

**MINUTES**  
**WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE**  
**January 12, 2010**

**Pledge of Allegiance**

Chairman Tom Weigel led the pledge of allegiance.

**Call to Order:**

Chairman Weigel called the meeting to order at 10:33 a.m.

**Members Present at Roll Call:**

Tom Weigel, Brian Smith, Katrina Deutsche, Sharon May, Kathleen Konicki (arrived at 10:34) Debbie Rozak (arrived at 10:35).

**Members Absent:**

Michael Wisniewski.

**Staff Present:**

David Dubois, Brian Radner, Thomas Carroll, Derek O'Sullivan, Colin Duesing, Amy Munro, Curt Paddock, and Leigh Kelley.

**State's Attorney Present:**

Melanie Manning

**Others Present:**

See sign in sheet.

**Approval of Minutes:**

**Sharon May made a motion to approve the minutes from December 8, 2009; seconded by Katrina Deutsche.**

**ALL IN FAVOR**

**MOTION CARRIED (4-0)**

**FINAL PLATS**

1. Gilleland Estates – MA- Request to Waive Preliminary Plat and Process as Minor Subdivision

Derek O'Sullivan gave an overview of this request. The final plat before the LUDC today is in substantial conformance with the County ordinances.

There were no objectors.

**Sharon May made a motion to approve a request to Waive Preliminary Plat and Process as Minor Subdivision for Gilleland Estates; seconded by Katrina Deutsche.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

2. Lenwood Estates- PUD – PL

Mr. O'Sullivan gave an overview of this request and explained the preliminary plat was approved in July, 2009.

There were no objectors.

**Katrina Deutsche made a motion to approve a Final Plat for Lenwood Estates, PUD; seconded by Sharon May.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**TABLED ZONING CASES**

**REMANDED ZONING CASES**

**NEW BUSINESS (ZONING CASES)**

**1. 5886-V2 R&S American Investments**

Chairman Weigel asked Mrs. Franz to open Case 5886-V2. The applicant is requesting a Variance for fence height from four (4) feet to eight (8) feet in the front yard and a Variance for a privacy fence in the front yard. The intention is to effectively screen and protect the property, reduce noise and block outside lights from neighbors.

Photos of the site and surrounding zoning were displayed during the presentation.

Staff is recommending approval of both Variance requests.

**Debbie Rozak made a motion to approve a Variance for fence height from four (4) feet to eight (8) feet in front yard based upon the findings of fact; seconded by Katrina Deutsche.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

Conversation ensued regarding this case and a previous case regarding fence height. Ms. Konicki asked Mrs. Franz to send her the staff report from both cases.

**Debbie Rozak made a motion to approve a Variance for a privacy fence in front yard; seconded by Katrina Deutsche.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**2. 5887-S2 Superior Land Investments, LLC/ Drew's Lawn 7 Snow Service, Inc.**

Chairman Weigel asked Mrs. Franz to open case 5887-S2. The applicant is requesting a Special Use Permit for lawn maintenance business and a Special Use Permit for outdoor storage and parking. The purpose is to allow a lawn maintenance business with outdoor storage and parking.

Photos of the site and surrounding zoning were displayed during the presentation.

Mrs. Franz advised the Committee that she placed two memos on their desks: One is a summary of the NRI report staff received yesterday (there is a discrepancy in the soil type as compared to the soils from Will South Cook). We have on record Ozaukee soil and that is non-hydric, they have Ozaukee and another soil type and believe they are both hydric. Staff will look into this prior to the County Board meeting. The second letter is from the Highway Department confirming that they are going to allow the applicant to apply for a minor access permit.

Staff is recommending approval of a Special Use Permit for a lawn maintenance business based upon the findings of fact with the following fifteen (15) 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

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inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit. 2. With the exception of snow plowing operations, employees may not arrive at the site before 7:00 am or return to the site after 7:00 pm. 3. The applicant shall screen the outdoor storage and parking from the public right-of-way and adjacent properties. 4. The applicants shall work with the Forest Preserve District of Will County on installation of a fence along the southern property line. 5. All materials must be stored in a concrete storage bin. 6. Any materials stored within a bulk storage bin shall not be allowed to exceed seven (7) feet. 7. Any items stored on pallets shall not be allowed to exceed seven (7) feet. 8. A landscape plan shall be submitted to the Land Use Department (Planning and Zoning Division) within 60 days of County Board approval. The landscape plan shall be implemented within 3 months. 9. Open burning of waste debris and off-site generated landscape waste is strictly prohibited. 10. Landscape wastes brought to the site shall be stored temporarily within roll-off containers or trucks only, removed from the site every 7 days, and disposed of at an IEPA permitted compost facility. No more than 5 cubic yards of landscape waste may be stored onsite at any time. If more than 5 cubic yards of landscape waste is stored onsite, it must be immediately removed from the site and disposed at an IEPA permitted compost facility. Records documenting the proper disposal of all landscape waste must be maintained, and copies must be provided to the IEPA Inspector upon request. 11. No more than 10 cubic yards of woody wastes shall be stored on site at one time. 12. All bulk organic product or material shall be stored in a manner to prevent contact with runoff and runoff stormwater. Recommended actions for compliance include locating bulk storage areas out of drainage ways, swales, and low areas. 13. Provide secondary containment for storage of all chemicals, fuels, and liquid wastes (i.e. used oil, antifreeze, etc.). 14. No chemicals, fuels or liquid wastes may be stored outside. 15. The applicant shall abide by the Will County Department of Highways Permit Regulations and Access Control Regulations.

There were no objectors.

**Debbie Rozak made a motion to approve a Special Use Permit for a lawn maintenance business based upon the findings of fact with the above listed fifteen (15) conditions; seconded by Sharon May.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

Staff is also recommending approval of a Special Use Permit for outdoor storage and parking based upon the findings of fact with the following fifteen (15) 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. With the exception of snow plowing operations, employees may not arrive at the site before 7:00 am or return to the site after 7:00 pm. 3. The applicant shall screen the outdoor storage and parking from the public right-of-way and adjacent properties. 4. The applicants shall work with the Forest Preserve District of Will County on installation of a fence along the southern property line. 5. All materials must be stored in a concrete storage bin. 6. Any materials stored within a bulk storage bin shall not be allowed to exceed seven (7) feet. 7. Any items stored on pallets shall not be allowed to exceed seven (7) feet. 8. A landscape plan shall be submitted to the Land Use Department (Planning and Zoning Division) within 60 days of County Board approval. The landscape plan shall be implemented within 3 months. 9. Open burning of waste debris and off-site generated landscape waste is strictly prohibited. 10. Landscape wastes brought to the site shall be stored temporarily within roll-off containers or trucks only, removed from the site every 7 days, and disposed of at an IEPA permitted compost facility. No more than 5 cubic yards of landscape waste may be stored onsite at any time. If more than 5 cubic yards of landscape waste is stored onsite, it must be immediately removed from the site and disposed at an IEPA permitted compost facility. Records documenting the proper disposal of all landscape waste must be maintained, and copies must be provided to the IEPA Inspector upon request. 11. No more than 10 cubic yards of woody wastes shall be stored on site at one time. 12. All bulk organic product or

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**Debbie Rozak made a motion to approve a Special Use Permit for outdoor storage and parking based upon the findings of fact with the above listed fifteen (15) conditions; seconded by Sharon May.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**OTHER**

**1. Text Amendment – advertising signs (Radner)**

Mr. Radner explained that at the last LUDC meeting the Committee and staff reviewed comments from the stakeholders and the Committee made recommendations on where they would like to see the ordinance go. A second stakeholder's meeting was to be held before today's meeting but was postponed due to the weather. The second meeting will be held tomorrow. The Committee can still make a recommendation to move this forward to public hearing because there will still be opportunities for their comments to be heard at the public hearing and back at the LUDC meeting before it goes before the County Board for approval.

Mr. Radner referred to the amended schedule in the packet and mentioned a correction: the meeting scheduled for February 2<sup>nd</sup> is actually February 4<sup>th</sup>, 2010. This public hearing will be held by the PZC.

Mr. Radner then reviewed the list of changes that were made at the Committee's recommendation:

- 1 m 13.1(1)(a) – changed only one face of the sign to each sign face
- 2 13.8 - #2 added to clarify between on premise sign and advertising sign.
- 3 13.11(2)(i)(6) – changes made to illumination section. Illustrations provided.
- 4 13.14(2)(c) – changed to simplify the exchange; one foot of dynamic display sign face for every two feet of nonconforming sign face taken down. Mr. Radner explained that this actually gets rid of more square feet of nonconforming space.
- 5 13.14(2)(d) – changed to simplify the exchange; one foot of dynamic display sign face for every four feet of nonconforming sign face taken down. The section was expanded to include a 300 foot residential separation distance requirement and a provision that states that you cannot count the static sign that is being removed for a dynamic display in the calculation.
- 6 13.14(3)(a) – changed 15 days to 30 days.
- 7 13.14(3)(b) – removal of sign structure and foundation changed to one foot below grade.
- 8 13.14(3)(d) – clarified this section.
- 9 13.14(3)(e) – this section was removed to reflect a change above. With a 2 for 1 or 4 for 1 this section is no longer needed.
- 10 13.14(4)(c) - expanded for clarification. Not content control if focus is on time, place, or manner. Commentary added.
- 11 13.14(4)(g) – Consultant recommended no changes. This information is taken from the Outdoor Advertising Association of America.
- 12 13.14(4)(k) – New provision added to address improvements.

Mr. Radner explained that these changes were made to the previous draft and if the Committee approved, this could be published for public hearing on February 4, 2010.

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Ms. Konicki asked about number eleven, she wondered if any of the stake holders requested other distances and Mr. Radner answered no. The stakeholders were: The Village of Homer Glen, Mokena, The Outdoor Advertisers Association of Illinois – Clear Channel & Lamar. The anti billboard group was invited and chose not to participate. Will County Governmental League had a conflict, however, they distributed the document to all municipalities in Will County and we heard from Homer Glen and Mokena. There was no mention to make the numbers more stringent or tougher, Clear Channel asked to make them less strict and Lamar Advertising had no objection to the numbers.

**Debbie Rozak made a motion to send this forward to public hearing; seconded by Katrina Deutsche.**  
**ALL IN FAVOR** **MOTION CARRIED (6-0)**

**2. Data License Agreement with McHenry County Conservation District (Zhou)**

Chairman Weigel asked why McHenry County wanted our information.

Mr. Zhou explained McHenry County is doing some projects of a regional nature so they want some data from Will County.

Mr. Zhou explained that this is a standard Data License Agreement.

**Brian Smith made a motion to approve a Data License Intergovernmental Agreement between the County of Will and McHenry County Conservation District; seconded by Sharon May.**  
**ALL IN FAVOR** **MOTION CARRIED (6-0)**

**3. Will County Stormwater Management Ordinance Revision (Engineering)**

Mr. O’Sullivan explained that this request is for a revision to the Will County Stormwater Management Ordinance. This is a county-wide ordinance that sets a set of standards for every community. Last fall a development came through and challenged the definition section and a portion of the ordinance related to stormwater detention.

Mr. O’Sullivan gave an explanation of the revisions: 1. **Direct Discharge Site** – “Parcels of land, or portions thereof, which are immediately adjacent *and naturally drain directly* to the banks of the Des Plaines River, Chicago Sanitary and Ship Canal, DuPage River, and Kankakee River.” ~~and which are tributary to these Waterways in the natural course of drainage.”~~

**Add the following:**

**River Frontage** – “that property that is immediately adjacent to and naturally drains directly to the Des Plaines River, Chicago Sanitary and Ship Canal, DuPage River, or Kankakee River without crossing over other private or public property.”

Mr. O’Sullivan explained that staff feels that making these two revisions would shore up the loophole that was exposed.

If the Committee agrees staff would bring this revision to the February 4<sup>th</sup> PZC meeting to start the process for a public hearing and it would then come back before the LUDC for any final comments or concerns before going to the County Board.

Ms. Konicki asked why the phrase “without crossing over other private or public property” is in the definition of River Frontage but not in the definition of Direct Discharge Site and Mr. O’Sullivan gave an explanation.

Ms. Konicki stated she felt this phrase helped to make our point “crystal clear” and is there a reason it cannot be added and Mr. O’Sullivan replied that it could be added.

Ms. Konicki stated she would like to see the phrase “without crossing over other private or public property” added to the definition of the “direct discharge site”

**Kathleen Konicki made a motion to add the phrase “without crossing over other private or public property” to the definition of Direct Discharge Site; seconded by Sharon May.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**Kathleen Konicki made a motion to move the Will County Stormwater Management Ordinance Revision to public hearing; seconded by Sharon May.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**4. Designating Aldrich-Schutten House as a Historic Landmark AKA The Octagon House (Munro)**

Ms. Munro gave an overview of this request. This home met nine of the twelve criteria for landmark nomination eligibility. This home is located in Wilmington and the property owner is very enthusiastic about this nomination.

**Katrina Deutsche made a motion to approve the designating of the Aldrich-Schutten house as a historic landmark; seconded by Debbie Rozak.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**5. Draft Water Resource Ordinance for Unincorporated Will County (draft discussion/timeline)**

Mr. Dubois introduced Mr. Thomas Carroll the LUDC board. Mr. Dubois reviewed the draft schedule.

**Sharon May made a motion to approve the draft schedule for the Water Resource Ordinance for Unincorporated Will County; seconded by Katrina Deutsche.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

Mr. Thomas Carroll explained that the main intent behind the proposed revisions is to bring the Water Resource Ordinance more in line with the Will County Stormwater Management Ordinance. There are some differences between the two that lead to different interpretations. Mr. Carroll further explained that staff wants the Water Resource Ordinance to more closely mirror the Will County Stormwater Management Ordinance to take away the confusion. The majority of the changes are minor changes in format and content so that it mirrors the Will County Stormwater Management Ordinance.

Mr. Carroll highlighted the major changes:

Section 205 – A conservation design has been added. The recently revised Subdivision Ordinance now has a section on conservation design. The new section in the Water Resource Ordinance outlines the credits and the bonuses for implementing conservation design in their stormwater management.

Section 407 – The wetland section has been “beefed up”. Much more detail has been added for mitigation, buffering and the permitting process, in an attempt to bring this section up-to-date with current practices.

Section 502 – A more detailed section was added for submittal requirements associated with wetland development.

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Section 504 – Added a section regarding the submittal of record drawings for the stormwater facilities, to verify that the facilities are being constructed correctly by the developers.

Section 900 on Variances – currently the Variance section is located in the Zoning Ordinance and staff is working with the States Attorney’s Office to take it out of the Zoning Ordinance and put it in the Water Resource Ordinance; which is where it may be better served.

Mr. Carroll asked if the Committee members had any questions or comments to please email Derek O’Sullivan or himself.

Mr. O’Sullivan asked the Committee members to look at Section 908. 1 – Administrative Variances – This is something we don’t currently have in the Water Resource Ordinance. As the name implies, there are some activities that can be done through administrative variances instead of the full Special Use process. This would help streamline developments. It would not work for large developments just small projects.

### **6. Land Resource Management Plan Update (Duesing)**

Colin Duesing gave an overview of this topic. The current Land Resource Management Plan (LRMP) was adopted in 2002. Mr. Duesing stated he did not believe a total overhaul would be necessary, just some minor changes.

Mr. Duesing stated that a plan is a policy document of how we want the County to look; it is done in the form of a resolution. Zoning is how we implement that plan through the zoning ordinances, the subdivision control ordinance, etc.

Mr. Duesing explained the LRMP needs to be updated because of municipal growth, there are 150,000 new residents in Will County now and that is anticipated to increase in the next few years.

Mr. Duesing reviewed the proposed text changes to the Land Resource Management Plan (as suggested by Will County Staff)

#### **Policy Gateway**

- Update population estimates and projections
- Update to most recent Transportation Framework Plan
- Replace I-355 South Extension construction with Illiana construction
- Update to most recent Forest Preserve District of Will County bond referendum
- Consider revising or removing statement promoting the increase of minimum Agricultural lot size.

#### **Forms and Concepts Handbook**

- Add policy in Rural Forms addressing individual lots in Agricultural areas
- Add policy in Projects of Regional Impact Use specifically stating intermodal facilities should be annexed within a municipality.
- Update text to the South Suburban Airport Form to address current conditions.
- Create new form addressing small lot residential uses along Kankakee River Corridor.

#### **Open Space Element**

- Replace references to Northeastern Illinois Planning Commission (NIPC) with Chicago Metropolitan Agency for Planning (CMAP)

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- Consider revising or removing statement promoting a large central regional park
- Update to most recent Forest Preserve District of Will County bond referendum
- Update Stream & Wetland Protection statement promoting 75-100 foot setback to reference newly amended Subdivision Ordinance
- Update Greenway Overlay District to reference newly amended Subdivision Ordinance.

**Other Considerations**

Institutional Uses (Schools, government, churches) options:

- Generic statement in Policy Gateway
- Separate Use Concept
- Remain silent (*status quo*)

New Energy and Green Statements (Policy Gateway; Environmental)

- Appropriate use of land application (also Forms & Concepts Handbook; Rural Form)
- Sustainable Resources for Commercial/Industrial uses (also Forms & Concepts Handbook; Commercial/Industrial Forms)
- Wind Farms (also Forms & Concepts Handbook; Rural Form)
- Promote LEED Neighborhood Development (also Forms & Concepts Handbook; Suburban Form)

Mr. Duesing asked the Committee members to review these proposed changes and bring any questions or comments to the next meeting.

Mr. Deusing explained that he would be working on three different maps (and gave an illustration of the possibilities).

Mr. Duesing then stated he would like to take all of the suggestions forward to at least four different listening sessions to be held throughout southern and central Will County (because that is where the growth will be). With potential meeting sites of: Washington Township Hall, Green Garden Township Hall, Manhattan Township, Wilmington, Will Township, etc.

Once the meetings are concluded staff would revise the text and the maps based on the information received and come back before the LUDC Committee. If the Committee agrees with the changes provided there would be more meetings held at the same meetings sites and the changes would be shared with the attendees and if they agreed with the proposed changes staff would then begin the standard approval process (public hearings, etc).

**Katrina Deutsche made a motion to approve the schedule for the LRMP update; seconded by Kathleen Konicki.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**REPORTS, COMMUNICATIONS, CORRESPONDENCE**

Chairman Weigel advised Mr. Radner of a phone call he received regarding on- premise digital signs and Mr. Radner explained that currently the ordinance does not address on-premise dynamic digital signs. So if a property owner wanted to do something like that, they would have to apply for a Special Use Permit; which costs \$2,500. Staff is working on the on-premise sign regulations and may bring draft language forward in February for on-premise sign regulation and digital signs for on-premise would be included in those regulations. This process will take a few months.

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Chairman Weigel asked if the moratorium was for on-premise as well as billboards and Mr. Radner explained our moratorium was strictly for billboards but the current ordinance does not allow digital signs, the only type of traveling message you can have is time and temperature

Mrs. Rozak asked about a moving sign that was on the side of a truck and Mr. Radner stated it was something that could be looked at.

Mr. Radner advised that swimming pools were discussed at the December County Board meeting and at the February LUDC meeting we hope to bring forward some language on how we are going to address the pool situation; will it be an administrative variance, a change in setback requirements or even a combination of all those things.

Ms. Konicki asked if staff is confident right now that no on- premise digital sign can be erected without a Special Use Permit and Mr. Radner answered he is pretty confident but had not asked for an opinion on whether or not it is allowed, but our ordinance makes no mention of a digital sign. If it is not strictly put in the code then it means that it is not allowed and would require a Special Use Permit.

Ms. Konicki stated our ordinance just says “signs” and we might have a hard time arguing that this also applies to a digital sign. We should adopt a moratorium for on-site digital signs until such time that we have had the chance to adopt. Mr. Radner interjected that at the next Executive Committee staff could ask for this to be assigned and then work its way through the process and in February have a moratorium if that is the direction the Committee would like to go.

**Ms. Konicki made a motion to put a moratorium**

Mrs. Manning advised the Committee that she would look into this and find out if a moratorium is necessary and would make a recommendation prior to the February Executive Committee. Chairman Weigel stated that would be fine.

Chairman Weigel asked if anyone wanted to second Ms. Konicki’s motion.

Debbie Rozak stated it was being looked into and Chairman Weigel agreed that it would be looked into.

**REPORTS**

**ADJOURNMENT**

**Debbie Rozak made a motion to adjourn; seconded by Katrina Deutsche.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

The meeting adjourned at 11:35