to reduce nuisance odors. 10. All IEPA rules and regulations shall be followed and adhered to. 11. The applicant shall provide a 6-foot fence around the special use area. 12. Upon 14 days written notice to the owner of record at his last known address, County

of Will employees and officials 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 and County ordinances. 13 The applicants shall comply with the current Will County Building Ordinances and Codes (Resolution #01-442).

Mr. Palmquist advised the Committee that condition number 12 be amended to read [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].

There were no objectors.

Kathleen Konicki made a motion to amend condition number 12 to read "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"; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (4-0)

Kathleen Konicki made a motion to approve a Special Use Permit for a kennel based upon the findings of fact with the above listed twelve (12) conditions as amended; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (4-0)

5838-V2 Ward

Chairman Weigel asked Mr. Smetana to open Case 5838-V2. The applicant is requesting a Variance for existing swimming pool setback from 12' to 7' from single-family residence and a Variance for rear yard setback for existing swimming pool from 10' to 9.4'.

Staff is recommending approval of a both Variance requests.

There were no objectors.

Brian Smith made a motion to approve a Variance for existing swimming pool setback from 12' to 7' from single-family residence; seconded by Kathleen Konicki.

ALL IN FAVOR

MOTION CARRIED (4-0)

Kathleen Konicki made a motion to approve a Variance for rear yard setback for existing swimming pool from 10' to 9.4'; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (4-0)

5844-SV2 Brott

Chairman Weigel asked Mr. Palmquist to open Case 5844-SV2. The applicant is requesting a Special Use Permit to remain A-1, a Variance for accessory structure storage space from 1800 sq. ft. to 8124 sq. ft., and a Variance for accessory structure square footage from 1800 sq. ft. to 3080 sq. ft.

Mr. Dubois stated that the original request was for accessory structure square footage from 1800 sq. ft. to 8124 sq. ft., which includes existing and proposed construction. Staff is recommending 3080 sq. ft., which is the existing square footage that is under roof.

Minutes

Land Use Planning, Zoning & Development Committee

June 9, 2009

Staff is recommending approval of a Special Use Permit to remain A-1 based upon the findings of fact with the following six (6) conditions: 1. Upon 14 days written notice to the owner of record at their last known address, County of Will employees and officials 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 and County ordinances. 2. The subject parcel shall comply with the E-2 (4A.2) permitted uses. 3. Upon County Board approval, the applicant shall apply for a building permit for the pole building. 4. The applicants shall comply with the current Will County Building Ordinance and Codes (Resolution #01-442). 5. Upon County Board approval, the applicant shall apply for a swimming pool permit. 6. The applicant must provide a five (5) foot high fence around the swimming pool.

Staff is recommending approval of a Variance for accessory structure square footage from 1800 sq. ft. to 3,080 sq. ft. (existing storage building). Denial of the additional 5,044 square feet of storage that would bring the total to 8124 sq. ft. based upon the findings of fact.

Staff is recommending approval of a Variance for west side yard setback from 10' to 0.1' based upon the findings of fact.

Mr. Brott (the applicant) approached and explained that his original request was for 8124 sq. ft. because he was told he needed a variance to include all of the parking lot space. The only additional square footage that would be needed is 987 sq. ft. because there is an existing concrete slab and foundation wall. The building was destroyed by fire a few years ago and he wanted to be able to build back onto that. The existing building is 3080 sq. ft. and the existing concrete slab is 987 sq. ft.

Brian Smith made a motion to amend condition number 1 to read “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”; seconded by Kathleen Konicki.

ALL IN FAVOR

MOTION CARRIED (4-0)

Brian Smith made a motion to approve a Special Use Permit to remain A-1 based upon the finding of facts with the above listed six (6) conditions; seconded by Tom Weigel.

ALL IN FAVOR

MOTION CARRIED (4-0)

Michael Wisniewski made a motion to approve a Variance for accessory storage space from 1800 sq. ft. to 8124 sq. ft.; seconded by Brian Smith.

MOTION DENIED (0-4)

Michael Wisniewski made a motion to approve a Variance for accessory storage space from 1800 sq. ft. to 4,067 sq. ft. based upon the findings of fact; seconded by Tom Weigel.

ALL IN FAVOR

MOTION DENIED (3-1)

Kathleen Konicki made a motion to approve a Variance for accessory structure square footage from 1800 sq. ft. to 3080 sq. ft.;

Mr. Brott asked if he would be asked to remove the concrete footing and Mr. Paddock answered no there would be no enforcement action making him remove the concrete footing.

Seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (4-0)

5845-M Lang

Chairman Weigel asked Mr. Smetana to open Case 5820-SV. The applicant is requesting a Map Amendment from A-1 to E-2 to allow division to create two, 2.5-acre parcels.

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 Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (4-0)

Waiver for Subdivision Ordinance for Sewer and Water Hook-up – 5845-M

Mr. Smetana gave an overview of this request.

Kathleen Konicki made a motion to approve a Waiver from Subdivision Ordinance for Sewer and Water Hook-up; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (4-0)

OTHER

1. Proposed text changes to Section 5.3 and 16.2 of the Will County Zoning Ordinance-Body Art Studio

Mrs. Franz explained that this is another example of a use that is currently not listed in the Zoning Ordinance. Mrs. Franz proposed including the following definition for Body Art Studio to propose including it in the Zoning Ordinance and allow to allow it in the C-3 zoning district: Mrs. Franz read the definition of Body art Studio (Tattoo Parlor) – An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin: (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This definition does not include, for the purposes of the ordinance, ear piercing.

Conversation ensued regarding semi-permanent ink.

Kathleen Konicki made a motion to approve the proposed text changes to Section 5.3 and 16.2 of the Will County Zoning Ordinance-Body Art Studio; seconded by Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (4-0)

REPORTS, COMMUNICATIONS, CORRESPONDENCE

ADJOURNMENT

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

ALL IN FAVOR

MOTION CARRIED (4-0)

The meeting recessed at 11:42