

MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
(Regular Meeting)
May 11, 2010

Call to Order

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

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Members Present

Tom Weigel, Debbie Rozak, Kathleen Konicki, Sharon May, Michael Wisniewski and Brian Smith.

Members Absent

Katrina Deutsche was absent.

Staff Present

Eileen Franz, Michael Smetana, Patricia Cline, David Dubois, Brian Radner, Thomas Carroll and Curt Paddock were present.

State's Attorney Present

Melanie Manning was present.

Others Present

See sign-in sheet.

Approval of Minutes

Motion by Wisniewski, seconded by Rozak to approve the minutes of April 13, 2010, as presented.

ALL IN FAVOR

MOTION CARRIED (5-0)

New Business (Zoning Cases)

5903-S2

Chairman Weigel opened discussion and asked Ms. Franz to present the case.

Ms. Franz said Manhattan Park District is the applicant. Since no representatives were currently present for the case she asked Chairman Weigel if he wished to hear the case now or move it further down on the agenda. He said he thought they could move on it.

Ms. Franz stated they are requesting two special use permits. One for events of public interest including seasonal events including banquets, weddings, farm museum, temporary event parking and a special use permit for liquor sales. This is the Round Barn Farm property. There's an older special use permit on the property that limits liquor and hours of operation. They have been requesting over the past year, year and a half, several temporary use permits for events. So this is a new special use permit so they don't have to keep coming back for the temporary permits for events and a special use permit for liquor. Each of the special use permits has conditions. The events of public interest special use permit has five conditions and the liquor special use permit has six conditions. The additional condition for liquor is that they obtain the liquor license. One of the conditions that is important has to do with the buildings on the property. Our Building Division went out and did a pre-inspection of all the structures and there is a detailed letter included in your packet on what needs to be done in the structures on the property. There is a condition that gives them until October to make the upgrades to the structures that is detailed in that letter.

Chairman Weigel asked if there was anyone there objecting to these special use permits. Chairman Weigel called for a motion.

Debbie Rozak made a motion recommending approval of a special use permit for events of public interest including seasonal events, banquets, weddings, farm museum, and temporary event parking with five (5) staff conditions:

- 1. Upon (fourteen) 14 days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in and upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit.**
- 2. A traffic control plan must be submitted within 90 days of Will County Board approval.**
- 3. Traffic control shall be provided by local police before, after and during events as requested by the Illinois Department of Transportation.**
- 4. Any structure currently located on the subject property that was not constructed by the Manhattan Park District shall be considered unfit for occupancy. Occupancy of these structures is prohibited until a Certificate of Occupancy is released by the Will County Land Use Department.**
- 5. The hours of operation shall be limited from 9:00 a.m. to 10:00 p.m.**

Brian Smith seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

Michael Wisniewski made a motion to recommend approval of a special use permit for liquor sales with six (6) conditions:

- 1. Upon fourteen (14) days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in and upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit.**
- 2. A traffic control plan must be submitted within 90 days of Will County Board approval.**

- 3. Traffic control shall be provided by local police before, after and during events as requested by the Illinois Department of Transportation.**
- 4. The applicants shall comply with the requirements as stated in the report completed by the Will County Building Division, titled Manhattan Park District Structure Assessment Site Visit, dated March 15, 2010.**
- 5. A liquor license must be obtained by the applicant.**
- 6. Hours of operation shall be limited from 9 a.m. to 10 p.m.**

Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

5904-V

Chairman Weigel opened discussion and asked Ms. Franz to present the case.

Ms. Franz stated this is a variance request for accessory storage space from 1,800 sq. ft. to 2,400 sq. ft. The applicant intends to tear down an existing shed and garage and build a new 2,400 sq. ft. garage to store his antique cars that are currently offsite. The property is zoned R-3 and the maximum accessory storage requirement in R-3 is 1800 sq. ft. The applicant was present to answer questions anyone might have.

Chairman Weigel asked if anybody was there to object to this change. Hearing no objections he called for a motion for approval.

Committee member Deutsche noted that staff recommended denial.

Ms. Franz stated this was a situation where the applicant did not identify a hardship in his application.

Chairman Weigel stated this is standard procedure. If it is not in our ordinance; they cannot recommend approval.

Committee member Rozak noted the criteria are supposed to be due to unique circumstances and she is concerned we may be setting a precedent if we keep approving these types of requests. Why do we have limits if we aren't going to follow them?

Ms. Franz said we do seem to be seeing an increase in these types of requests and they are going to look at some other locations and see if our standards are appropriate for these types of districts. We are getting a lot of people requesting variances for this.

Chairman Weigel asked the petitioner if he would like to say anything on his behalf. He did not.

Committee member Konicki commented that as long as one of the criteria is met and the quality of life of the adjacent landowners is not compromised; she does not have a problem with it.

Melanie Manning stated that in the Ordinance, 14.8-3 Standards, it does provide that findings based upon the evidence presented to it the following cases two criteria must be met:

- a. That the plight of the owner is due to unique circumstances; and
- b. That the variation, if granted, will not alter the essential character of the locality.

There is an “and,” in there, not an “or”. She just wanted to point that out.

Chairman Weigel called for a motion for approval.

Brian Smith made a motion to approve a variance for accessory storage space from 1,800 sq. ft. to 2,400 sq. ft. Kathleen Konicki seconded the motion.

ROLL CALL VOTE: Voting “yes” were Weigel, Konicki and Smith. Voting “no” were Rozak, May and Wisniewski. MOTION FAILED (3-3)

5905-M

Chairman Weigel opened discussion and asked Michael Smetana to present the case.

Mike Smetana said the applicants are requesting a map amendment from A-1 to E-2 to bring a 3-acre parcel that was recently created into compliance with the Will County Zoning Ordinance. They will also be processing a minor subdivision to be brought before this Committee for a vote in June. There were no objectors to the case. Staff recommended approval. The Planning & Zoning Commission also recommended approval.

Chairman Weigel asked if any Committee members had any comments. Hearing none he called for a motion to approve.

Motion by Konicki, seconded by Rozak to approve a map amendment from A-1 to E-2 for Case 5905-M.

ALL IN FAVOR

MOTION CARRIED (6-0)

5907-V

Chairman Weigel opened discussion on the request.

Eileen Franz stated this is a request for a variance for accessory storage space from 1,800 sq. ft. to 2,289 sq. ft. This property is located in Plainfield Township on the southeast side of Naperville Road. The applicant wants to build a 22' x 44' accessory storage building to store lawn and garden equipment and vehicles. In this case there is an attached garage on the residence. There is also a grandfathered coach house on the property that has a small attached garage, as well. The property is zoned R-3. The applicant was present for questions.

Chairman Weigel asked if any objectors were present. He asked if any Committee members wished to comment.

Kathleen Konicki referred to page two of the staff report that states the Planning and Zoning Commission shall not vary the provision of the Zoning Ordinance unless findings presented to it are based on the two criteria the Committee discussed previously. (1. That the plight of the owner is due to unique circumstances. and 2) That the variation, if granted, will not alter the essential character of the locality.) Ms. Konicki asked Ms. Manning for confirmation that even though the PZC may not vary the provisions of the Zoning Ordinance if one of the two criteria has not been proved; that it may be at the discretion of the Land Use Committee to grant the variance. Ms. Manning confirmed that to be true.

Chairman Weigel called for a motion for approval.

Motion by Konicki, seconded by Smith to approve a variance for maximum accessory structure size from 1,800 sq. ft. to 2,289 sq. ft. for Case 5907-V.

ROLL CALL VOTE: Voting "yes" were Weigel, Konicki, Wisniewski and Smith. Voting "no" were Rozak and May.

MOTION CARRIED (4-2)

5908-S2V2

Chairman Weigel opened discussion and asked Ms. Franz to present the case.

Ms. Franz said this is a request for a special use permit for floodplain development and a variance from the Stream and Wetland protection Ordinance. There are two separate pins and there is a special use permit and variance on each pin. The pipeline company is doing some work to some existing equipment on the property and they need to put a temporary bridge to get equipment to the portion of the property where they need to make the upgrades. Tom Carroll said they are actually removing and replacing the existing bridges and they need temporary access while they are working on the bridge.

Chairman Weigel asked if there were any questions by the Committee. He asked if there were any objectors to this change. Hearing none, he called for a motion for approval for the first pin number.

Ms. Konicki asked if this was for a temporary structure. Ms. Franz stated she believed so. There is a bridge that crosses the creek now and they need to put a temporary crossing on each side of the bridge to make these equipment upgrades.

Motion by Wisniewski, seconded by Smith to recommend approval of a special use permit for floodplain development for Case 5908-S2V2 for Pin #10-01-300-002 with four staff conditions:

- 1. Upon fourteen (14) days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in and upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit.**
- 2. A site development permit will not be issued until a permit is submitted from IDNR.**
- 3. A site development permit will not be issued until a permit is submitted from ACOE.**
- 4. Compensatory storage is required for all floodplain impacts.**

ALL IN FAVOR

MOTION CARRIED (6-0)

**Motion by Wisniewski, seconded by Smith to recommend approval of a variance from the Stream and Wetland Protection Ordinance for Case 5908-S2V2 for PIN #10-01-300-002.
ALL IN FAVOR MOTION CARRIED (6-0)**

Motion by Wisniewski, seconded by Smith to recommend approval of a special use permit for floodplain development for Case 5908-S2V2 for Pin #10-02-400-002 with four staff conditions:

- 1. Upon fourteen (14) days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in and upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit.**
- 2. A site development permit will not be issued until a permit is submitted from IDNR.**
- 3. A site development permit will not be issued until a permit is submitted from ACOE.**
- 4. Compensatory storage is required for all floodplain impacts.**

ALL IN FAVOR MOTION CARRIED (6-0)

**Motion by Rozak, seconded by Smith to recommend approval of a variance from the Stream and Wetland Protection Ordinance for Case 5908-S2V2 for PIN #10-02-400-002.
ALL IN FAVOR MOTION CARRIED (6-0)**

5909-V

Chairman Weigel announced the case.

Michael Smetana stated this case is also a request for a variance for accessory storage size from 1,800 sq. ft. to 3,089.55 sq. ft. He highlighted the difference between this request and the last two they just reviewed. At one time this parcel was actually two properties. Through marriage and divorce the applicant obtained deed to both properties. In the early 1990's, the applicant approached the Land Use Department to obtain a building permit for an addition on the single family residence. The property's lot width was deficient in the Will County Zoning Ordinance. At that time, the Department informed him if he combined the two parcels he would meet the required lot width and he could get his building permit for the addition. When he combined the two properties, he knocked down the second single family residence and left that detached accessory structure. In the fall, the applicant's detached accessory structure had some damage to it. He jacked up the building to replace some of the bottom plats and studs. The building collapsed while he was doing that. He had not obtained building permits for the work he had started that day. It was Thanksgiving weekend. He decided he would buy a kit and put the garage up before the snow came and then come to our department and get building permits. When he approached our department for the building permits he found that the accessory structure was over the limit. He has applied for this variance. This garage is the exact square footage as the previous garage that fell down. Because of all the circumstances he highlighted, it is his opinion that a hardship did exist. He recommended approval of this variance request. The Planning and Zoning Commission also recommended approval of the variance.

Chairman Weigel asked if there were any questions by the Committee.

Debbie Rozak asked what the fee would be when he does get his building permits. Michael Smetana said the fee for the building permit would be doubled.

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

Motion by Brian Smith, seconded by Debbie Rozak to approve a variance for maximum accessory storage size from 1,800 sq. ft. to 3,089.55 sq. ft. for Case 5909-V.

ALL IN FAVOR

MOTION CARRIED (6-0)

5910-SV

Chairman Weigel announced the case.

Eileen Franz presented the case. This is a request for a special use permit to remain A-1. The applicant has a 38,000 square foot lot on Tulley Road. He intends to tear down his existing garage and rebuild it. The property needs to be brought into compliance before any building permits can be issued. That is why the special use permit to remain A-1 is being requested.

Kathleen Konicki said so he is less than an acre but he wants the ten acre zoning. Ms. Franz said a condition has added to limit him to the E-2 uses, which has been past practice that they have been doing. He is also limited to the R-2A site and structure requirements. So he really doesn't have A-1 zoning. He has a high grade of E-2 and R-2A. He wouldn't be able to have any animals because he doesn't have an acre. This is a situation where the Townships don't like to see estate or residential zoning coming in and that's why he requested the special use to remain A-1.

Ms. Konicki said once you put that zoning on there, administratively, it's very hard to keep track of. It's better to have the zoning match the uses. She said she can't support it.

Chairman Weigel asked if there were any other questions.

Ms. Rozak stated she understood where Ms. Konicki is coming from but in this case, if you look at the map, it is totally surrounded by A-1. Ms. Rozak stated she has had a long standing relationship with Wilton since she has been on the Board and once you let something else in there is just keeps continuing and that's not what Wilton wants.

Chairman Weigel stated the Planning and Zoning Commission recommended approval. He asked if anyone else had any comments. Hearing none, he called for a motion.

Sharon May made a motion to recommend approval of a special use permit to remain A-1 for Case 5910-SV with two (2) staff conditions:

- 1. Upon (fourteen) 14 days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in and upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit.**
- 2. Subject parcel shall comply with E-2 (4A.2) permitted use.**

Debbie Rozak seconded the motion.

ROLL CALL VOTE: Voting "yes" were Weigel, Rozak, May, Wisniewski and Smith. Voting "no" was Konicki. MOTION CARRIED (5-1)

CT-2009-03V

Chairman Weigel announced the case.

Michael Smetana stated this is a request for a cell tower. It has been five or six years since a cell tower zoning case has come before the Committee. Our Zoning Ordinance follows State Statutes in accordance with the Telecommunications Act of 1996. Cell towers are permitted in all zoning districts in Will County. Towers in residential zoning districts cannot exceed seventy-five (75) feet in height. Their setbacks from the nearest property line must be fifty-percent (50%) of the tower height. In non-residential zoning districts, which includes our agricultural, industrial and commercial towers are permitted up to two-hundred feet (200') in height. The setback requirement for those towers is the closest residence has to be at least the height of the tower. This property is zoned A-2. It's a rural residential site. Because it is zoned residential, the applicant's tower cannot exceed seventy-five feet (75') in height. The applicant is request that he go from seventy-five feet to one hundred and forty-four feet (144'). He does meet all applicable setbacks. Staff's recommendation is that his application does meet State Statute criteria. There were some objectors to the residential uses to the north. That road is Beverly. It is located in New Lenox. The nearest residence is five-hundred and twenty-four feet (524') from this tower. Again, staff recommended approval. The Planning and Zoning Commission also recommended approval. Staff did notify the Village of New Lenox because they are contiguous to this parcel. The Village of New Lenox has some conditions they would like the applicant to meet. They include an opaque fence surrounding the equipment and the tower. The applicant agreed to do that. They also agreed to plant Blue Spruce Evergreens around the entire lease area for the tower and equipment housing at the same time as construction to provide screening to the residences to the north.

Chairman Weigel asked if there were any questions by Committee.

Sharon May asked how many objectors were at the public hearing. Mike Smetana stated about three or four but he did not see them here in attendance today.

Debbie Rozak said there is a house on the property, right? Mr. Smetana confirmed there is a house on the property. Mr. Smetana stated when staff reviews cell towers they do not look at the setback to the residence that is on the same parcel as the cell tower because they are receiving money being leased to the tower. The nearest residential use is not on the parcel and that is five-hundred and twenty-four feet (524') from the tower.

Chairman Weigel asked if there were any objectors from the public.

Debbie Rozak asked where the objectors at the Planning & Zoning Commission meeting lived. Mike Smetana stated they all lived on Beverly. She asked why they objected to it. Mike Smetana said they objected to it because they did not want a cell tower in their backyards. Mr. Smetana stated whether this variance is approved or denied a cell tower is permitted to be constructed at that location. We're just voting on the height.

Mrs. Rozak referred to the objectors concerns stated in the statement of fact citing health issues and negative effect on property values possibly being effected by tower lights. Sharon May said she was with homeowners for two hours at the Village of Channahon the previous evening objecting to a cell tower. Mike Smetana said many times, municipalities, because they a home rule they can have stricter requirements than we can as a County. We have to follow state statute. The Village of Channahon might say we require a special use permit for every tower within village limits. We cannot do that. The State Statute does not authorize us to do that. That's one difference between municipalities and the County.

Kathleen Konicki asked Sharon May what were her concerns.

Sharon May said they didn't like the looks of the tower or that it was going to be totally in a residential area or where there is a parcel less than five acres zoned A-1 that was surrounded by residences. Someone stood up and said because of health reasons but the attorney for the Village of Channahon said that couldn't be considered because there wasn't proof that it causes health concern. Mike Smetana said it should also be known that State Statute prohibits decisions being made on cell towers because of health issues.

Ms. Rozak said so if we were to by some chance vote this down and they took it to court we would lose. Mr. Smetana said or they would construct a cell tower there seventy-five feet (75') in height.

Chairman Weigel said these things are unsightly but apparently they are necessary if people want to have mobile phones.

Mr. Smetana said this is where the proposed Silver Cross Hospital and new mall is proposed to be constructed. This location was selected to meet the demand for cell usage in the future. The applicant did discuss the area across from the new Silver Cross Hospital to put it on their property but they were not interested.

Mike Wisniewski asked if they were to deny the request would construction of a seventy-five foot tower still be viable to the applicant. Mike Smetana said that is not really feasible to the tower company any more. It needs to be higher to provide clearer coverage to the cell users. Mr. Wisniewski said but we have the seventy-five foot limit. Mr. Smetana said that is State Statute.

Chairman Weigel called for a roll call vote.

Motion by Wisniewski, seconded by Rozak to recommend approval of CT-2009-03V for a variance for cell tower height requirement from seventy-five feet (75') to one hundred and forty-four feet (144'). ROLL CALL VOTE: Voting "yes" were Weigel, Rozak and Wisniewski. Voting "no" were Konicki, May and Smith.

MOTION FAILED (3-3)

PREAUTHORIZATION TO FORECLOSE

Carlson Brothers Commercial – Joliet Township - \$117,773.13

Thomas Carroll said this is a four-Lot commercial subdivision in New Lenox at New Lenox Road and I-80. The letter of credit is set to expire in June. They are working with the developer to renew that letter of credit to authorize the County to foreclose in the event the developer does not authorize the letter of credit.

Michael Wisniewski noted the Wheatland Bank has been taken over by the FDIC. He asked does this make a difference in the process or procedures here. Mr. Carroll said they were notified of the takeover and have received the new bank contact information. Staff is working on renewing the letter of credit with the new bank.

Michael Wisniewski made a motion to approve a letter of credit in the amount of \$117,773.13 for Carlson Brothers Commercial in Joliet Township. Brian Smith seconded the motion.
ALL IN FAVOR **MOTION CARRIED (6-0)**

Preserve at Charlevoix PUD – Phase 1 – Green Garden Township - \$533,192.41

Mr. Carroll stated this is a 48-Lot residential subdivision in Green Garden Township. The letter of credit is set to expire in June. They are working with the developer to renew that letter of credit. This would authorize the County to foreclose on the existing letter of credit in the event they can't.

Debbie Rozak made a motion to approve foreclosure of the letter of credit in the amount of \$533,192.41 of Preserve at Charlevoix PUD – Phase 1 in Green Garden Township. Brian Smith seconded the motion.
ALL IN FAVOR **MOTION CARRIED (6-0)**

Extension of Effective Period of Special Use Permit for Case 5809-MS2

Mike Smetana said the applicant is requesting extension of both special use permits that were approved by the County Board on March 19, 2009. One special use permit was for an indoor storage facility. The second special use permit was for an outdoor storage facility.

Motion by Rozak, seconded by Smith to approve an extension of the effective period of the Special Use Permit for Case 5809-MS2 for an indoor self storage facility with six (6) conditions.
ALL IN FAVOR **MOTION CARRIED**
(6-0)

Motion by Rozak, seconded by Smith to approve an extension of the effective period of the Special Use permit for Case 5809-MS2 for an outdoor self storage facility with seven (7) conditions. ALL IN FAVOR MOTION CARRIED (6-0)

Will County Zoning Ordinance Text Amendment – Advertising Signs

Brian Radner stated at the April meeting of the Land Use and Development Committee staff was directed to hold a third stakeholder's meeting. One of the questions that came out of that meeting was have there been any complaints about the digital billboard located at 119th and Route 59. He contacted the Village of Plainfield and checked with our Code Enforcement Division at the office and there have been zero complaints about that digital billboard. Plainfield logs theirs electronically and so do we and they have had zero. There was a question about billboards and traffic safety. In his summary Mr. Radner stated he discusses some studies that have been conducted in Ohio and Minnesota and referenced the Virginia Tech Study. There is a pending study that is due out by the Federal Highway Association in August 2010. He pointed out that from the data collected there has been no correlation between digital billboards and an increase in traffic accidents. However, they do point out that any eye glance more than two seconds away from the roadway could cause significant impacts for accidents. In one of the studies they did a fifty mile path identified around Cleveland, Ohio and they monitored people's eye glance as they passed digital billboards. They did find there would be a tendency to glance away for a second and in that study they identified that was an acceptable glance away from the roadway. As a side note, the sign that have been up in Plainfield area, he has talked to the Traffic Sergeant at Plainfield and they have logged zero accidents at that site. This ordinance does not allow any video capabilities for digital billboards. Regulations vary from one jurisdiction to another. Locally, Cook County, Kankakee County and Lake County, Indiana permit them. The City of Joliet is considering dealing with the digital billboards. The City of Chicago permits them. There was a second question that came up. If the County were to permit them as outlined in the Zoning Ordinance, would they be liable if there were any other accidents. He contacted the State's Attorney's Office and they said the County would not be liable. Mr. Radner stated there is a series of attachments of material received from various groups and people. Attachment A is the original text amendment. Attachment B will be discussed later. A draft County Board Resolution (Attachment C). A list of communities that prohibit digital billboards (Attachment D). Comments received from the Illinois Coalition for Responsible Outdoor Lighting (Attachment E). A letter from the Federal Highway Administration referencing the anticipated Highway Study that is due out in August (Attachment F). Definitions of lighting terms (Attachment G). A map that shows various billboards and whether they are prohibited or allowed (Attachment H). Some information from one of the Illinois Coalition for Responsible Outdoor Lighting Members (Attachment I). A letter from the Village of Homer Glen (Attachment J). Letters from Clear Channel and Lamar. (Attachment K and M). Clear Channel Space Available Agreement (Attachment N) and Memorandums of Understanding for the Committee to look at. Attachment B is what they looked at during the stakeholder's group meeting two weeks ago. In Attachment B there was a series of changes that had been brought forward for additional discussion.

Chairman Weigel stated Attachment B are the changes that staff had recommended and each one was gone through and voted on separately so the main text can be amended to reflect these changes.

Mr. Radner stated, in January, the Committee approved the draft known as Attachment A. These changes in Attachment B are a series of changes that have come through stakeholder's group meetings and the public hearing. Following is a summary of the vote record of the proposed changes in Attachment B as recommended by staff.

Will County Zoning Ordinance Text Amendment – Advertising Signs

13.8(2) – Advertising signs shall have copy on them at all times.

Debbie Rozak made a motion to approve. Brian Smith seconded the motion.

Roll Call Vote: Tom Weigel voted “yes.” Debbie Rozak, Kathleen Konicki, Sharon May, Michael Wisniewski and Brian Smith voted “no.” MOTION FAILED (1-5)

13.11(2)(i)(6) – The current requirement that only downward cast lighting be used on static advertising signs remain the same and not be changed.

Kathleen Konicki made a motion to approve. Debbie Rozak seconded the motion.

ALL IN FAVOR MOTION CARRIED (6-0)

13.14(2)(d)

Motion to approve by Rozak, seconded by Smith.

Roll Call Vote: Weigel, Rozak and Smith voted yes. Konicki, Smith and Wisniewski voted no. MOTION FAILED (3-3)

13.14(3)(a)

Motion to approve by Rozak, seconded by Wisniewski.

ALL IN FAVOR MOTION CARRIED (6-0)

13.14(3)(c)

Motion to approve by Wisniewski, seconded by Rozak.

ALL IN FAVOR MOTION CARRIED (6-0)

13.14(4)(c)

Motion by Rozak to recommend the dwell time should remain at 10 seconds and not change within those 10 seconds, seconded by Smith.

ALL IN FAVOR MOTION CARRIED (6-0)

13.14(4)(g)

Motion by Rozak to approve changes as recommended by staff that our consultant recommended, seconded by Smith.

ALL IN FAVOR MOTION CARRIED (6-0)

Motion by Konicki to have staff craft language and amend this section accordingly to require that we measure in nits rather than foot candles; that the daytime brightness be a maximum of 5,000 nits and the nighttime brightness of a digital swapped out billboard that replaces a static billboard be no more nits than the static that is being replaced, seconded by May.

Roll Call Vote: Konicki, May and Wisniewski voted yes. Weigel, Rozak and Smith voted no. MOTION FAILED (3-3)

13.14(4)(i)

Motion by Rozak to approve the language as recommended by the stakeholders that references IDOT, seconded by Smith.

Roll Call Vote: Weigel voted yes. Rozak, Konicki, May, Smith and Wisniewski voted no.
MOTION FAILED (1-5)

13.14(4)(k)

Motion by Rozak to approve this change, seconded by Wisniewski.

Weigel, Rozak, May, Smith and Wisniewski voted yes. Konicki voted no.
MOTION CARRIED (5-1)

13.14(4)(g)

Motion by Konicki that we make the measurement from foot candles to nits and that staff craft language and do the calculations to amend that section accordingly, seconded by Wisniewski.

Roll Call Vote: Wisniewski, Konicki, May and Smith voted yes. Weigel and Rozak voted no.
MOTION CARRIED (4-2)

Motion by Konicki requiring that any swapped out billboards be no brighter than the static billboard that is being replaced, seconded by Wisniewski.

Roll Call Vote: Rozak, Konicki, May and Wisniewski voted yes. Weigel and Smith voted no.
MOTION CARRIED (4-2)

13.14(4)(i)

Motion by Konicki to insert the phrase “by the County” in line 5 of Attachment “A”, page 17, subparagraph (i) to read as follows: transitions, illuminations/brightness, etc.,) are modified by the County, ..., seconded by Rozak.

Roll Call Vote: Weigel, Rozak, Konicki, May, Wisniewski and Smith voted yes.
MOTION CARRIED (6-0)

13.14(4)(l) (To be added) and to 13.14(4)(g)

Motion by Konicki to amend the ordinance in the two locations mentioned to add a .1 limit to the trespass on to residential properties, seconded by Smith.

Roll Call Vote: Weigel, Rozak, Konicki, May, Wisniewski and Smith voted yes.
MOTION CARRIED (6-0)

Zoning Ordinance Text Amendments – Advertising Signs (Billboards) (As Amended)

Motion by Wisniewski to send the proposed Zoning Ordinance Text Amendments regarding Advertising Signs to County Board as amended, seconded by Smith.

ALL IN FAVOR MOTION CARRIED (6-0)

Memorandum of Understanding

Motion by Weigel, seconded by Wisniewski to recommend approval of the Memorandum of Understanding for space available advertising for public service announcements on digital billboards between the county of Will and Lamar Advertising.

ALL IN FAVOR MOTION CARRIED (6-0)

Discussion of the Open Meetings Act was discussed with regard to emails received on the subject. Mr. Radner stated there were a series of emails that were exchanged since the last Committee meeting and they are included in the Text Amendment package and they have to be part of the record, as well.

Melanie Manning pointed out that the Space Available Agreements are Memorandums of Understanding. They are not enforceable contracts. There is no consideration here. Ms. Manning noted there are some agreements regarding Amber Alerts in place already with the Sheriff's Department.

Mr. Wisniewski asked Ms. Manning if a constituent sends an email to every member on this Committee and a member of the Committee responds back to everybody on the Committee and that individual; that is technically a meeting violation.

Ms. Manning stated if you are responding and including a majority of quorum of this Committee or any Committee, the Open Meetings Act applies.

Mr. Wisniewski said so if I respond back just to the email sender....

Ms. Manning interjected, the Open Meetings Act does not apply. Because your communication is between you and a constituent.

Chairman Weigel had no reports. He asked if there were any reports from Committee members or the Land Use Director.

Mr. Radner reminded everyone that the Land Resource Management Plan Update is ongoing. They have a series of workshops and listening sessions coming up. This Thursday they will be at Jackson Township Hall, Wednesday, May 19th, they will be at Washington Township Hall. The following week, Wednesday, May 26th, they will be at Green Garden Township Hall. On June 3rd, they will be at Wilmington City Hall. Staff will be discussing the Plan history at the various listening sessions and get the feedback that some of the staff and Committee members have identified that the Department will look at. Staff will be soliciting comment on the various maps presented, as well, and then report back to the Committee.

Adjournment

Motion by Wisniewski, seconded by Rozak to adjourn the meeting.

ALL IN FAVOR

MOTION CARRIED (6-0)

The meeting was adjourned at 1:03 p.m.

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Brian Radner

From: Mike Wisniewski

Sent: Thursday, April 22, 2010 9:01 AM

To: Mike Wisniewski; Pat Cline; Amy Munro; Brian Radner; Brian Smith; Curt Paddock; David Dubois; Deborah Rozak; Derek O'Sullivan; Eileen Franz; Jim Bilotta; Karen Seeman; Kathleen Konicki; Katrina Deutsche; Melanie D. Manning; Michael Smetana; Raymond Semplinski; Sharon May; Steve Lazzara; Thomas Carroll; Tom Weigel; Ursula Kerr

Subject: Safety experts fear city's new digital billboards may cause car crashes/4/21/10

in any NEW ordinance - Can we restrict the Placements NOT to be near or at intersections?

Just as there is a growing body of research on the dangers of texting while driving, he called for local researchers

to study how much of a distraction the signs pose to people at the wheel.

Results from US studies on the issue have been mixed. The Virginia Tech Transportation Institute, which is

financed by the billboard industry, found that the displays posed no hazard in 2007.

However, the American Association of State Highway and Transportation Officials reported last year that

they "attract drivers' eyes away from the road for extended, demonstrably unsafe periods of time".

"That's my concern, that this is one more added element to the mix," Mr. Labbe said.

Abu Dhabi's preprogrammed displays draw more attention at night, and are even more hazardous at what Dr

Peter Barss, an injury prevention specialist who works with UAE University, described as "complex driving

environments" such as major intersections.

Dr Barss said the onus should be on companies profiting from the billboards to prove that they do not

imperil drivers.

"The traffic environment here is extremely high speed at a lot of places, so it seems to me the potential [for

accidents] would be high," he said.

"When you're trying to discern whether you go right or left, and suddenly there's a huge flashing sign out there

pulling your eyes away, well how many seconds can you afford to take your eyes off the road and not hit

somebody?"

Although Future Vision's three signs have video capabilities, Robert Awad, the company's media executive, said

Abu Dhabi Municipality was wary of allowing moving pictures to play above evening traffic. "They gave us the

approval to do this latest technology on one condition, to make the billboards static, not dynamic," Mr. Awad said.

"This is to avoid accidents."

Even so, it is hard to miss Synaxis Media's dynamic 224-square-metre Opulence, the largest outdoor LED sign in

the Middle East, broadcasting "TV-quality ads" just above the Marks & Spencer on Airport Road.

The Opulence can broadcast video because it is not positioned at a major intersection, said Fahad al Absi, the

founder of Synaxis.

“You can deliver six messages for the same campaign using the same space. You save six times the money,” he said of the display, which was switched on two years ago. Adverts cost Dh300,000 (US\$81,673) a month and can be viewed 600 times a day. It costs Future Vision Dh90,000 a month to operate its screens.

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However, Mr. al Absi supported strict regulation of electronic advertising placement.

“Having it face intersections where they think the ad might be more effective is not such a good idea,” he said.

“Other LEDs might seem located in a prime location, but excuse me, it’s right behind a traffic light. That can be confusing.”

Samira Ahmed, an Emirati housewife, drives by the Opulence nearly every day and has had a few close calls in traffic while watching the screen.

“The place is wrong because this is like a highway,” said Mrs. Ahmed, 46. “I almost had an accident one time because it was in the evening.”

Abu Dhabi Municipality did not respond to requests for comment, but officials with the advertising section **said this**

month that three digital billboards have had their illumination levels decreased by 10 per cent after complaints.

mkwong@thenational.ae

Michael F. Wisniewski
Commissioner_Will County, IL.

1

Brian Radner

From: Mike Wisniewski

Sent: Thursday, April 22, 2010 9:14 AM

To: Pat Cline; Amy Munro; Brian Radner; Brian Smith; Curt Paddock; David Dubois; Deborah Rozak; Derek O'Sullivan; Eileen Franz; Jim Bilotta; Karen Seeman; Kathleen Konicki; Katrina Deutsche; Melanie D. Manning; Michael Smetana; Raymond Semplinski; Sharon May; Steve Lazzara; Thomas Carroll; Tom Weigel; Ursula Kerr

Subject: RE: Digital~~~Billboards - "Keep It Simple" - Senior Planner

Research on how the signs affect driving behavior is conflicting, *and the Federal Highway Administration is expected to finish a study on the signs later this year.*

Richland County, S.C., leaders are concerned about brightness, safety and other issues raised by the new displays. “This is a new phenomenon for us,” says County Administrator Milton Pope. Columbia, the county's largest city, permits some electronic signs, and Baton Rouge, La.-based outdoor

advertising company Lamar recently asked the county to review its moratorium on new billboards.

In Fargo, N.D., discussions about smaller, on-premise signs came to a head in May after a business applied to build a large electronic display near a residential area. At that time, regulations treated the electronic signs the same as their backlit counterparts, so the city council instituted a moratorium

on new digital signs until it could consider the matter further.

The ordinance was later amended to prohibit electronic business signs within 150 feet of residential zones. Now, Fargo joins more than a dozen other

municipalities in overhauling its sign regulations to address digital displays.

Senior Planner Jim Hinderaker, who has helped guide the city's discussion on design standards and sign rules, has some basic advice for

cities doing the same. “Keep it simple,” he says. The legislation is easier to manage if the signs are clearly allowed or prohibited in certain

areas, instead of creating exceptions for different situations, he says.

Peter Barnes is a Houston-based freelance writer.

Michael F. Wisniewski

Commissioner_Will County, IL.

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Brian Radner

From: Mike Wisniewski

Sent: Wednesday, April 21, 2010 12:48 PM

To: Pat Cline; Amy Munro; Brian Radner; Brian Smith; Curt Paddock; David Dubois; Deborah Rozak; Derek O'Sullivan; Eileen Franz; Jim Bilotta; Karen Seeman; Kathleen Konicki; Katrina Deutsche; Melanie D. Manning; Michael Smetana; Raymond Semplinski; Sharon May; Steve Lazzara; Thomas Carroll; Tom Weigel; Ursula Kerr

Subject: Digital~~~Billboards & accidents

Importance: High

From: norvil@comcast.net

To: the_wizz@comcast.net

Cc: Kathleen Konicki

Sent: Wednesday, April 21, 2010 9:33 AM

Subject: Billboard Safety

Mr. Wisniewski,

I spoke at the April 13th Will County Land Use meeting against Electronic Billboards (EBB). At that meeting you were

right to raise the issue of driver safety as it relates to EBBs. The Federal Highway Administration is current performing a

study on this very issue using volunteer drivers measuring how their eyes track and how long the eyes are diverted from

the road. See:

<http://www.nytimes.com/2010/03/02/technology/02billboard.html>

http://www.usatoday.com/news/nation/2010-03-22-visual-soup_N.htm

This study will not be completed until summer. I would recommend that the County continue its moratorium on EBBs until

the FHWA has issued their report. If the report shows that EBBs do contribute to driver distraction then their could be

liability ramifications for the County.

Debra Norvil

13154 W Creekside Dr

Homer Glen 60491

Illinois Coalition for Responsible Outdoor Lighting

<http://www.illinoislighting.org>

Michael F. Wisniewski

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notify us immediately by return e-mail at the_wizz@comcast.net. We may ask you to destroy this

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Minutes
Land Use & Development Committee
May 11, 2010
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Michael F. Wisniewski
Commissioner_Will County, IL.