

**MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
FEBRUARY 9, 2010**

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

Tom Weigel, Debbie Rozak, Kathleen Konicki, Katrina Deutsche (arrived at 10:35) and Brian Smith.

Members Absent

Sharon May and Michael Wisniewski.

Staff Present

Brian Radner, Curt Paddock, David Dubois, Derek O'Sullivan, Eileen Franz, Patricia Cline and Thomas Carroll.

State's Attorney Present

Melanie Manning.

Others Present

Approval of Minutes

Brian Smith made a motion to approve the minutes of January 12, 2010, as presented. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

New Business (Zoning Cases)

5889-M

Chairman Weigel announced the case. The applicants are requesting a map amendment from A-1 to E-2.

Eileen Franz stated the applicants are Charles and Catherine Butcher. They are requesting a map amendment from A-1 to E-2 on a 21.22-acre parcel located in Wesley Township. The purpose of the request is to bring the property into compliance with the Will County Zoning Ordinance.

Eileen Franz stated the subject property is made up of six original lots of record of the Thomas J. Divens Subdivision that was platted in 1903. The applicants intend to rezone the property and create new lots by moving the lot lines of the original six lots. When the Subdivision was platted, Walton Road bisected the subdivision. Walton Road was recently vacated and the land was added to three of the parcels. A new road was created that runs diagonally through the north half of the property. They would have adequate frontage to create six (6) lots, but no more than six.

Mrs. Rozak asked if the applicant has to show how he intends to plat the parcel at this time. Mrs. Franz said they don't have to go through the subdivision process at this time, but they do have to fill out a form that staff looks at with the site plan that they will use when they get the new pin numbers.

Debbie Rozak made a motion to recommend approval of a map amendment from A-1 to E-2 for Case 5889-M. Kathleen Konicki seconded the motion.
ALL IN FAVOR **MOTION CARRIED (5-0)**

5890-SV2

Chairman Weigel announced the case.

Eileen Franz stated this is a property on Lorenzo Road in Wilmington Township. The applicants intend to tear down the existing residence and rebuild. They were granted two variances at the Planning and Zoning Commission and they are also requesting a special use permit for floodplain development.

Chairman Weigel asked the Committee if they had any questions.

Debbie Rozak asked if they are doing this because of all the flooding they've been having. Mrs. Franz responded, she believed they will be elevating up.

No objectors were present.

Debbie Rozak made a motion to recommend approval of a special use permit for floodplain development for Case 5890-SV2 with one (1) staff condition. Katrina Deutsche seconded the motion.
ALL IN FAVOR **MOTION CARRIED (5-0)**

Pre-Authorization to Foreclose

Rolling Acres – WH - \$288,616.25

Thomas Carroll stated this is a 30-lot subdivision in Wheatland Township. Their letter of credit is due to expire March 5th, 2010. Staff has been working with the developer to get a new letter of credit in place before the expiration. The pre-authorization to foreclose would allow them to foreclose in the event he doesn't supply the letter of credit by the 5th.

Katrina Deutsche made a motion to approve a pre-authorization to foreclose for Rolling Acres in Wheatland Township. Debbie Rozak seconded the motion.
ALL IN FAVOR **MOTION CARRIED (5-0)**

Other Business

Swimming Pool Text Amendment

Eileen Franz stated, at the request of the Committee, staff started doing some research on the zoning ordinance requirements for swimming pools. Other zoning ordinances were reviewed and a set of text amendments have been drafted to address these concerns. Back in 1998, setbacks were added to the zoning ordinance for swimming pools. Twelve feet (12') are required from any structure and ten feet (10') from property lines. Additionally, pools are not allowed within a front yard setback; which can pose a problem with lots that have double frontage. Staff often deals with pools as violations after they have been installed without a permit. When an applicant doesn't come in ahead of time and apply for a permit staff doesn't have the ability to advise them of the setback requirements. Often when they come in to rectify their violation by applying for a building permit, staff realizes they are in one or more of the required setbacks. The applicant either has to relocate the pool or apply for a variance.

Brian Radner stated the proposed text amendments pertain to Section 8.7-5 Swimming Pool Regulations of the Will County Zoning Ordinance. Staff is recommending the following changes.

~~**e. All electrical devices used or connected to all pools must be grounded.**~~

Mr. Radner said this is already a building permit requirement anyway, so it's not necessary to have it in there.

e. No swimming pool shall be nearer than **eight (8)** ~~twelve (12)~~ feet to the closest building.

It is suggested that in f. the swimming pool setback requirements be changed from ten (10) feet to five (5) feet, exclusive of any and all easements, and not located in the front yard. Staff would recommend the following be added in cases where a double frontage or triple frontage may exist; **In cases where a lot has more than one (1) front yard, the Zoning Administrator shall have the authority to determine if a swimming pool can be in one or more of the front yards. In no case shall a swimming pool be placed closer than ten (10) feet from a front lot line.**

This concludes the recommended changes to Section 8.7-5.

Mr. Radner stated in **Section 14.8-4 Authorized Variations**; staff would recommend adding a Number 18 as follows:

18. To reduce the applicable property line setback or applicable structure setback required for a swimming pool allowed herein.

This may expedite the process by reducing the setback requirements; in line with what is going on in other areas of Will County. Also, variance requests of this type would no longer have to go to the County Board. They would just have to go to the Planning and Zoning Commission.

Kathleen Konicki asked if PZC denied the variance would there still be an appeal process whereby the applicant could go before the Land Use Committee and Mr. Radner; responded, yes.

Mr. Radner stated that every variance case must go before the Planning and Zoning Commission within ninety (90) days of acceptance of their application.

Chairman Weigel proposed the following:

g. In determining the location of the swimming pool a site land survey is not necessary if the property owner knows the location of property lines and/or has a subdivision plat to reference for property line locations and the adjacent property owners do not dispute the location of the property lines.

David Dubois stated plats of survey are required for all building permits. Even though someone may have a plat of survey for the subdivision, it may not show existing structures on the property. A plat of survey is to scale, as well. It also shows all easements, property line setbacks, as well as, existing structures on the property. Mr. Dubois recommended a plat of survey continue to be a requirement.

Melanie Manning advised against doing away with the plat of survey requirement.

Eileen Franz noted the procedures for pool variances are the same as for any other variance. The process is the same.

Brian Radner said Land Use allows a site plan marked to scale; and a copy of the original plat of survey with the proposed structure indicated on the plat is acceptable. A new survey is not required.

Kathleen Konicki noted we're trying to make it a little more affordable for the public. Mrs. Franz noted that the first variance costs \$550.00 & \$100.00 for each variance, thereafter. Ms. Konicki asked if staff finds it easier to do a variance for an above ground pool than they do for other variances. Mrs. Franz stated, not necessarily. Staff still has to prepare a staff report, make the copies and do the mailing associated with it; verify adjoining landowners. It's about the same as any other variance. Staff is hoping there will be less need for variances with the reduced setbacks.

Brian Radner noted there is a safety issue involved. Especially with in-ground pools, you want to make sure they are a safe distance from electrical and they also place pressure on the ground surrounding the residence.

David Dubois stated the applications are dealt with on a first come, first served basis and that fifteen (15) days prior notification to adjoining property owners and publication is required. Applicants are placed on the first available agenda. Notice and posting requirements have to be met.

Brian Smith and Debbie Rozak agreed that staff try to be as accommodating as possible to the public. Debbie Rozak stated a 90-day turn-around time is acceptable.

Katrina Deutsche made a motion to move the Swimming Pool Text Amendments forward as presented. Debbie Rozak seconded the motion.
ALL IN FAVOR **MOTION CARRIED (5-0)**

Land Resource Management Plan Update (Duesing)

Brian Radner stated that Colin Duesing had given a presentation at the January meeting and had solicited some recommendations. Mr. Radner asked the Committee if they had a chance to review what staff had identified as possible changes to the Land Resource Management Plan (LRMP). Mr. Radner asked the Committee if they had any changes to the text staff recommended.

Chairman Weigel and the Committee are in agreement with staff on the changes to the text.

Mr. Radner stated the second thing we need to look at are the meeting locations. Back in January, Colin had noted four (4) possible meeting locations where expected higher growth may occur. Eastern Will; Will Township Hall, East-Central; Green Garden Township Hall, Central Will County being Manhattan Township Hall and Southwestern Will County being Wilmington-Wilmington City Hall. These have been identified as places where staff can engage the public and solicit comment on some of their ideas.

Chairman Weigel thought Wilmington and Green Garden are somewhat close in proximity. Perhaps Joliet may be a better location. Mr. Radner stated that areas where there is very little undeveloped area have much less participation.

Debbie Rozak suggested possibly Elwood. It was noted that the Will Township Village Hall is very small.

Mr. Radner stated that it seems that staff should then look at Washington, Green Garden, Elwood and Wilmington. Debbie Rozak noted that Elwood has a brand new Village Hall.

Mr. Radner discussed proposed map changes. He noted the current format was approved in 2002. Map changes were made considering the growth and expansion that has occurred in various areas. The Committee agreed that staff should go with all four (4) options, as proposed by staff.

Regional Water Supply/Demand Plan for Northeastern Illinois

Howard Hamilton stated this would be the last report on Phase 1. Meetings have been taking place since 2006. The Regional Water Supply Planning Group (RWSPG) on which Mr. Hamilton represents Will County has been provided with the final version (10) of the Northeastern Illinois Regional Water Supply/Demand Plan (Looking Out to 2050). The Plan is being prepared by the Chicago Metropolitan Agency for Planning (CMAP). Mr. Hamilton provided some of the background on the RWSPG to allow Land Use & Development Committee members and the Will County Board to provide a resolution of support for the report.

Mr. Hamilton referred to page 5 that talks about voluntary action by four different groups; the State of Illinois through existing state agencies, CMAP, County Governments and Public Water Suppliers. A set of guidelines follows that was modeled after a report that was done in Texas and areas further west. They are:

1. Political leadership,
2. Stakeholder involvement in the planning and implementation stages,
3. A detailed policy outlining goals and conservation measures,
4. Detailed water use data, demand forecasting, and monitoring,
5. Stable funding sources for water conservation initiatives,
6. Sufficient staff and technical assistance to implement the program, and
7. Broad-based education and outreach.

Mr. Hamilton stated there are thirteen measures which have responsibilities for each of those stakeholders referred to earlier. They are:

1. Conservation Coordinator, pages 140-142
2. Water Survey Program for Single-Family and Multifamily Residential Customers, pages 142-144
3. Residential Plumbing Retrofit, pages 144-146
4. System Water Audits, Leak Detection, and Repair, pages 146-147
5. Metering with Commodity Rates for New Connections and Retrofit of Existing Connections, pages 147-149
6. Residential High-Efficiency Toilet Replacement Program, pages 149-150
7. High-Efficiency Clothes Washer Rebate Program, pages 150-151
8. Water Waste Prohibition, pages 152-153
9. Large Landscape Conservation Programs and Incentives, pages 153-155
10. Conservation Programs for Commercial, Industrial, & Institutional Accounts, pages 155-158
11. Wholesale Agency Assistance Programs, pages 158-159
12. Public Information, pages 159-161
13. School Education, pages 161-162

Mr. Hamilton stated the County Board adopted Resolution 09-367 RE: Regional Water Supply Planning Group, on November 19, 2009 to address concerns that sections in Version 9 of the report published last October were straying from Executive Order 2006-1. Version 10 has been added to the resolution to discuss the current version of the report.

Mr. Hamilton stated staff feels the report is ready for Committee endorsement.

Mr. Hamilton referred to the last four Whereas's on page 18; ...

In the Executive Summary of the Report it states, "It is beyond the scope of this initial planning cycle to make recommendations aimed at changing the existing governance structure for water supply planning and management."

Mr. Hamilton stated they are talking about changing the laws of the state. Executive Order 2006-01 states don't change the laws; work with the current laws you have. The next whereas states..."The Plan depends entirely on voluntary action and cooperation among those entities identified by

recommendations”. They are saying we should be voluntarily cooperating. Further down, they talk about high density development using less water than low density development. Staff really doesn’t see the scientific basis for that. On page 19, they have come up with two resolutions; 1) that endorses the resolution as a reference document for use by the County in consideration of land and water resources planning decisions; and 2) that the preambles of this resolution are incorporated herein as if fully set forth. Staff would recommend implementing the recommendations of that subject to the limits of the Executive Order.

Chairman Weigel opened the floor for discussion and comment.

Kathleen Konicki asked how the proposed resolution differs from the one previously adopted. Mr. Hamilton stated representatives of the stakeholders vote. All that goes in the record is that Will County voted, yes. All the individual issues go into the record as how Will County feels; yes, we like the report. Keep it as information and not a set of new laws and regulations. Provided that state funding is forthcoming, they will then go on with the next phase.

Kathleen Konicki asked Mr. Hamilton to work with her to draft language to go forward to the Executive Committee.

Brian Smith made a motion to recommend the Land Use & Development Committee support Phase 1 of the RWSPG Report as presented by staff. Debbie Rozak seconded the motion. MOTION CARRIED (4-1) (KONICKI VOTED NO.)

Adjournment

Debbie Rozak made a motion to adjourn the meeting. Kathleen Konicki seconded the motion. ALL IN FAVOR MOTION CARRIED (5-0)

The meeting adjourned at 11:45 a.m.

