

**MINUTES**  
**WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE**  
**February 10, 2009**

**Pledge of Allegiance**

Chairman Weigel led the pledge of allegiance.

**Call to Order:**

Chairman Weigel called the meeting to order at 10:35 a.m.

**Members Present at Roll Call:**

Tom Weigel, Debbie Rozak, Sharon May, David Evans, Kathleen Konicki, Kathleen Konicki and Michael Wisniewski.

**Members Absent:**

**Staff Present:**

David Dubois, Curt Paddock, Michael Smetana, Steve Lazzara, Howard Hamilton, Anita Wesse, and Leigh Kelley.

**State's Attorney Present:**

Melanie Manning

**Others Present:**

See sign in sheet.

**Approval of Minutes:**

**David Evans made a motion to approve the minutes from January 13, 2008; seconded by Michael Wisniewski.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**PRELIMINARY PLATS AND PLANNED UNIT DEVELOPMENTS (PUD)**

**FINAL PLATS**

Bachman's Subdivision –MA- Request to Waive Preliminary Plat and Process as Minor Subdivision

Anita Wesse stated that staff recommended approval of the Bachman Subdivision in Manhattan Township and requested the LUDC approve to waive the preliminary plat and process as a minor subdivision.

**Michael Wisniewski made a motion to approve the request to create a single- family residential lot; seconded by Katrina Deutsche.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**David Evans made a motion to waive the request for a preliminary plat; seconded by Michael Wisniewski.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**TABLED ZONING CASES**

5804-S Mitchell

Chairman Weigel called for a motion to remove Case 5804-S from the table.

**Kathleen Konicki made a motion to remove this case from the table; seconded by Katrina Deutsche.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

Mr. Smetana gave an overview of this case. The applicant is requesting a SUP for cargo containers. It is a violation. There are six containers on the property. An update was received from the City of Lockport, which stated that their Planning and Zoning Commission voted 3-3 to object to the Special Use and the City of Lockport's City Council voted 5-3 to object to the Special Use. Mr. Smetana explained that at the last LUDC meeting there was confusion over the Township's stance. They voted 3-2 to approve the SUP request but also issued a letter requesting a moratorium on cargo containers. They met last night and submitted a letter dated February 10, 2009 that stated the moratorium should apply to current requests as well as future requests. Based on this letter the Township is also against cargo containers.

Mr. Smetana went over a few issues that were brought up at previous hearings: The applicant had stated the cargo containers were on the property since the ordinance was passed. There was to be no "grandfathering" of cargo containers with the ordinance. Six months after it was approved all existing cargo containers would become illegal. Mr. Smetana showed an aerial photo from 2004, which showed after the cargo container ordinance was passed there were only three containers on the property. This has been expanded since the ordinance was passed. There are now six containers on the property. The containers have been moved on the property and if the Committee grants this SUP request Mr. Smetana recommended an additional condition be added that would read "the existing cargo containers on the property are not be moved per the site plan that currently exists". Mr. Smetana also advised the Committee of several additional parcels in Will County that have been placed in violation due to the fact that they have illegal cargo containers on the property.

Staff is recommending denial of a Special Use Permit to allow cargo containers. However, if the Special Use Permit is approved, staff requests the following ten (10) conditions be placed on the Special Use Permit: 1. The Special Use Permit does not go with the land. If the ownership of the property changes, the cargo containers shall be removed from the property. 2. The applicant shall be limited to the six existing cargo containers on site and no additional cargo containers shall be permitted on the property. 3. The applicant shall not store any chemicals in the cargo containers. 4. 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. 5. No signage shall be allowed on the cargo containers. 6. The cargo containers shall be painted a neutral color that blends with the surrounding environment. 7. The cargo containers shall be screened from the public right-of-way and adjacent properties. 8. The cargo containers may not be stacked. 9. The cargo containers must be located in a manner that does not block access to adjacent structures, buildings or the container's interior. 10. The Special Use Permit shall expire in five years after the adoption by the County Board with removal of the cargo container(s) by that date.

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Ms. Konicki advised the Committee that she had received correspondence from six families that live in the Lago Vista subdivision expressing their opposition to the cargo containers.

Mrs. Rozak asked if a sunset was to be placed on this request if it passed and Mr. Smetana answered yes five years after County Board's approval. That was the tenth condition added to the request.

Mr. Smetana explained the cargo container ordinance outlines specific uses and zoning where they are permitted as a special use or as a regular permitted use. This property does not fall under that guidance.

Chairman Weigel stated he felt five years to be excessive and suggested that it be changed to three years.

Ms. Konicki stated the applicant deliberately violated our ordinance when he added the three additional cargo containers approximately a year after the ordinance was adopted. Ms. Konicki asked Mr. Smetana how staff would handle the other parcels that are in violation, did he feel what the LUDC Committee decided on this case would impact staff's ability to bring the other parcels into compliance and Mr. Smetana answered that staff's recommendation would be denial for every request regardless of what happens with this application.

Mr. Wisniewski asked if the applicant was present and Mr. Dale Mitchell (applicant) approached. Mr. Mitchell passed out photos to the Committee.

Chairman Weigel asked Mr. Mitchell how many employees he had and Mr. Mitchell answered ten and stated that no one works on the property, he only stores roofing materials there and loads their trucks.

Mr. Wisniewski asked about the photos that Mr. Mitchell passed out and Mr. Mitchell explained that at the Lockport Township Highway Department.

Ms. Konicki asked Mr. Mitchell how long he has owned the property that has the cargo containers and he answered since 2001.

Mrs. Rozak asked what Mr. Mitchell's property is zoned and Mr. Smetana answered I-1 and Ms. Konicki asked what zoning was needed to have cargo containers and Mr. Smetana answered I-3.

Chairman Weigel asked Mr. Mitchell if he could work with three years versus five years and he answered yes.

Mr. Smetana reminded the Committee that staff was recommending an additional condition be added that the containers not be moved from their present location.

**David Evans made a motion to amend condition number 10 to read " The Special Use Permit shall expire in three years after the adoption by the County Board with the removal of the cargo container(s) by that date; seconded by Michael Wisniewski.**

Mrs. May asked what the consequence would be if the applicant did not remove these containers in three years and Mr. Paddock explained that staff would be monitoring compliance with the conditions on this SUP if it were granted. If upon inspection when the three- year period was over, the containers were still on the property, it would be presented to the LUDC with a recommendation that the Committee pass a motion that would rescind the SUP. By lifting the SUP the activity would have to stop.

**ROLL CALL VOTE: Weigel, Rozak, Deutsche, Evans and Wisniewski voted “yes”. Konicki and May voted “no”.**

**MOTION CARRIED (5-2)**

Mr. Paddock asked permission to question the applicant while he was under oath. Mr. Paddock stated that Mr. Mitchell testified that the cargo containers were for the storage of materials related to his roofing business. Mr. Paddock asked Mr. Mitchell if he had in the past or was currently renting any of the cargo containers to any other business entity for purposes of storage of materials not associated with his business and Mr. Mitchell answered that he has a fence company that is renting a spot. Not in a container but up against one. Mr. Mitchell stated all of the material in each of the containers is his. Mr. Paddock again asked Mr. Mitchell if in the past or is he currently renting space in the cargo containers to any other business entity and Mr. Mitchell answered that he had in the past.

Mr. Paddock pointed out to the Committee that if the applicant was in fact renting space in those containers this is just like operating an outdoor storage facility; which would require an additional SUP. It is very important to emphasize that should the LUDC choose to grant this SUP, that the only authorized use would be storage of Mr. Mitchell’s business materials not to use it as an additional source of revenue to rent out to other businesses, as the applicant has done in the past.

Chairman Weigel asked if Mr. Paddock meant for the LUDC to add this into a motion and Mr. Paddock explained that under current zoning the applicant cannot rent out any of the cargo containers without an additional SUP for the operation of a self-storage facility.

Chairman Weigel stated the inspectors would catch something like this and Mr. Paddock stated staff had been aware, in the past, of this action but it has been difficult to gather evidence. That is why Mr. Paddock took this opportunity to ask the applicant questions while he was under oath. In the past the applicant has not allowed the County access to check for that particular type of violation. Mr. Mitchell stated no one had ever requested that. Mr. Mitchell further stated his property is zoned I-1 industrial and it is a storage facility.

Mr. Paddock reiterated that if Mr. Mitchell rents out his cargo containers he would be in violation.

Ms. Konicki stated that this would be time to give the staff some right of access to verify if materials are being stored there.

Mr. Mitchell stated that he purchased his property in 2001 and never had a problem until he purchased the property to the west. Mr. Mitchell explained that he cleaned up the property.

Mr. Evans asked Mr. Mitchell about his renting out his property and Mr. Mitchell answered that he has a 2-acre gravel parking lot that he would like be able to rent out to contractors.

Mr. Paddock explained that this parcel is I-1 and it is the applicant’s point of view that he is authorized to operate as a contractor’s yard. It is a permitted use in the I-2 zoning district. Therefore it would require a separate SUP to operate a contractor’s yard at this location. This is different than using the individual cargo container units as lease-able facilities for the storage of goods for other businesses.

Chairman Weigel asked if the applicant could use the yard for the storage of other people’s materials and Mr. Paddock answered yes.

Mr. Wisniewski asked, under the current zoning, could the applicant rent the yard or parking lot to contractors and Mr. Dubois stated that it was his opinion that with the current Special Use Permit this would be permitted.

**Michael Wisniewski made a motion to add an eleventh condition that would read “the existing cargo containers on the property are not to be moved per the site plan that currently exists”; seconded by David Evans.**

**ALL IN FAVOR**

**MOTION CARRIED (6-1)**

**Michael Wisniewski made a motion to approve a Special Use Permit to allow cargo containers with the above listed eleven (11) conditions; seconded by David Evans.**

**ALL IN FAVOR**

**MOTION CARRIED (6-1)**

**REMANDED ZONING CASES**  
**NEW BUSINESS (ZONING CASES)**  
**PREAUTHORIZATION TO FORECLOSE**

Rolling Acres was removed from the agenda.

**OTHER BUSINESS**

**1. Proposed zoning ordinance text amendment for Special Use Permit to remain A-1**

Mr. Dubois explained that staff had nothing new to present today. Staff is currently working on this and anticipates having something ready for the March LUDC meeting.

**2. Eastern Will County Sanitary Sewer Study Final Report**

Mr. Brian Fisher (Farnsworth Group) approached and explained that they have completed a wastewater study for Eastern Will County (a six township area). The study began in October of 2007 and was completed in November of 2008.

Mr. Quick (Farnsworth Group) explained this was a fifty- year planning period for scope to determine for ultimate development. That was what the study was based on. They made sure the regional study did not restrict the growth opportunities of the existing stakeholders in the area.

Mr. Fisher gave an overview of the following:

**Planning Area Description:**

-Collected & Studied existing information in six eastern townships in Will County

- Natural resources, existing & proposed corridors, geopolitical boundaries, developed drainage basins and existing population & projected population at ultimate development. -

**Reviewed county planning**

-Land resource management plan, drainage plan- all of this existing information was incorporated into the study.

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Mr. Fisher explained their approach was to have heavy stakeholder involvement through all stages of the project. There were various stakeholder meetings at different points of the project, memorandums informing of the issues to be discussed were sent out. Some of the meetings were just for the existing wastewater providers and some were open to the general public. A lot of comment and input from the various stakeholders was received at these meeting.

### **Planning Study**

- Stakeholder input
- Existing wastewater facilities
- Design flow rates and organic loading
- Regulatory issues
- Wastewater collection and treatment alternatives
- Cost analysis

### **Design Flow Rates & Organic Loading**

- Drainage basins & sub-basins
  - Major watersheds (Great Lakes, Des Plaines River, Kankakee River)
  - Determine area in each sub-basin
  - Determine “developable” acres
- Population projections
  - CMAP 2030 projections
  - Full development projection- excluded right-of-way for streets and green areas.
- Design flows at full development
  - Projected average flow
  - Projected peak flow

### **Cost Analysis**

- Four alternatives for cost analysis narrowed down from 10 at stakeholders meeting
  - Alternative 1 – a one plan option to serve the whole area
  - Alternative 2 – two plans
  - Alternative 4 – two plans
  - Alternative 7 or 9 considered equivalent – three plans
- Recommendations are alternatives 7 or 9
  - Lowest costs – for construction
  - Most flexibility for phasing improvements
  - Simplify operational issues – there would be three equal size plants, which could be operated in a similar manner.

Mr. Fisher showed (on the overhead) how they developed the areas that would be served under this wastewater study.

It was decided that area 12 could be handled by Frankfort’s wastewater system and their plant expansion. So it was eliminated from the study.

Area 13 could provide the wastewater from the University Park wastewater facility and was eliminated from the study.

Area 14 is an area where there are two wastewater facilities that are provided by Thorn Creek Sanitary District and it has the capacity to serve these areas at full development

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Area 16 (was excluded from the plan) it is an area that has a lot of park districts (it won't have the density because of the green areas) it is served by some smaller wastewater facilities.

Areas 17 and 15 (they are remote areas and drain outside of Will County) were also excluded from the study.

Mrs. Rozak asked Mr. Fisher what townships were in area 15 and 17 and he answered Peotone and Washington.

Mr. Quick stated, we need to consider what institutional leadership there is going to be to make sure these facilities are developed and managed in a prudent way.

Mr. Quick gave an overview of the following:

### **Governance & Management Alternatives**

#### **- Major Drainage Divide**

- North – Lake Michigan/Calumet and Des Plains watersheds
  - Facilities sufficient for current needs
  - Providers include long standing municipalities, private utilities & major sanitary district
  - Recommend continuing status quo
- South – Kankakee River basin
  - Generally rural with municipalities providing own wastewater needs
  - Significant development pressures and South Suburban Airport
  - Who will take the lead in creating future facilities?

### **Governance & Management Alternatives**

#### **Organizing Principals and Required Authority**

- Not another intrusive overlay of government
- Control of local growth should remain primarily with municipalities – as the LRMP states
- New entity to have only corporate and municipal clients – if it were a sanitary district it would not do laterals it would only do trunk sewers and the treatment, municipalities would be in charge of laterals and the growth. The customer for this governing body would be either the municipality or possibly a corporate client.
- New entity to have primary responsibility for meeting water quality standards and IEPA permitting requirements.
- Some method of acquiring ROW and facility sites, including eminent domain
- Governing board with fiduciary responsibilities
- Capable Management, staff and contracting authority for professional services
- Authority to issue debt instruments
- Authority to acquire and construct adequate facilities
- Ability to enter into agreements with other public and private entities

### **Governance & Management Alternatives**

#### **Possibilities for Institutional Control**

- Continuation of individual municipal system development (status quo)
- Form a regional entity
  - Formation of a new special district- a new sanitary district like the Thorn Creek District.
  - Expansion of an existing special district- such as Thorn Creek expanding into this area.
  - Intergovernmental Agreement
  - Investor Owned Utility

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#### **Governance Plan –Next Steps**

- Formation of a stakeholder led working group
  - Beecher, Monee, Peotone
  - Will County
    - South Suburban Airport Authority (if ever formed)
    - Thorn Creek basin Sanitary District
- Schedule (Table 7, page 9-3)
  - 18 months to reach decision on form of governance (May 2010)
  - 18 months to establish management authority (November 2011)
  - Facilities online – 12 year timeframe – it would take a minimum of 12 years

#### **Role for Will County Government**

- Continued execution of land resource management plan
  - Revisit LRMP to discuss progress and report back to stakeholders
  - Update LRMP
- Facilitation and communication for intergovernmental cooperation
  - Participation as a facilitator for development of a regional wastewater entity
- Stream corridor acquisition and open space coordination
  - Current 75 ft setback changed to 100 ft – trunk sewers need 100 ft of setback
  - Acquisition of stream corridors
- Control of rural development outside municipal boundaries

Mr. Quick explained that a regional wastewater entity would help in the planning and control of growth.

Ms. Konicki stated that usually a municipality takes over and does the planning, is the County just facilitating this or did Mr. Quick anticipate the County having an financial role in this project for Eastern Will County?

Mr. Quick answered that to do a plan like this it would take a regional facilitator. The LRMP says the County will be a facilitator for intergovernmental cooperation when it comes to this type of thing.

Mr. Quick stated sanitary districts are all over the state. Intergovernmental agreements are common.

Ms. Konicki stated we have all of these facilities in the northern half of Will County (without our involvement) what is different in the eastern part of Will County and Mr. Quick explained that there is a different geopolitical potential situation in the northern portion versus the southern portion. There is an airport coming, potentially, and growth throughout the area. Does the County want to be a passive observer to the growth, sit back and let it happen or be pro-active by trying to manage the natural resources as well as the land and money.

Sanitary district has a very narrow scope. It collects and it treats. It is an environmental issue, a land use planning issue, an efficiency issue and tax dollars.

Ms. Konicki stated most of the growth is going to take place within municipal boundaries and not under the County's control or influence and sewer and water issues are usually handled by the municipalities.

Mr. Quick explained that the County would not have a big financial stake, just seed money.

Mr. Quick stated the County would be facilitating a regional approach to wastewater needs over the next 50 years.

Ms. Konicki stated she was a proponent of a regional approach.

Chairman Weigel stated this was a grant- funded project.

### **3. Weber Ridge Subdivision – LO- Easement Assignment**

Anita Wesse explained that the Village of Romeoville requested Will County and Lockport Township assign the rights to an existing detention basin to the Village. Staff has no objection since the Village of Romeoville is a Certified Community through the Will County Stormwater Ordinance.

Mr. Cass Wennlund (attorney for the property owner) approached and explained this request. The property is now in the Village of Romeoville and they would like the easement assigned so they can have control over the stormwater area.

**Kathleen Konicki made a motion to approve easement assignment; seconded by Michael Wisniewski.  
ALL IN FAVOR MOTION CARRIED (7-0)**

### **4. Subdivision Ordinance/Conservation Design**

Mr. Dubois explained that a workshop was held on January 27, 2009, which generated some good discussion and input. Three things need to be discussed today: 1. Briefly go through the results of a request from Chairman Weigel to look at McHenry County's current Subdivision Ordinance Conservation Design element, the formula as proposed and the yield plan that is proposed. 2. Steve Lazzara will go over comments on major themes that were identified in the last meeting. 3. Go over staff recommended changes to the current draft. Once this is done, if there are any other changes that the LUDC has based upon the comments from workshops staff would like to bring those changes back to the Committee on February 24<sup>th</sup> for consideration and adoption of the public hearing draft.

Mr. Dubois explained that Mr. Howard Hamilton took the McHenry County Conservation Design Ordinance and tried to compare it with our proposed yield plan. Mr. Hamilton used a prior approved PUD Tuscan Hills. In general the McHenry County Ordinance results for base density prior to the bonus was much greater density approximately 25% higher than the base density that was approved under Tuscan Hills. What the McHenry County Ordinance would authorize with regard to base density is such a density that it would be greater than what our current Land Use Plan recommends either in the rural or suburban forms.

With regard to increasing the base density and bonus, one thing to consider is that if there is a desire to increase density that could be achieved through the Map Amendment process by requesting a greater density zoning district and going through a public process with the County Board making the decision whether or not the greater density is authorized.

With regard to the McHenry County Ordinance, the numbers that were obtained were of a far greater density than through the yield process back in 2003 or 2004.

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Mr. Hamilton stated that McHenry County's least dense zoning classification is E-5 and that is one unit per acre. To compare Will County to McHenry County is not apples to apples.

Mr. Dubois explained that Mr. Lazzara identified some of the main themes that came out of the last Committee meeting.

Mr. Lazzara explained that Chairman Weigel suggested incorporating comments and/or concerns into the draft. Staff took a draft of the minutes and came up with a series of responses. The responses are in bold and italics. There are three common themes: 1. The development community does not want to change the old Subdivision Ordinance procedures, essentially that allow the PUDs to work in favor of conservation design. Staff feels the conservation design is more efficient for the developer, more streamline for staff to process and easier and more cost efficient for everyone involved. Our Land Resource Management Plan (LRMP) identifies conservation design as an option. Staff feels the conservation community and staff has not seen enough amenities going forward that are coming out of the PUD process especially in relation to conservation. 2. Many people had concerns about definitions. Staff explained their rationale in italics and bold and the definitions are located in the back of the document. 3. Kate Bliss (from the Army Corps of Engineers) made numerous comments regarding conservation concerns. He comments were well thought out and focused, however, in many cases many of her concerns were issues that were talked about over the last two years with this Committee and the way staff has structured the ordinance and draft is a result of those negotiations. Some of her concerns are items that are addressed in other ordinances.

Mr. Lazzara stated the Committee members could take home the responses that staff prepared.

Mr. Dubois went over the proposed changes to the conservation design draft.

Page 53, Article 30 – the proposed change is for the title to read “General Provisions for Conservation Design Option”.

Page 53, line 4 - after the word use add the word “option”.

Page 55, Article 31 – it was recommended by Ms. Konicki to put the yield plan first before the formula.

Page 55 Article 31 – line 18 – Mr. Dubois explained that when Mr. Hamilton runs the numbers in an attempt to make the formula as similar of a process as the yield plan it would be recommended that we remove item 2 from Section 31-02-B.

Mr. Hamilton explained that the formula template came from our consultant and he used the following subdivisions as the models: Belle Meade, Preserve of Lake Charlevoix and Tuscan Hills. Numbers were adjusted to try to see if the formula could be applied and repeat those three projects the way the County Board approved them. The development community seems to resist item 2 because it is a take away. McHenry County does not take any of that out. When you take item 2 out it does increase the density higher than what has been approved in the past (approximately 10%). We do not give a full credit for open space for floodplain, we still limit that, and floodways are also limited. They are counted toward what is open space just not in the base density calculation. This is consistent with what we have done in the past just a slight change from what was originally recommended.

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Ms. Konicki wanted staff to add to the Conservation Design section language that would exclusively incorporate their right to determine density under a preliminary plat, which is the method used under a standard subdivision. The development community doesn't want to lose anything under the Conservation Design.

Ms. Konicki added that the term or concept yield formula looks like something new and she suggested it be moved under the PUD process and it would give them any one of the three options: 1. Yield formula. 2. Preliminary plat. 3. PUD.

What she has learned is that the yield plan is considered an advantage of greatly lowering engineering fees. The formula is even simpler, and is supposed to yield basically the same density.

Ms. Konicki wants to incorporate both existing methods of determining density, it should be clear that you would get to the same bottom line if you did a preliminary plat or any other method, it would just be a more simple method. If a developer does not get the same bottom line they could use any other existing method.

Mr. Wisniewski asked for a brief explanation of why we want to take out 31-02-B 2 a. – 3 and Mr. Hamilton explained it is what we included as being part of a lot. Mr. Hamilton explained that his current lot is a detention pond and that he had also lived on a river and part of his lot was the river. This formula would essentially say if he lived on the river the river could not be part of his lot. This formula is a deviation from the way the current ordinance is based.

Ms. Konicki expressed that in no way did she want to alter the density that the development community would get under existing methods.

Mr. Dubois continued with Page 56, 31-02 d – staff recommended striking “affordable housing” with the plan to revisit this later.

e. Staff would like to bring some text that addresses historic preservation. The way it is currently worded it does not tell the developer what to do. This should include language that would require a particular structure or significant building that is on the subject property that meets this standard to 1) pursue landmark status for the structure and 2) incorporate it in some manor into the development on site. This text would be modified and would provide some expectation of what has to be done.

Page 57, 31-03 Mr. Dubois explained that some of the language is redundant. The yield plan already takes into account floodplain and regulated wetlands, wetland buffer and everything else with the exception of the park donation ordinance. Staff recommended removing the text that starts on line eleven, the sentence that begins with “ In determining” remove the entire sentence all the way through number five which is on line number eighteen.

Mr. Dubois stated with regard to the Park Donation Ordinance to determine the park contribution you have to have the number of lots. You can't take out land for a park contribution when you don't have the number of lots.

Ms. Konicki stated that the things staff is recommending be removed looks to her like staff is artificially inflating the density. Conservation design must be density neutral.

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Ms. Rozak asked if this might be diluting the conservation section and Mr. Hamilton answered that we want to strike the chord that the development community is given some encouragement to do conservation design and if that is a slight increase in density to make it cost effective for the additional costs that they are going to incur in this development, that seems to be the direction we are leaning toward. We are not talking 20 extra lots we are talking a few extra lots. We are trying to preserve open spaces to re-charge ground water or to provide access to

the public or to preserve natural habitat. To preserve those areas and set them aside is a cost. To offset that land that is not being developed if that means the developer gets an extra lot, that is the direction staff has been taking. If that is a different direction than the Committee wants to take, staff can re-run the numbers and this can be revisited. Mr. Howard explained that he has one test case (Tuscan Hills) and the above-mentioned changes keep everything neutral as far as what's allowed under the zoning category.

Chairman Weigel stated that is what we are looking for.

Mr. Hamilton stated lets take Tuscan Hills it is a 90 -acre property so you would want to get about 1 lot per acre. When you figure how the property is actually configured with wetlands and woods, etc. you cannot get 1 lot per acre. By applying the formula using Conservation Design, which allows some flexibility you can get closer to 90 lots.

Ms. Konicki stated we need to give additional density to encourage the conservation design. That is why we have all of the bonuses. She does not want to sneak that in under the formula. She anticipates that what would help conservation design be better received by the development community is a significant savings in cost on infrastructure: streets, curbs, gutters, sidewalks, etc. There is a cost savings built into the conservation design and needs to be density neutral.

Mr. Hamilton stated that a density cap could be placed in the formula. The developer would get so many bonuses but could not go above a certain cap.

Ms. Konicki explained that staff needed to start with the density calculation for conservation design that is density neutral and anything that gives the development community an additional density should be laid out. Ms. Konicki reiterated that she would not support the removal of the items mentioned above.

Mr. Howard stated the development community has some real strong resistance to the concept of taking out floodplains and easements, etc. from the net density. In taking those things out of the net density calculation does bring the density up.

Mr. Howard informed the Committee that he would revisit this and bring some ideas to them at the next meeting.

Mr. Dubois asked the Committee to refer to the Will County Zoning Ordinance Conservation Design Subdivision Text Amendments working draft dated 2-5-09. Lines 2 through 22 – staff will bring back a document that makes specific reference to this corresponding article to make it very specific so there is no room for interpretation.

Item 15, line 32 and concluding with line 34 – under the current PUD process, we have always relied upon the yield plan but there has been no codification of that requirement. The Zoning Ordinance specifies that the base density has to be the underlying density authorized by the zoning district but there has been no codified method

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for determining the base density for a PUD. Staff is recommending there be a cross reference to the Subdivision Ordinance for the PUD process that would require the base density to be calculated by either the yield option or formula option in accordance with the Subdivision Ordinance. We would be referencing the yield plan process that has always been used, we would be putting it into the code and make it clear that is how you determine your base. You would also have the option of the formula or whatever option that comes out of the Committee through County Board. In the PUD, the only thing being referenced is getting the base density it

is not referencing any other conservation design requirements. The PUD is an option as it has always been we are now asking that it be codified as a methodology for determining the base yield.

Ms. Konicki asked if the LUDC made the amendment to the PUD portion of our ordinance, there would be no need to repeat the yield formula in the conservation design it could be referenced. She believed this way would be a lot less confusing.

Ms. Konicki stated both methods for determining density as laid out in our conservation design are new and don't appear anywhere else. She would like to see the preliminary plat method referenced under conservation design.

Mr. Paddock asked what the Committee would like to do and Mr. Wisniewski stated he would like to go forward with staff's recommendations.

Mrs. Rozak asked if staff received any feedback had been received from the development community and Mr. Paddock answered their current position is to have no conservation design option but only the PUD method. They believe the PUD method provides sufficient means for accomplishing the goals embodied in the LRMP for realizing the integration of conservation design principles within subdivisions.

Mr. Steve Gregory – (the municipal outreach chairman for the Southwest Suburban Homebuilders Association and Will-Grundy County's Homebuilders Association.) Mr. Gregory stated that prior to today's meeting what Mr. Paddock has stated was their position but after hearing the changes proposed today those changes are exactly what they have been asking for in terms of clarification. The new proposed changes are a huge step forward.

Mr. Gregory would like an opportunity to review the proposed changes but it seems much closer to what the development community has been asking for. Their position always was to handle conservation design as it was handled in the past under a PUD.

Mr. Lazzara explained that Mr. Dubois was passing out letters to the Committee from Ders Anderson from The Open Lands Project and Cory Crawford of The Will County Forest Preserve District.

Mr. Lazzara referenced Mrs. Rozak's question if we had diluted our process down so much that we are not doing a service to the conservation community. Some items have been negotiated down but Mr. Paddock requires staff to have a series of bullet points and arguments as to why these suggestions are good for the conservation community.

Mr. Lazzara asked the LUDC if the March 24<sup>th</sup> meeting could be moved to March 3<sup>rd</sup> at 10:30 due to a conflict for Mr. Joseph and the Committee stated it would not be a problem.

## **REPORTS**

Katrina Deutsche encouraged the Committee to read the letter provided by the Will South Cook Soil and Water Conservation District.

Mrs. Deutsche stated she felt the conservation community should also have a chance to speak since the development community was able to.

Neil Pellman – (professional engineer and resource conservationist for the Will South Cook Soil and Water Conservation District) presented attachment #1 into the record.

Chairman Weigel thanked Mr. Pellman for his comments and asked staff to take them into consideration.

Mr. Lazzara asked Mr. Pellman about the working agreement he referred to and he replied the District had just become aware of a website that the conservancy has. Mr. Lazzara asked Mr. Pellman if he had contacted staff regarding this agreement and he answered no. Mr. Paddock assured Mr. Pellman that no such agreement exists.

Lynn Rotunno (Lower Des Plaines Ecosystem Partnership) presented attachment #2 into the record.

Stephanie Sheets (The Conservation Foundation) approached and thanked the County for their thoughtful consideration of the conservation design ordinance. Staff has been doing a tremendous job trying to incorporate all of the comments and be fair. Ms. Sheets explained that the Conservancy Foundation has been involved in several conservation design subdivisions, they hold some conservation easements in some subdivisions and they worked with the Tuscan Hills developer to make that a conservation –at- home community. The Conservancy Foundation has concerns about the ownership and management of open space. A standard of maintenance needs to be incorporated. A floristic quality indicator level of 35 or above for natural areas. They are concerned about the preservation of natural areas. Special Service Areas need to include some dedicated funding for natural areas particularly for conservation easements. In the management plan section of this ordinance it should state that the plan was prepared by a qualified natural areas management and landscape firm. The legal instrument section talks about several different ways to protect open space, she would like to see some type of outline for how to determine the type of appropriate legal protection of that area. The Conservancy provided a flow chart to the County approximately 2-3 years ago that gave the staff an idea of when a conservation easement might be appropriate versus a covenant or restriction and they would like to see some clearer language on that.

Chairman Weigel thanked Ms. Sheets for her comments.

Mr. Harold Liberman (resident of Green Garden Township) approached and stated he was very disappointed with the removal of conservation design and SSAs. By removing conservation design our land is all open to unnecessary flooding. Examples of this flooding are all through the different communities. It did nothing in planning future developments by not considering what happens to the water when the land is covered by cement with buildings. Water can be a very valuable asset as we need this water for the many wells in the area and we can keep some of this water by a planned planting of deep- rooted grasses which restores water to our aquifer from which the wells are supplied. To accomplish this we must require developers with PUDs to use some of their open space for these deep- rooted grasses. This practice would also reduce flooding. The SSA's should be re-installed in the conservation plan to make sure plantings are carried out. If this is done, just the fact that there is a known SSA in place the process may never have to be used to monitor the plantings, soil and

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water, which is part of Will County and is well equipped to do the job. He realizes that conservation design and SSAs have been removed because of strong opposition by the builders and developers. How about doing what is right for the people and the land of Will County by replacing conservation design and SSA. He respects the honesty and integrity of the County and believes they will do the right thing.

Mrs. Rozak clarified to Mr. Liberman conservation design and SSAs were never removed for the reasons that he stated. They were removed so they could be further reviewed. These items were just not voted on with the other part of the subdivision ordinance. It is being worked on, it was never taken out.

Mr. Liberman stated that he just wanted to make sure it is put back in.

Stacy James (Prairie Rivers Network) presented attachment #3 into the record.

**ADJOURNMENT**

**David Evans made a motion to adjourn; seconded by Michael Wisniewski.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

The meeting recessed at 1:03