

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

Pledge of Allegiance

Chairman Weigel led the pledge.

Call to Order

The meeting was called to order at 10:30 a.m.

Members Present at Time of Roll Call

Four members were present at time of roll call.

Tom Weigel, Debbie Rozak (arrived at 11:00), Kathleen Konicki, Katrina Deutsche and Sharon May.

Members Absent

Michael Wisniewski and Brian Smith were absent.

Staff Present

Amy Munro, Brian Radner, Curt Paddock, David Dubois, Derek O'Sullivan, Eileen Franz, Michael Smetana, Patricia Cline, Raymond Semplinski and Thomas Carroll.

State's Attorney Present

Melanie Manning.

Others Present

Ed Marcin and John Vebber, Real Estate Manager from Clear Channel Outdoor. Jim Perry from Lamar Advertising. Matt Cullen.

Approval of Minutes

Sharon May made a motion to approve the minutes of January 26, 2010, as presented.

Katrina Deutsche seconded the motion.

ALL IN FAVOR

MOTION CARRIED (5-0)

Katrina Deutsche made a motion to approve the minutes of February 8, 2010, as presented.

Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (5-0)

Chairman Weigel stated there are no preliminary plats or planned unit developments.

Final Plats

Casey's Re-subdivision (LO) – Minor Final Plat

Thomas Carroll presented the request. The developer proposes to create a two (2) lot single-family residential subdivision in Lockport Township at the southeast corner of 143rd & High Road. One of the lots contains an existing house. The second lot (about two acres) is being created for a future residential house.

Sharon May made a motion to approve the Minor Final Plat for Casey's Re-subdivision in Lockport Township. Katrina Deutsche seconded the motion.
ALL IN FAVOR **MOTION CARRIED (4-0)**

New Business (Zoning Cases)

5893-M

Michael Smetana summarized the applicant's request. The applicant's are requesting a map amendment from A-1 to E-1 on an approximate 35.0174-acre parcel located in Green Garden Township.

Staff's recommendation is approval. Green Garden Township and the Village of Frankfort submitted correspondence stating no objection. The Will / South Cook Soil and Water Conservation District requests that the zoning request be denied. The subject property's LESA Score places the property in the Essential Farmland Category. Will / South Cook is opposed to the conversion of Essential Farmland.

Katrina Deutsche made a motion to recommend approval of a map amendment from A-1 to E-1 for Case 5893-M. Sharon May seconded the motion.
ALL IN FAVOR **MOTION CARRIED (4-0)**

Pre-Authorization to Foreclose

Fairway Lakes Estates PUD, Units 1 & 2 – GG - \$582,783.78

Mr. Carroll stated this is an 80-acre, 60 lot residential subdivision located at the northwest corner of Bruns Road and 88th Avenue in Green Garden Township. The current Letter of Credit is set to expire on March 30th of this year. Staff is requesting a pre-authorization to foreclose on the Letter of Credit in the event that it is not been renewed before the 30th. In addition to the request, the developer is requesting a year extension for the Letter of Credit. Traditionally, staff would extend these for six (6) months. But because of the current economic times they are requesting a year. They are set to provide a new Letter of Credit that would expire in March of 2011. Staff has requested a one year extension of the Letter of Credit, as well.

Sharon May made a motion to allow foreclosure of Fairway Lakes PUD, Units 1 & 2 in the amount of \$582,783.78. Katrina Deutsche seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Sharon May made a motion to allow a one-year extension of the Letter of Credit for Fairway Lakes PUD, Units 1 & 2 in Green Garden Township. Katrina Deutsche seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

10-01-E 2ND Variance Extension for Case 5735-MV3

Eileen Franz stated this is a variance extension request. The variances are expired. This is actually their second 6-month extension. If this one is granted they are not allowed any more extensions by Ordinance. The variance requests are as follows:

1. Variance for front yard setback from 100' to 49.1'.
2. Variance to remove the requirement of parking bumpers (Section 12.12.1-5(6)).
3. Variance to remove requirement for landscaping along the north property line (Section 12.12.1-5(13)).

Variance #2 and #3 will proceed to County Board for extension approval.

Sharon May made a motion to approve the requested variance extension for Case 5735-MV3. Katrina Deutsche seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Will County Stormwater Management Ordinance Revision

Derek O'Sullivan stated the Stormwater Management Ordinance Revision came out of meetings with the Will County Stormwater Management Committee. This revision was brought before the Land Use Committee a couple of months ago and revisions were requested to be added to the definitions of direct discharge and river frontage. Those changes have been made. It was brought before PZC last month. They recommended approval to the County Board to amend those two portions of the Ordinance. Staff is looking for the same recommendation from this Committee to the Full County Board to amend the Ordinance.

Chairman Weigel asked if any of the Committee members had any questions. He asked if anyone from the public had any comments. Hearing none, he called for a motion.

Sharon May made a motion to recommend approval of the Will County Stormwater Management Ordinance Revision to the Full County Board. Katrina Deutsche seconded the motion.

ALL IN FAVOR

MOTION CARRIED (4-0)

Will County Zoning Ordinance Text Amendments – Advertising Signs

Brian Radner stated we've been engaged in this process since about August of last year. Staff has been before the Committee on many occasions to discuss various drafts. Meetings have been held

with stakeholders, the Village of Homer Glen, Will County Governmental League, representatives from the sign industry, staff and various other individuals. A group of representatives that are against billboards were invited. Both that group and the Will County Governmental League did not choose to participate in our stakeholders group. So mainly what they had were staff, the Chairman of the Land Use and Development Committee, Clear Channel, Lamar and the Village of Homer Glen. At a January meeting of the Land Use & Development Committee, they came up with a draft that went to public hearing. That public hearing was held on February 4th. At that meeting, both Clear Channel and Lamar were present. They had a series of recommendations for additional changes to fine tune the Ordinance to make it work best for them and for the County. Those changes are listed toward the end of the document. Attachment B. In our current regulations, it states that if the sign goes without an advertisement for a year or longer it will be removed at the owner's expense. The sign companies came back to the County with a proposal that had some language along the lines: "Advertising signs shall have copy on them at all times." They guarantee us that it won't be a blank sign, but what will happen is that there will be an advertisement up there saying this billboard available or something along those lines; contact this number. Staff feels that we can live with this. We feel that's an acceptable change.

13.11(2)(i)(6) talks about upward-cast and downward-cast lighting. Currently, our Ordinance recommends downward-cast lighting. The advertising companies came to us with some information with lighting that is available now that's specifically designed for billboard purposes that can be upward cast that contains the light on the sign. It does not go off to the sides. It is specifically designed to light the sign area. Staff believes that with some changes in language we could allow upward-cast lighting on the billboard, as well. That would read something along these lines; "Externally illuminated advertising signs may be illuminated only with stationary, downward-cast, shielded-light sources that direct light solely onto the face of the sign. Light bulbs or light tubes, excluding neon, used for illuminating such signs must be shielded or positioned so that they are not visible from public rights-of-way or residential zoning districts. The goal here is to keep the light on the sign; not to have it go off the sign, up into the sky. Staff is comfortable with that language change. Mr. Radner reviewed the various changes for the Committee. Mr. Radner stated that Lamar & Clear Channel recommended changing four (4) faces to three (3) faces in exchange for one (1) dynamic display. They both would like to see the setback from residential reduced from 300 feet to 150 feet. They both suggested that advertising sign be changed to dynamic display in the sentence that references the setback. Research has been done on what other jurisdictions have been doing. Mr. Radner stated that we are still in the forefront of having some type of ordinance regulating this type of use. Specific examples were cited; particularly, in Huntsville, Alabama they are allowed to switch out the sign without giving up any square footage and removing nonconforming signs. The City of Cincinnati has a cap on replacement that means there cannot be any more signs in the city than there are right now. In their scenario, they can take down a billboard in one location and move it somewhere else they feel is more desirable. In Minneapolis, they have a four to one requirement, but they also allow billboards every quarter mile.

Kathleen Konicki stated the draft that went to public hearing was a well balanced document this is cutting some very important points out of that balanced document and tilting it to the industry. She stated that when we put a draft to public hearing and that draft came out of a stakeholder process the public hearing is for someone other than the stakeholders.

Mr. Radner stated a second stakeholders meeting was held in which Clear Channel and Lamar did participate. Unfortunately, it had to be rescheduled. Mr. Radner stated he believes it was January 13th, the day after this draft came before this committee because there was predicted a major snowstorm the week before when they were supposed to meet. Had that meeting taken place before the January 12th meeting, those comments would have been presented to this committee at that time.

Mr. Radner said they were the only participants at the public hearing. No one from the public spoke. It's up to the Committee to consider those changes proposed at the public hearing. Mr. Radner stated he is only there to present the public hearing comments and associated changes for the Committee's consideration.

Chairman Weigel stated, as far as the number of signs to change out, discussions at the stakeholders meeting; that if they are allowed to reduce it from four to three that they would provide free public service announcements on the electronic billboards during downtime on those billboards. There would be a signed agreement to effectuate that and it would be under the County Executive's Department to administer these signs. It would be available to all units of government of Will County; school districts, park districts or non-charitable organizations. Mr. Radner said this would be in addition to the other public service announcements they already do such as Amber Alerts.

In Section 13.14(3)(a), Clear Channel recommended that 30 days be changed to 180 days. This would allow more time for lease agreements to be signed. Currently, the language says a financial guarantee. Currently, the County can accept either a surety bond or a letter of credit. Mr. Radner stated we shouldn't say it's one or the other. Right now it's tougher to get a letter of credit. He thinks we should just leave it as financial guarantee and whatever it is that works out best, we find it to be an acceptable method.

Kathleen Konicki asked, as a unit of government, what gives us better protection.

Melanie Manning stated in dealing with Land Use and Highway, a letter of credit seems easier to foreclose. However, having said that, there is also in the County's Code in the statutes that says if we require a guarantee for construction projects we cannot require a letter or credit over a surety bond. There are other methods of guarantee, too. She doesn't think we have the authority to require a letter of credit to the exclusion of a surety bond. Mr. Radner stated that he thought Ms. Manning is correct.

Ms. Konicki said so State Law does not allow us to specify one over the other. Ms. Manning stated she would check on that, but she's sure you're not allowed to require a cash bond to the exclusion of letter of credit or surety bond.

Mr. Radner discussed Section 13.14(4)(c), where Clear Channel suggested that everything after them be deleted and replaced with "within the designated dwell time spot." Staff wants one message complete within itself within that dwell time spot. That is language that the companies are okay with and the staff.

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Mr. Paddock stated the intent was for Mr. Radner to first go through all the various matters that had been subject of discussion at the public hearing and then once that process was concluded, they

would of course go back to each item and the Committee would decide whether they wanted to vote on that particular matter and discussion would occur at that time about the pros and cons of each amendment. If you'd like us to continue and just conclude with the items then perhaps it would be more appropriate to return to a discussion one by one of each of them. Chairman Weigel asked Brian to continue.

Mr. Radner discussed measurement distances. Clear Channel has stated that they would like to have revised distances for meter readings for Dynamic Displays. The measurement distances of 150, 200 and 250 feet are based on the average minimum viewing distances for each type of advertising sign. Dr. Ian Lewin, a principal at Lighting Sciences in Arizona, concurs with these distances. These standards are also mentioned on the Outdoor Advertising Association of America's web page. Clear Channel submitted some language earlier that states, "Any dynamic sign would comply with any changes to the brightness and dwell time by the Federal Highway Administration or the Illinois Department of Transportation".

Regarding 13.14(4)(k); Clear Channel and Lamar has suggested the following change because it is not always possible to locate an advertising sign in the exact same place of the one that is replaced. The sign companies would like to have the availability to relocate the sign on the same parcel by a distance not to exceed 10% of the lineal frontage of the parcel or 200 feet, whichever is the lesser distance.

Ed Marcin from Clear Channel Outdoor and John Vebber, Real Estate Manager, were present. Mr. Marcin stated they received a copy of the revisions from Mr. Radner that came out of the first stakeholders meeting. They reviewed them to see how they would fit in with how this would work with the number of signs they have in the community, how everything would work from the standpoint of can they convert some of the signs into digital and also take some of the signs down.

They made some recommendations back to Mr. Radner. Another meeting was planned but due to a bad snow storm they were not able to meet. So they were directed to go back to the PZC with any revisions they wished to make and are now coming back to the Land Use Committee to discuss them. Mr. Marcin asked if anyone had any questions with the revisions Clear Channel has suggested.

Debbie Rozak said, regarding 13.14(2)(d), 300 ft. being reduced to 150 ft.; she asked Mr. Marcin if he could live with 300 ft. Mr. Marcin stated they need to look at what signs they have remaining and what signs they want to target for digital. The signs currently could be within 150 or 300 ft. of a residential district. He stated he would like to confer with the president of their office and get back to Brian on that.

Debbie Rozak asked if they would have to apply for a variance if the distance was less than 300 ft.

Mr. Radner said if the County adopted 300 ft. and there was a scenario like that, yes. They would have to apply for a variance.

Jim Perry from Lamar Advertising said his concern isn't with the proposed changes that Brian has presented. They have a situation in another jurisdiction where they have a digital sign that is within close proximity to a residential unit. It has become an issue from their perspective. From a policy perspective, they won't do it. They have to be sensitive to everything the County is dealing with and they understand all that. So from their perspective they will make sure they don't make an issue going forward any way. He agreed with Clear Channel and said he would like to go back and look at it again.

Chairman Weigel brought up discussion on public service announcements and asked Mr. Perry what his position was on that.

Mr. Marcin spoke up regarding Clear Channel Outdoor to say they would be fine to provide space available advertising to the County on boards that are converted and located in unincorporated Will County. He was contacted by Karen DeMarco of Will County 9-1-1 Emergency Telephone System. Mr. Marcin stated, using their digital boards located on Route 59, they were able to provide space available advertising from approximately November 6th of 2009 through December 31st of 2009 and also February 4th of this year to February 14th for public service announcements. They ran a campaign which basically talked about knowing your location. This means, when someone is using a cell phone to call 9-1-1, they should know where they are so they can give 9-1-1 their location. Clear Channel ran over 221,510 ten second space available ads. That equated to basically a little over \$66,000.00 for the Emergency Telephone System.

Mr. Perry stated their situation is similar to Clear Channel. They have approximately 24 digital units operating in Northwest Indiana and the Chicagoland Area. He cited an example in Crown Point, Indiana where they have one 10 x 22 digital operating. They've had it operating for about a year and over space of about four weeks been able to offer free space. There's no guarantee to it. It can't be bumped if they have a paying client. For the most part, they've been able to post everything they wanted on it. They just haven't been able to guarantee space.

Mr. Perry stated Lamar has six flips, whereas Clear Channel has eight. Their six flips are for their paying clients. They have a seventh flip for Amber Alert Public Service for safety issues. If they were going to do something for the County it would be their sixth flip. The seventh flip is a guaranteed spot for Amber Alerts, weather warnings and those types of things.

Sharon May and Kathleen Konicki had left the meeting and were no longer present.

Chairman Weigel suggested Brian and Mr. Marcin work together and bring this back at the next Committee meeting.

In answer to a question from Debbie Rozak, Brian Radner stated, in the next phase that will be coming up next month they will be discussing on-site digital billboards. You might have commercial next to residential and it will be up to the Committee to decide what setbacks are appropriate.

Fowl/Poultry on residentially zoned lots – Radner

Mr. Radner stated the Land Use Department was approached by a gentleman inquiring about allowing chickens on smaller size lots. Currently, the code says in A-1 you can have fowl and poultry, in A-2 and E-2 you are limited to twenty per acre. On an E-2 lot being two-and-a-half acres, approximately fifty may be permitted if that was the property's size. Anything smaller than that and our R classifications don't allow that type of thing. The gentleman that wants to speak on this matter today has an R-3 lot which is a 20,000 sq. ft. lot.

Mr. Matt Cullen stated he is aware no action can be taken today but he wished to address the Committee. He is requesting text amendment for the R-3 District because he believes an R-3 (20,000 sq. ft. lot) is a reasonable amount of space to raise and maintain small fowl. What he means by small fowl is about six laying hens. Mr. Cullen addressed some of the common complaints. Chickens themselves do not smell. Five laying hens produce less waste than one medium-size dog. Proper bedding in the chicken shelter eliminates odor was absorbing generated. Chicken coops in an urban center tend to be more attractive and very easy to maintain. Most chicken keepers are gardeners. Regarding noise; roosters are not necessary for egg production, which is what he is looking for; just household egg consumption. The noise from the coop is minimal. It can't be heard beyond 25 feet. The eggs are protein, nutrient intense food that he knows where it came from. Chicken manure is very high in nitrogen, which adds to compost and adds to his garden soil. It's free, organic fertilizer. He discussed mobile chicken pens that can be moved around the yard. There are no chemicals. It's all organic based pesticide and fertilizer for your lawn. An added benefit is the education and entertainment for his two young children and his many nieces and nephews that he has come tend his garden to teach them where food comes from. The responsibility we all have for what we eat and how to sustain it for generations to come. Having a small hen house is a self-contained, environmentally beneficial economical cost-effective means of producing healthy nutrient intense food. He is requesting a text amendment to have a reasonably sized flock. Mr. Cullen stated a lot of these complaints are aimed at factory farms where there are 30,000 chickens. He said he's just look for six maybe ten chickens. He asked if anyone had any questions.

Chairman Weigel asked if the chickens would always be inside of a building.

Mr. Cullen said the mobile coop and the fenced area around it are no bigger than 15 sq. ft. It's small. It's portable.

Sharon May asked about the fencing.

They're contained. They cannot fly away. You move it once or twice around the yard. A bird will take about two-three square foot per bird.

Debbie Rozak asked if it would be possible to do this as a variance.

Brian Radner stated currently there is no provision in the code that would specifically allow this type of action to take place in that zoning district. Mr. Radner stated staff is looking for direction from the Committee to see if this is something they'd like us to look at, as far as a text amendment for those districts.

Mr. Paddock stated staff is not looking for a vote at this time. They are merely asking if the Committee would like to direct staff to spend staff time on developing a text that the Committee could consider for a vote at a future meeting.

Chairman Weigel suggested Mr. Cullen get with Brian to develop something for future Committee consideration. Brian Radner said staff would prepare some text that would go through the normal process. It would be brought before the Committee for review, go to public hearing and work it through the normal process.

Contractor Registration Surety Bond Increase Consideration

Ray Semplinski stated that the current surety bond requirement is \$10,000 and remains in effect for a calendar year. This Bond insures all the work the contractor is responsible for, throughout that period. Research done regarding other authorities; both incorporated municipalities and unincorporated counties, indicated many are raising their bonds to \$20,000 to better protect their property owners.

Mr. Semplinski is requesting the Committee allow him to approach stakeholders, which would be the builders, and the contractor's associations to invite their discussion and input over the next thirty to sixty days. The results of this contact will be brought back to the Land Use Committee. Hopefully, to move forward for County Board action.

Mr. Semplinski stated currently, a \$10,000.00 bond costs a contractor \$50.00 a year. A \$20,000.00 bond would cost \$100.00 a year. Basically, an increase to the contractor of \$4.17 a month from the cost of a \$10,000.00 to a \$20,000.00.

At that point, Mr. Semplinski asked the Committee if they wished him to wait until the full committee could be present or if they have no further questions, may he proceed.

Chairman Weigel stated the Committee members were in agreement and Mr. Semplinski should proceed to contact the stakeholders.

Mr. Semplinski -updated the Committee as to progress in carrying out the direction the Land Use Committee allowed him to pursue with the extended Building services initiative. The Building Division has been working with the State's Attorney's office on a draft agreement since last September.

There will also be a reversion to previous permit application process for plan review in the County. Previously, the plan review fee was paid upon submission of the application. It appears that

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approximately 8 years ago, this process was changed. The review, as well as all other fees, began being paid at permit issuance.

Monitoring of the current procedure over a two year period has identified a costly flaw. Many hours of Commercial and Residential plans review time have been committed to a number of projects that have then been abandoned by applicants. As a result, the County's Building staff's investment of taxpayer funded review time, was not recaptured.

Reinstitution of this process will not change the fees; it will place the Plan Review fee up front. In the event, that the applicant decides not to go forward with the project; staff time shall be reimbursed. Further expenditure of taxpayer money without recapture will be at an end.

Chairman Weigel said that would be fine. They're in agreement.

Water Resource Ordinance for Unincorporated Will County – Public Hearing Draft Approval

Debbie Rozak referred to the last list of revisions wherein Section 200.3 – the exceptions for site runoff storage requirements; letter “f” where it talks about the bike trails has been moved to “i”. She asked if Derek could comment on letter “i” before they meet again. Derek said he would talk to the Forest Preserve and get their input.

Chairman Weigel asked staff if they wanted this to go to County Board this month.

David Dubois stated he had a few items to bring to the Committee's attention before they decide whether or not to have a special meeting on Tuesday. On their agenda, item #5 the Scrivener's Error, item #8 which deals with an HP grant and then the Water Supply/Demand Plan; all three of those items are scheduled to be on the County Board next week, on Thursday. So if we heard these on Tuesday, this Thursday's Executive Committee would have to save space. They are already on the County Board summary. With regard to item #7, on the agenda today, staff is looking for a draft approval to put to public hearing. That publication was going to occur mid-week, next week. So if we had a meeting on Tuesday, and you set the public hearing draft on Tuesday, we could still keep the timeline on that ordinance revision. Otherwise, if we put it off it's going to possibly delay it up to about thirty days. He then asked the Committee if they would like staff to schedule a special meeting for Tuesday with those agenda items.

Chairman Weigel said let's try to see if we can get a quorum. Mr. Dubois stated it's a 48 hour posting requirement.

Chairman Weigel adjourned the meeting at 12:00 p.m.