

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

**Pledge of Allegiance**

Chairman Weigel led the pledge of allegiance.

**Call to Order:**

Chairman Weigel called the meeting to order at 10:30 a.m.

**Members Present at Roll Call:**

Tom Weigel, Debbie Rozak, David Evans (arrived at 10:33), Katrina Deutsche, Michael Wisniewski, Kathleen Konicki and Sharon May.

**Members Absent:**

**Staff Present:**

David Dubois, Curt Paddock, Brian Radner, Mike Smetana, Karl Palmquist, Anita Wesse, Eileen Franz, Amy Munro 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 of January 27, 2009; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (6-0)

Michael Wisniewski made a motion to approve the minutes of February 10, 2009; seconded by Debbie Rozak

ALL IN FAVOR

MOTION CARRIED (6-0)

Sharon May made a motion to approve the minutes of February 24, 2009; seconded by Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (6-0)

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

**FINAL PLATS**

**TABLED ZONING CASES**

**REMANDED ZONING CASES**

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**NEW BUSINESS (ZONING CASES)**

**5809-MS2 Jarvis, Urban**

Chairman Weigel asked Mr. Smetana to open Case 5809-MS2.

Mr. Smetana asked the Committee members if they had a chance to read the memos he passed out to them and gave an overview of the case. The applicant is requesting a Map Amendment from A-1 to I-1, a Special Use Permit for an outdoor self storage facility and a Special Use Permit for an indoor self storage facility. Mr. Smetana advised the Committee that this case came before the PZC and needed five votes for approval and this case only received four so the recommendation was denial.

Staff is recommending approval of a Map Amendment from A-1 to I-1, approval of a Special Use Permit for an outdoor self storage facility with the following six (6) conditions: 1. The outdoor storage must take place within the facilities perimeter fence and at the rear of the property, behind the proposed indoor self storage facility. 2. The outdoor self storage of bulk materials and business related equipment shall be prohibited. 3. The applicant shall depict on the site development plan designated areas in which the outdoor storage shall take place. It shall be in a neat and organized fashion, not inhibiting movement through the area. 4. The outdoor storage may not be elevated on storage racks or by other means that causes the items stored to be visible above the perimeter fence. 5. The applicant must maintain a 45 –50 foot buffer of existing oaks and hickories between the storage facilities and Nature Preserve. 6. Stormwater runoff should be directed toward the road, not the Nature Preserve. This should be achieved with site grading.

Staff is also recommending approval of a Special Use Permit for an indoor self storage facility with the following six (6) conditions: 1. The applicant shall construct the fence with opaque materials such as brick, stone, architectural tile, wood or similar materials but expressly prohibiting woven wire within six months of the final building inspection approval for this site. The applicant shall not erect a barbed wire, razor concertina, electric or concertina wire fences on the property. 2. The applicant shall comply with section 8.19 of the Will County Zoning Ordinance. 3. The hours of operation for the purposed business shall be limited to 7 AM to 8PM. The applicant should post the hours of operation on the fence and the signage should be clearly visible. The signage shall comply with standards found in Section 13 of the Will County Zoning Ordinance. 4. The applicant shall submit a photometric plan to address lighting concerns raised by the Illinois Department of Natural Resources prior to issuance of a site development permit. 5. The applicant must maintain a 45 – 50 foot buffer of existing oaks and hickories between the storage facilities and Nature Preserve. 6. Stormwater runoff should be directed toward the road, not the Nature Preserve. This should be achieved with site grading.

Mr. Richard Kavanagh (attorney for the contract purchaser Mr. Jennings) approached and gave an overview of this case. Mr. Kavanagh explained that his client has a similar facility approximately one-half mile away, this is well kept and received no objections. Mr. Kavanagh asked the Committee to approve this request.

Mrs. Rozak asked about a statement from one of the letters regarding tires being dumped, fluids that may leak or be spilled and Mr. Smetana answered that it is not allowed and our Waste Services Division would be keeping an eye on the property. There are conditions and the Zoning Ordinance also enforces what can be stored.

Mr. Kavanagh reiterated that Mr. Jennings has another similar facility and there has never been a complaint or violation.

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Ms. Deutsche stated this is in her district and she drove by and does not see a problem with this request.

Ms. Konicki stated there seems to be support for the proposed use so is it necessary to rezone it to I-1, why not leave it A-1 and Mr. Kavanagh answered that it is a non-conforming lot on A-1 because it is only 3 ½ acres. Mr. Smetana explained that if the applicant wanted to do any development on an A-1 lot he would have to bring the lot into compliance.

Ms. Emily Kenny approached and explained that the properties shown on the overhead as C-2 all have homes on them and the I-2 areas are all wooded. If this parcel is changed to I-1 it would be the only commercial building close to the neighboring houses and Forest Preserve property.

Ms. Kenny stated the other facility that the applicant owns does not have outdoor storage. She commented that the lighting for the property would be seen unless the fencing was very tall as well as the RV's to be stored on the property. There is a condition that stormwater is to be directed toward the road and Western Avenue currently has one lane that is under water due to the recent rain.

Ms. Kenny explained that there is a safety concern with the additional cars this business will bring.

Ms. Konicki stated that the applicant should be required to have evergreen type screening on the outside of the fence and Mr. Smetana asked Ms. Konicki to refer to condition number one which refers to the fence requirement. Ms. Konicki asked how long ago the industrial zoning had been there and Mr. Smetana answered that the factory has been there since the 1970's.

Mr. Dubois suggested if the Committee wanted to suggest specific landscaping material it could be included in the conditions. Otherwise staff will review this under the existing ordinance for compliance.

Chairman Weigel asked Ms. Konicki if she wanted to make a motion for additional landscaping and Ms. Konicki answered yes, she would like to see, on the outside of the fence, evergreen landscape screening to grow to a minimum height of twenty (20) feet at grow out. When installed they should be a minimum of five (5) to six (6) feet tall surrounding the entire property.

Mr. Kavanagh explained that the property is over 600 feet deep and 234 feet wide. This would be more than 1/3 of a mile of evergreens. If screening is required all the way around this would be totally un-economical.

Mr. Wisniewski stated if we were to require the property owner to plant evergreens what is the growth period, it could take 10-15 years. Mr. Smetana explained that there are requirements in our Landscape Ordinance that require a minimum size when planted.

Ms. Konicki asked what our Landscape Plan required and Mr. Dubois explained that the landscape ordinance requires a minimum of no more than 25% of any particular species. It does specify particular screening requirements from certain adjacent uses.

Ms. Konicki suggested to Ms. Kenny that she might work with the neighbors to come up with a suggestion for screening that would be acceptable and bring it forward.

Mr. Evans asked what staff's recommendations are and Mr. Smetana answered staff recommends approval with conditions.

Chairman Weigel asked Ms. Konicki if she wanted to add a condition for additional screening on the north side of the property and she answered yes.

Mr. Kavanagh stated he is concerned about the amount of screening they have no problem with planting some trees to screen from the one home to the north and the applicant has agreed to leave a 45-50' buffer of existing oaks and hickories between the storage facilities and Nature Preserve.

Ms. Konicki advised Mr. Kavanagh that she would appreciate it if he worked with staff to come up with some upgraded screening for the north side and front of this parcel.

Mrs. Elsa Johnson (neighbor to the north) she approached and explained her concern is that there are no fire hydrants on Western Avenue. She wanted to know what would happen if there were a fire on this property because they will store propane tanks, etc. Mr. Smetana explained that hazardous materials are not allowed to be stored in self storage facilities by ordinance in Will County and Steger Estates Fire Protection District responded with a list of concerns, if the applicant gets approval and applies for the building permit it cannot be issued until the Steger Estates Fire Protection District signs off on the permit. The Land Use Department will have full review authority over this as well.

Mrs. Johnson stated the Steger Estates Fire Protection District submitted a letter expressing their concern for no fire hydrants on Western Ave and Mr. Smetana stated there is no mention of fire hydrants in that letter, however, the Fire District wants any office/common area to be sprinklered.

Ms. Konicki stated this applicant may run a good business but maybe another condition that would limit the term of this special use, make it run with the landowner rather than with the land so that in the future it would not become a nuisance use on this property.

Dr. Jasper Robinson (neighbor to the north) he explained that he has lived in this area for the last eleven years. His objection is that this proposed use will lower his property values and be an eyesore. He is also concerned about the possibility of a fire on the property.

Ms. Suzy Critchett (neighbor) approached and explained her concern about the outdoor storage of RV's because they have propane tanks and if the RV's are motorized they would have hydraulic fluid, diesel fuel or gasoline. Mrs. Rozak asked Mr. Smetana if the RV's would be empty and he answered that he was not sure but explained that if there are spills or leaks from vehicles they must be cleaned up immediately.

**Michael Wisniewski made a motion to approve to add a seventh condition "that staff would work with the property owner to put in some basic landscaping that staff feels would be appropriate; seconded by Katrina Deutsche.**

**ROLL CALL VOTE: Weigel, Rozak, Deutsche, Evans, Wisniewski voted "yes" Konicki voted "Pass" and May voted "no".**  
**MOTION CARRIED (4-1-1)**

**Michael Wisniewski made a motion to approve a Map Amendment from A-1 to I-1; seconded by Debbie Rozak.**

**MOTION CARRIED (4-1-1)**

**Debbie Rozak made a motion to approve a Special Use Permit for an outdoor self storage facility with the seven (7) conditions as listed above; seconded by Michael Wisniewski.**

Ms. Konicki asked to amend the outdoor storage so that it stays with the owner not the land. Chairman Weigel asked if anyone wanted to second Ms. Konicki.

**Ms. Konicki made a motion to amend Mrs. Rozak's motion to add an extra condition to the Special Use Permit. The Special Permit for outdoor self storage travel with the owner not with the land. There was no second.**

**MOTION CARRIED (5-2)**

**Debbie Rozak made a motion to approve a Special Use Permit for an indoor self storage facility with the six (6) conditions as listed above; seconded by Katrina Deutsche.**

**MOTION CARRIED (5-2)**

**5812-M Municipal Trust and Savings Bank**

Chairman Weigel asked Mr. Smetana to open Case 5812-M.

Mr. Smetana gave a brief overview of this case. The applicant is requesting a Map Amendment from A-1 to E-2.

Staff is recommending approval of this request.

**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 (7-0)**

**5813-MS Homolka**

Chairman Weigel asked Mr. Palmquist to open Case 5813-M.

Mr. Palmquist gave a brief overview. The applicant is requesting a Map Amendment from A-1 to C-1 and a Special Use Permit for floodplain development.

Staff is recommending approval of the Map Amendment and approval of the Special Use Permit for floodplain development with the following four (4) conditions: 1. The site plan shall meet all requirements of the Will County Stormwater Management Ordinance and the Will County Water Resource Ordinances. 2. The underground stormwater detention facility shall be placed in a drainage and detention easement granted to the County of Will and the Township of Manhattan. 3. Compensatory storage shall be provided at a 1:1.25 ratio at hydraulically equivalent elevations, shall drain freely and openly to the floodplain, and shall be placed in a drainage easement granted to the County of Will and the Township of Manhattan. 4. The underground stormwater detention facility shall be installed in accordance with manufacturer's specifications, and a long-term maintenance and funding plan shall be submitted in accordance with the Will County Stormwater Management Ordinance.

**David Evans made a motion to approve a Map Amendment from A-1 to C-1; seconded by Debbie Rozak.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**Michael Wisniewski made a motion to approve a Special Use Permit for floodplain development with the above listed four (4) conditions; seconded by David Evans.  
ALL IN FAVOR** **MOTION CARRIED (7-0)**

**PREAUTHORIZATION TO FORECLOSE**

**Fairway Lakes Est PUD, Phs I & Phs II**

Anita Wesse advised the Committee that staff recommended preauthorization to foreclose on Fairway Lakes PUD Phases I and II in Green Garden Township in the amount of \$582,783.78.

**Kathleen Konicki made a motion to approve preauthorization to foreclose on Fairway Lakes Est PUD, Phs I & Phs 2, Green Garden Township in the amount of \$582,783.78; seconded by David Evans.  
ALL IN FAVOR** **MOTION CARRIED (7-0)**

**OTHER BUSINESS**

1. **Proposed Zoning Ordinance Text Amendments for Special Use Permits to remain A-1 (Planner Franz)**

Mr. Dubois informed the Committee that this is a very complex text amendment and staff would like to defer further discussion on this until the Subdivision Ordinance process is further along. The Committee concurred with this recommendation.

2. **Text Amendment discussion for contractor's shops and yards (Planner Franz)**

Mrs. Franz explained that this is an attempt to make some clarifications in the I-1 and I-2 zoning districts. There currently are no definitions for contractor's shops or contractor's yards in the zoning ordinance. Staff did research and came up with a definition for both. Currently contractor's yards are a permitted use in the I-2 district and not addressed at all in the I-1 district. Staff is proposing to allow contractor's shops (as defined in the definition provided to the Committee) as a permitted use in the I-1 zoning district and allow contractor's yard (which would be similar to outdoor storage) as a special use in the I-1 zoning district. Staff is also proposing to add contractor's shops as a permitted use in the I-2 zoning district. Right now the ordinance just allows contractor's yards.

Staff is asking to go to public hearing with the two definitions of contractor's shops and contractor's yard and the two changes in the text in the I-1 and I-2 district.

Chairman Weigel asked to amend the definition of contractor shop to include excavating businesses.

**Chairman Weigel made a motion to include excavating businesses in the definition of contractor's shop;**

Conservation ensued regarding Chairman Weigel's motion.

Mrs. Franz explained that two people have applied for Special Use Permits for excavating businesses in the I-1 district to store some of their equipment outside and to use the inside of their building as an office and for storage of some equipment as well. The Board has granted Special Use Permits in I-1 in the past.

Mr. Dubois asked the Committee to note that the proposed changes would authorize equipment be stored on the interior of a building. It would require a Special Use Permit in the I-1 zoning district to authorize storage on the exterior of the building.

Ms. Konicki stated that with Chairman Weigel's amendment it would require indoor storage of this excavating equipment and Mr. Dubois answered yes within the I-1 zoning district, in the I-2 zoning district it would be authorized by-right as a permitted use.

**Seconded by Mr. Evans.  
ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**David Evans made a motion to approve the amended proposed changes and definition for contractor's shops and yards; seconded by Debbie Rozak.  
ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**3. Text Amendment discussion for fortune tellers (Planner Franz)**

Mrs. Franz explained that currently the zoning ordinance does not have a definition for fortune telling businesses. Staff is proposing to add a definition for fortune telling businesses and to allow it as a permitted use in the C-3 commercial district. Staff is asking permission to take this to public hearing.

Ms. Konicki asked why this is not in the C-1 district and Mrs. Franz answered that she did research on this with the surrounding counties and municipalities and the only place that she could find that permitted it was the Village of Plainfield and it is permitted in their B-3 district, which is similar to our C-3 district.

Mr. Dubois explained that within the C-1 district the zoning ordinance identifies the purpose of that district is more for the convenience of goods and personal service for the daily needs of local residents.

**Kathleen Konicki made a motion to approve the proposed text amendment changes and definition;  
seconded by David Evans.  
ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**4. Brown Cemetery Landmark Nomination (Custer Township) Munro**

Ms. Munro gave an overview of this landmark nomination. Jonathan Brown who was a Civil War veteran is buried in this cemetery. This is a pioneer cemetery with reports and records that indicate there are approximately 20 burial sites. This cemetery was nominated under three of the twelve criteria of the Will County Historic Preservation Ordinance. The property is owned by Custer Township and they maintain it.

Mrs. Rozak asked Ms. Munro what this designation does to the landowner's property and Ms. Munro answered that it does not impact the property any more than the cemetery currently does.

Ms. Konicki publicly thanked Denise Issert (a Will County Historic Preservation Commission Member) for nominating this cemetery.

Ms. Munro stated Mrs. Issert's husband is actually related to Jonathan Brown.

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**Kathleen Konicki made a motion to approve designating the Brown Cemetery as a historic landmark; seconded by Debbie Rozak.**  
**ALL IN FAVOR** **MOTION CARRIED (7-0)**

**5. Zoning Ordinance Text Amendments – Sec. 16- Definition of height for an electric-generating wind device (Planner Radner)**

Brian Radner explained that what this does is correct the definitions that were identified for electric generating wind devices. There were two inadvertently included when the ordinance was passed last year, this would correct that. The intended definition is in place now.

Ms. Konicki asked if this proposed amendment would select the more generous of the heights and Mr. Radner answered no. There is a conflicting provision law and the most- strict provision applies. Mr. Radner explained that this amendment allows the shorter.

**Kathleen Konicki made a motion to approve the proposed zoning ordinance text amendments to Sec. 16 – definition of height for an electric-generating wind device; seconded by Michael Wisniewski**  
**ALL IN FAVOR** **MOTION CARRIED (7-0)**

**REPORTS**

Mr. Dubois reminded the Committee that the next meeting is scheduled for March 24, 2009 at 10:30 a.m. The purpose of that meeting is to continue discussion on the open space management with and he thanked the Committee for their patience and commitment.

**ADJOURNMENT**

**Kathleen Konicki made a motion to adjourn; seconded by David Evans.**  
**ALL IN FAVOR** **MOTION CARRIED (7-0)**

The meeting recessed at 11:31