

**MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
(REGULAR MEETING)
APRIL 13, 2010**

Pledge of Allegiance

Chairman Weigel led the Pledge of Allegiance.

Call to Order

Chairman Weigel called the meeting to order at 10:35 a.m.

Members Present at Roll Call

Tom Weigel, Debbie Rozak, Kathleen Konicki, Katrina Deutsche (Arrived at 10:40 a.m.), Sharon May, Michael Wisniewski and Brian Smith.

Members Absent

All members were present.

Staff Present

Present were Brian Radner, Curt Paddock, David Dubois, Eileen Franz, Derek O'Sullivan, Michael Smetana, Pat Cline and Thomas Carroll.

State's Attorney Present

Melanie Manning.

Others Present

See sign-in sheet.

Approval of Minutes

Debbie Rozak made a motion to approve the minutes of February 23, 2010, as presented.

Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (7-0)

Brian Smith made a motion to approve the minutes of March 9, 2010, as presented. Michael Wisniewski seconded the motion.

ALL IN FAVOR

MOTION CARRIED (7-0)

Michael Wisniewski made a motion to approve the minutes of March 15, 2010, as presented. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (7-0)

New Business (Zoning Cases)

5895-S

Chairman Weigel opened discussion regarding Case 5895-S Southwest Development, LLC.

Michael Smetana stated the applicants are requesting a special use permit to allow an indoor recreation facility. Activities within this facility will include conditioning classes, cardio classes, cheerleading classes, dancing classes and other fitness activities. Staff did recommend approval of the special use permit. There was an objection made by the Will County Health Department. Mr. Smetana submitted a memo stating that the objection had been removed.

Chairman Weigel opened the floor for comments or objections. Hearing none, he called for a motion.

Michael Wisniewski made a motion recommending approval of a special use permit to allow an indoor recreational facility with two (2) 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) The applicants must comply with all Will County Health Department requirements.**

Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (7-0)

5897-V2

Eileen Franz stated this request is for two variances. The property has frontage on both Route 171 and Cliff St. It is to bring an existing privacy fence into compliance. The fence is currently eight (8) feet. No objectors were at the public hearing. The applicant has agreed to remove a portion of the fence on Cliff St. so that there won't be any line of site obstruction. There is no access proposed for the property from Route 171.

Chairman Weigel said this is industrial isn't it? Ms. Franz said actually it's C-4, which is commercial, auto; kind of a heavier commercial-type district.

Chairman Weigel asked if anyone had any comments or questions. He asked if anyone objected to the case. Hearing none, he called for a motion.

Brian Smith made a motion to recommend approval of a variance for a privacy fence from six feet (6') to eight feet (8') on Route 171. Katrina Deutsche seconded the motion.

ALL IN FAVOR

MOTION CARRIED (7-0)

**Katrina Deutsche made a motion to recommend approval of a variance for a privacy fence from six feet (6') to eight feet (8') on Cliff St. Debbie Rozak seconded the motion.
ALL IN FAVOR MOTION CARRIED (7-0)**

5898-SV

Eileen Franz said this is the Forest Preserve of Will County. They are requesting a special use permit for floodplain development and a variance from the Stream & Wetland Protection Ordinance.

There were a couple of adjoining landowners who voiced some concerns at the public hearing regarding the project. A letter from one of the adjoining landowners was included in the packet for the meeting. The site is located at Young's Road and Route 6. There is quite a bit of industrial property in that area. However, this is property the Forest Preserve District has already acquired. What we are looking at today are the impacts to the floodplain and the variance for the wetland buffer.

Chairman Weigel asked if anyone had any comments or questions.

Kathleen Konicki asked Ms. Franz to summarize the objections of the adjacent landowners.

Ms. Franz began to read the letter from the Canal Terminal Company to Michael Smetana dated March 10, 2010. The letter begins...

Dear Mr. Smetana:

Canal Terminal Company (CTC) is located 600 feet south of the proposed project a 23213 S. Young's Road, Channahon, IL. The facility is a for-hire bulk liquid storage terminal. We receive and reship our customer's products to the end user. Products stored are raw materials used in the manufacture of plastics, cosmetics, automotive liquids, and road surfacing materials. Products are received and distributed via railcar, tank truck and barge.

Ms. Konicki said that's really a long letter; isn't there a summary or just a narrative of the letter.

Chairman Weigel said he thinks the reason they object is because of the road; the traffic coming in and out and turning into the park is what they are objecting about. We're not really talking about that issue. That is something that will come later. Chairman Weigel said he is not certain if that is an issue that will come before the Committee or the Highway Department. Ms. Franz stated that would be more of a Highway Department issue. She didn't think that would come back before the Committee.

Mickey Popplewell, Canal Terminal Company, said the letter came from Del Wilkins. Mr. Popplewell said their main concern is the increase in truck traffic on Young's Road and boats and what have you going into that use.

Chairman Weigel asked if there were any other comments or objections. Hearing none, he called for a motion.

Debbie Rozak made a motion to recommend approval of a Special Use Permit for floodplain development for Case 5898-SV with five (5) 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.**
- 5. As-built drawings will be required upon project completion to verify the compensatory storage that was provided.**

Michael Wisniewski seconded the motion.

ALL IN FAVOR

MOTION CARRIED (7-0)

Sharon May made a motion to recommend approval of a Variance from the Stream & Wetland Protection Ordinance for Case 5898-SV. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (7-0)

5901-V

Michael Smetana stated the applicants are requesting a variance for maximum accessory storage from 1,800 sq. ft. to 2,436 sq. ft. Mr. Smetana said he received a letter from the Chairman of the Crete Township Plan Commission. The letter objects to the Will County Planning & Zoning Commission's recommendation for approval of this request. Townships do not vote on variance requests. The Township was notified by some concerned neighbors. We did receive three (3) letters of objection to this request from neighboring property owners. Staff's recommendation was also denial.

Roger Gil, agent for David and Lucia Vittori are attempting to purchase the property to construct a building to store antique cars. It is not their intention to do any restoration or mechanical work on the cars. The cars are restored. They travel all over the United States with these. It's basically just a storage building. The house itself suits their needs very well because his wife's parents live in Dyer. They are both elderly. His father has had several strokes and is in a nursing home so they need to be in the area. They are trying to build the building to fit into the neighborhood. The Health Department has signed off on the positioning of the building on the property. He passed around a picture of the proposed building. The autos range from 1915 to 1991. The building will be designed to complement the homes in the area and the home they are attempting to purchase. The contingency is to be able to build the building so they can buy the property. They don't intend to cause any problems with anybody in the neighborhood. They hope to blend in and be good neighbors. He is an assistant funeral director and gone a lot of times at night and during the day. He's on call 24/7. His wife is home alone at lot at that time and they are looking for an area where neighbors are home in case there's a problem.

Kathleen Konicki suggested the applicant go back to the local officials and the neighbors and show them architecturally what the building will look like. Ms. Konicki suggested landscaping the building so the neighbors don't have to look at a great big white wall of metal. It can help.

Mr. Gil said he was not aware that was that much opposition in the neighborhood. The current property owners have lived there since 1983 when they built the home. They said they had contacted other people in the area and had not run into any objection. The property itself is surrounded by large evergreen trees in the perimeters. They intend to save as many of those as they can. He thinks they would only have to cut down two of them.

Debbie Rozak said they are probably recommending denial because it's not a hardship. She suggested that he go back to Crete Township and discuss it with them since they do have an objection. She referenced the three letters of objection from neighboring residents.

Mr. Gil said he never saw the letters at the Planning and Zoning Commission. At that time the Planning and Zoning Commission had overruled the letters since nobody did show up for the meeting that night other than he and his wife. No objectors were at the meeting that night. Mike did mention in talking with him earlier that some of them were against it. He did not know anything about the Crete Township letter until just that morning.

Debbie Rozak said based on what the Planning and Zoning Commission did, that's why they sent the letter. She asked Mr. Gil if he or the applicants have ever been before the Committee to do something like this. Mr. Gil said not before this board. Just the Planning & Zoning Commission is all. He said he's a Cook County resident. He's lived there for thirty-two years. They have postponed their closing twice on this property already. They are hoping to close on the 23rd of April. They have a meeting with the County Board on Thursday. They were able to get on that agenda.

Sharon May asked if the property had a pole building on it right now.

Mr. Gil said no.

Ms. May asked Mr. Smetana what size he would recommend. Mr. Smetana said they would recommend the applicant construct a pole building that is the square footage plus the existing attached garage totaling 1,800 sq. ft. or less. Right now the proposed pole barn is about 2,000 sq. ft. so he'd have to reduce that in size. A 30' x 40', which would equal 1,200 sq. ft., would work. He could even go slightly larger than that. Another reason why staff recommended denial is because no hardship exists. He can purchase the house and build a pole barn. It just has to be slightly smaller than what he would like.

Ms. May asked Mr. Gil if he had a problem with that and Mr. Gil said he has a 42' x 45' building right now and it's pretty tight in there. That would probably not be big enough. That's the problem they're running into. That's why they have the contingency on the purchase. They reduced the building slightly to get it to fit in with the septic field by about fifteen, twenty feet. They are looking for a 40' x 50' building. The Health Department has signed off on it. It does fit on the property.

Mike Wisniewski said he was just curious that staff recommended denial, but the PZC voted 5-0 to recommend approval. He just wondered what the logic was.

Mr. Smetana said staff's recommendation is denial. The Planning and Zoning Commission voted to approve the request.

Mr. Wisniewski asked if maybe something different might have been presented or it is what it is.

Mr. Smetana said it is what it is.

Debbie Rozak said, now Mr. & Mrs. Vittori own the property you want to purchase.

Mr. Gil said yes. They are the current owners. He is the contract agent attempting to purchase their property. They are in the process of building a new home and they need to close on this also.

Chairman Weigel asked if they were any objectors present. Hearing none, he called for a motion for approval of the variance for maximum accessory storage from 1,800 sq. ft. to 2,436 sq. ft.

Motion by Konicki, seconded by Rozak. Roll Call Vote: Voting "yes" were Weigel and Konicki. Voting "no" were Rozak, Deutsche, May, Wisniewski and Smith. MOTION FAILED (2-5). THEREBY RECOMMENDING DENIAL.

Chairman Weigel told Mr. Gil he might want to go back to the Township and talk to them. Chairman Weigel asked Mr. Smetana if this would go on to County Board. Mr. Smetana said it still moves on to County Board. If the applicant would like, after this meeting, he will get in touch with him and give him the phone number to the Chairman of the Crete Township Plan Commission. Possibly he can discuss this request with him prior to the Board meeting on Thursday.

Chairman Weigel said, so the County Board could still approve it.

Mr. Gil said so I should get in touch with Crete Township and Mr. Smetana said yes and he would provide Mr. Gil with that contact information this afternoon.

Debbie Rozak asked why this variance came before the Land Use Committee anyway and Mr. Smetana said because the request is more than 20% of what is allowed. Mr. Gil said he attempted to do everything legally on this. He didn't just go put up a building.

Kathleen Konicki said Mr. Gil should contact the three local board members to gauge their support or lack of it thereof. In the past, this board has been cooperative with a number of people whose proposed use was the storage of these antique automobiles or vehicles. This is a hobby for an awful lot of people in our community. They do collect these vehicles and she thinks board members are generally aware of this. She asked Mr. Gil to not only talk to the Crete Township Chairman but to also talk to your three local county board members, as well and work with them on it also. Mr. Smetana agreed to give Mr. Gil those phone numbers, as well.

5902-M

Eileen Franz stated the applicant is requesting a map amendment from A-1 to R-4 on an 18,000 sq. ft. parcel located on the west side of California Avenue, south of Rosalind in Joliet Township. The applicant wishes to bring the parcel into compliance with the Will County Zoning Ordinance in order to build a residence. There are some code violations on the property and the applicant is working through the process with our Code Enforcement Division and has a court date of April 29th for those code enforcement issues. Today the request is just for the 18,000 sq. ft. lot to bring it into compliance with the Zoning Ordinance. There were some neighbors who spoke in opposition to the request at the public hearing.

Chairman Weigel asked if there were any objectors to this change.

Laura Hill said she is here for her dad, Claude Burton, who lives next door to this property. She said she just doesn't see it. He wants to build something and it's just going to be a place to store junk. She presented pictures she took yesterday.

Burnell Holman said he lives at 1509 California. I don't know how long he's been there; maybe a couple of years. He said he was going to build a house. All he's done is continued to bring junk up there. He's turned it into a junk yard right in the midst of the neighborhood. He's got an 18-wheeler trailer there. He's got an old mobile home. He brings cars there. He welds right out there. They've been on him several times and they have a neighbor that lives at 1507 that lives between him and me. He took some stuff down to the neighbor's house, but the neighbor lives in a farm house further back than them so it doesn't look bad that he took it back there. He's just showing them what he's accumulated. They told him he had to move it so it took it back to the neighbor's house. You have to see it to believe it. That they would let anybody come in the neighborhood and put anything like that around the area.

Chairman Weigel asked if there was a house that's being lived in right now.

Ms. Franz said there is not a house out there right now. There's the wall from the house that was demolished. There is a trailer or camper out there right now. Like she said, he's in demolition court with their Code Enforcement Division and he has an April 29th court date.

Sharon May said so when you did do a site visit there were violations.

Eileen Franz said yes and they went back out there yesterday morning and there are still violations on the property.

Debbie Rozak said the lot doesn't meet the A-1 district requirements.

Eileen said correct. It doesn't have the lot area. It wouldn't be a buildable lot even if he was to sell it someone would be back before us trying to bring it into compliance.

Debbie Rozak pointed out there are two separate issues. Hopefully, giving him the R-4 they could build a nice residence and get all that stuff out of there. In the meantime, you're working at getting that stuff out of there through the court system or through his working with Code Enforcement.

Ms. Franz said on April 29th he goes back to court with Code Enforcement.

Kathleen Konicki said granting him the R-4 would not allow him to subdivide that lot; am I correct?

Ms. Franz said correct.

Ms. Konicki said the current lot size is very consistent with the neighborhood, with other lot sizes. It would put the property into a residential classification instead of an agricultural classification and if anything bring him under stricter standards for cleaning up that property. Residential standards are very high. With that zoning he might be able to sell that property or clean it up and put it to its proper use which is building a home on it.

Phil Matlak, owner of the property, said he wanted to put a fence up before this meeting but when he called but was told to wait until after he went to court. He's been building cars since he was twelve years old. He has raced professionally. He said the zoning is the major problem. He has all his personal belongings in a cargo container. Until he gets the zoning he can't get a permit to do anything. He gets blocked on everything he tries. He has already bought all the materials for everything. When he worked for Sohol he helped build more than twenty homes. He's been building homes all his life. He builds all the billboard structures. That's what his company does. He said he cleaned up ninety percent of the property yesterday. He said the neighbor fenced in his land even before he bought the property. Twenty feet is theirs and whatever was over there is gone. Mr. Matlak said he bought land there because it was cheap. He offered to sell it to them for the same price that he paid for it but they didn't want to buy it.

Debbie Rozak said putting up a fence won't solve anything. The junk isn't supposed to be there to start with.

Kathleen Konicki asked Mr. Matlak does your proposed use match the zoning you're requesting. It sounds to me like you're proposing a house. You're proposing a structure where you can store a lot of this stuff and she doesn't know if that's an allowed use under the zoning he's asking for.

Ms. Franz stated Mr. Matlak has been advised of the requirements of the R-4 district. He has told them he would like to build a house with an attached garage. He's been advised of the maximum accessory storage requirements which for R-4 are actually 1500 sq. ft. So he's allowed a maximum of 1500 sq. ft. He's been advised he cannot repair cars on the property and of the residential uses. If he is rezoned and he chooses to do those things he would be cited by Code Enforcement. They have advised him of the permitted R-4 uses.

Ms. Konicki said everything she has said is okay with you.

Mr. Matlak said yep. He's building a twelfth century castle here like you've never seen. Like Joliet Central. This is what he wants to build. A house like most people have never seen.

Sharon May asked if the neighbors had junk on their property and Ms. Franz said she wasn't sure. Ms. May said when she was eight years old she used to go to California Avenue. Her mother was born and raised on California Avenue and that used to be an area, back in the 1950's with beautiful land and homes. It still is. If everyone wouldn't dump and try to keep up their yards like they want to do. That's all they're asking. No one should come into a neighborhood and say oh we can dump here because it's quote whatever section or whatever that comment was. Her question is can't he first clean up the junk and see if he's going to do that and when all that is cleared up can't he come back to us and ask for the zoning change.

Ms. Franz said that is up to your discretion. If you want to postpone his case you could do that.

Ms. Konicki said if she is understanding the applicant correctly, he needs use of this 1500 or whatever it was accessory storage building he's allowed under the R-4 zoning to put his stuff. That's part of his cleanup process.

Ms. Franz said the building isn't there right now. Ms. Konicki said with the rezoning he could put it there and clean up. Get rid of what he has to and keep enough for his purposes. This is the proper zoning for that neighborhood. R-4 is the proper density given the lot sizes that are out there. If that allows the applicant to move past what is now an impasse and do what needs to be done on the property where he's happy and we're happy and the neighbors will actually be happy too; she's all for this.

Sharon May said she doesn't understand why he can't clean it up now. Why does it take an R-4 to clean it up?

Kathleen Konicki said because he has nowhere to it. There's about 1500 sq. ft. of storage he will have when he erects this building under the R-4. Whatever he can't put in there goes and he knows that. Some of it he can save.

Brian Smith said the cargo container is going to go. Mr. Matlak said he also owns a 120 foot car carrier that he uses for his racing but it's not there. The reason the storage container is there is because it holds his household goods. He can't store everything there. If he gets the zoning; give him three months and he'll have a building up. He needs to get the zoning so he can get a permit to get the building up. That's his major problem.

Curt Paddock stated if it would be helpful to the Committee Elizabeth Dunn the manager of our Code Enforcement activities can give you a little more detail about the scope of the pending court case and what is hoped to be resolved in connection with that. There is a pending court date on the 29th of this month related to enforcement efforts to clean up the property. Mr. Paddock thought it might help the Committee members understand the full context of the situation if Elizabeth Dunn gave them more detail about the scope of that court case.

Chairman Weigel said that's fine.

Elizabeth Dunn stated that what they had decided with the advice of Phil Mock, Will County State's Attorney, is to wrap the demolition case to include a forced cleanup because there are so many code violations and so much stuff on the property. There is little more than a shell of a residence and a cargo container on the property. That is why there aren't other violation cases regarding the infractions running concurrently with this. It's all wrapped into one. If we were to get the court decree on the 29th for him to take down the rest of that existing structure as a part of that court decree would be an order for him to remove all the other existing code violations or the County would remove them on his behalf.

Kathleen Konicki said clearly the man wants to take care of this on his own if we just give him the right zoning. The property will look like the neighbors want it to look like. It will look like what we want it to look like. If we don't do it and we continue through the court action we're going to be out there at the taxpayer's expense doing all this forced cleanup. He's asking for the proper zoning. He understands the limitations. He understands what can stay and what can't stay. He's fine with it. She supports what he's requesting.

Ms. Dunn said if, in fact, the County had to remove any items all costs incurred to this property would then be filed as a lien against the property.

Chairman Weigel called for a motion to approve a map amendment from A-1 to R-4 for Case 5902-M.

Kathleen Konicki made a motion to approve a map amendment from A-1 to R-4 for Case 5902-M. Debbie Rozak seconded the motion.

VOTING "YES" WERE WEIGEL, ROZAK, DEUTSCHE, KONICKI, WISNIEWSKI AND SMITH. MAY VOTED "NO." MOTION CARRIED (6-1)

Debbie Rozak asked Eileen Franz for updated pictures for the May County Board meeting.

Ms. Franz said she would take new pictures a couple of days before the County Board meeting.

Will County Zoning Ordinance Text Amendment – Advertising Signs (Radner)

Brian Radner said in June of 2009, the County Board passed a six month moratorium on digital advertising signs. During that period a contract with Duncan & Associates to develop an ordinance that would regulate both advertising signs and digital and advertising signs that we would consider static. We held stakeholders meetings and participating in those meetings was Clear Channel, Lamar, the Village of Homer Glen and we did receive some comments from the Village of Mokena via the Will County Governmental League. Also invited to participate in that group was Advocates against Billboards. They chose not to participate and the Joliet Region Chamber of Commerce decided not to participate as well. We passed an extension of the moratorium for another six months; that takes us to June 18th, 2010. We had the public hearing in February for the advertising sign section. At that public hearing the Planning and Zoning Commission voted to approve the ordinance as it was presented along with the changes that came about during the hearing for your consideration. That's where we're at today. At last month's meeting we did not have a quorum so we were not able to vote. There were a few issues related to the outcome of the public hearing and

the stakeholders group that referenced a little bit more fine tuning of the ordinance and other sections for some Committee direction on which that would ultimately like this ordinance to go.

Mr. Radner stated Attachment B provided suggested language for some of the changes that were brought forward at the Planning and Zoning Commission and discussed in the stakeholders meeting. In order to make these changes, the Committee would have to approve each one of these as they are presented or provide some modification if they feel the language should read something different. Representatives from the billboard industry were present. Representatives from Homer Glen were also present to speak regarding some of the lighting issues and a few other related issues. Mr. Radner said as far as Attachment B goes; they could go line by line. It's labeled A through J. Each one of those would be additional changes to what is already in the draft ordinance that this committee approved at an earlier meeting back in January. The Planning and Zoning Commission did recommend approval of these changes but they were on the condition that this committee would review them and feel comfortable with them. Mr. Radner asked the Committee how they would like him to proceed.

Chairman Weigel said he thinks they have had a lot of time to review them and he agrees with the Attachment B changes. He asked the Committee members if they had any comments on the changes.

Kathleen Konicki said, personally, she doesn't support a single one of them but she does think they should hear from the people present to address the issue.

Chairman Weigel said they have heard from the billboard companies and we know what they want. It is in this ordinance so they don't need to come back and tell us again what they told us before. If there are objectors to some of this we need to hear from them.

Mr. Radner informed the Committee that the Land Use Department is working with both Clear Channel and Lamar to get a space available agreement completed. They have draft agreements he has sent over to the State's Attorney's Office review. There are going to be a few recommended changes and they will get back to the advertising sign companies prior to the County Board and hopefully have something final in place by then.

Edmund Cage, the Community Development Director for Homer Glen, stated he did attend a stakeholder meeting back in November. He stated Homer Glen has an award winning lighting ordinance. The two areas of their concern are the increase of the setbacks for the increased setbacks for the sign face area for the measurement; which would be 13-14-4(g) and the other area would be 13-11-2-5-6 regarding the actual illumination of the sign. The Village's concern is that typically they allow lighting to be from an upward manner shining on the face of the sign rather than upward cast. They disagree with that.

Debra Norvil stated she is a resident of Homer Glen, a member of the Environmental Committee for the Village of Homer Glen, a co-founder of the Illinois Coalition for Responsible Outdoor Lighting. She is a co-author of the Outdoor Lighting Ordinance for Homer Glen. She is also on the Board of Directors of the International Dark Sky Association. Ms. Norvil referred to 13.11(2)(i)(4). She thinks the spacing is too close to public parks, residential zoning and school districts. That's a

quarter of a mile. That's hardly any distance between a billboard and a house. Section 13.14(2)(d). She believes one of their exceptions is they wanted three to one instead of four to one. They think four to one is better. One hundred and fifty feet (150') is way too close for nonconforming billboards to be turned into dynamic billboards. Three hundred feet is too close, but one hundred fifty feet puts the billboard practically in someone's backyard. Ms. Norvil said she objects in general to dynamic billboards versus static; although she doesn't like static billboards either. But mostly she objects to Section 13.11(2)(i)(6) the upward cast lighting. She saw some language in the public hearing comments where the applicant said it is nearly the same as downward cast lighting. Well, it's not. In a document she received which is Dark Skies and Billboards from Clear Channel Outdoor San Antonio, in the back the very last page, the ad there has a picture. It looks like an ice cream cone. The illustration showed the distribution of light from an upward fixture. She demonstrated how upward cast lighting wastes energy. Downward cast lighting does not. However, downward cast lighting needs to be shielded. The International Dark Sky Association approves of downward cast lighting. Ms. Norvil stated, in Arizona, there are hundreds of billboards owned by Clear Channel. They are downward lit. If they can do it there, they can do it here.

Chairman Weigel asked the Committee if they had any questions of the speakers.

Brian Radner responded to the comment regarding the setback to the parks. That is an existing setback that has been in place since the mid-1990's. They didn't change anything. That was the quarter mile setback that was in place at that time. They didn't hear any complaints during this process about park setbacks or distance between billboards so they left that section alone. They weren't looking at addressing that. That is the reason it has remained 1,320 at a quarter mile.

Ms. Konicki asked Mr. Radner what number that was under. Mr. Radner said 13.11(2)(i)(4). It's not one of the recommended changes. It's part of the original ordinance, the part of the ordinance that hasn't been changed. As far as the upward cast lighting Mr. Radner pointed out in the ordinance, suggested language, (B)(13.11(2)(i)(6) it does state that the shielded light sources shall direct solely onto the face of the sign. So it should not be casting light off of the sign. That is what our ordinance would read. He supposed they could tighten it up a little bit if they wanted to require a photometric plan showing that all that light would be contained in that sign area. If the Committee wanted to tighten it up a bit we could require a photometric plan verifying that the lighting does stay on that part. This applies to static billboards. The billboard companies are not lighting the digital billboards. The static billboards are existing billboards. The likelihood that we're going to see another static billboard is probably not very good. It does require a special use permit. It's pretty unpopular. We have a number of nonconforming signs right now so to place one somewhere in the county is very tough. You have to have existing zoning in place by some dated 1940 or 1950. Where these lights would really come into play is when a billboard company decided to go back and retrofit an existing structure to put different lighting underneath the lifespan of the original lighting is a reach. The distance the distance to measure the light away that is included in this ordinance originally had been proposed at 100, 150 and 200 and that depended on the sign's square footage. In the beginning the consultant had recommended that language. During this discussion in their stakeholders groups they found out that Dr. Ian Lewin, a highly regarded lighting specialist, recommended to have those numbers actually about fifty feet more than what the original ordinance was. Mr. Radner said when he checked with the consultant; they checked and had

provided numbers that were not accurate and the consultant agreed that the numbers should match what Dr. Ian Lewin had proposed. That is what is proposed in one of the suggested changes.

Chairman Weigel asked if requiring a photometric plan would be tough for the sign companies to comply with. Mr. Radner stated he didn't think that would be difficult for them to do. It could be submitted at the time they applied for their sign permit.

Ed Marcin, Clear Channel,

Mr. Marcin provided lighting information from the second stakeholders meeting regarding upward cast lighting that they have taken the initiative to install in all their billboard not only in Will County but in other counties, as well. The solution they came up with to reduce their costs was to reduce the number of signs. Mr. Marcin said he wondered, with regard to the 300 foot spacing requirement; if the County or the Land Use Department would allow them to move or relocate a sign in order to meet the 300 foot spacing requirement. The downward cast lighting would be for any new static signs. Mr. Marcin said if his company was to come before the Land Use Committee and the County Board for a special use variance, it would more than likely be for a digital sign. Mr. Marcin stated the Illinois Department of Transportation sets the standards for dwell time. Mr. Marcin proposed that the dwell time for signs be grandfathered for the State dwell time that was in effect at the time the permit was issued for that particular sign. Another thing that came out of the stakeholders meeting was the number of square feet they would have to trade in regard to get a dynamic display. Also, another thing that came out of the stakeholders meetings was to look at the possible reduction of billboard signs within the county. In one part of the ordinance it states that if you have a conforming sign you only have to trade in for two square feet. If you have a non conforming sign you have to trade in for four square feet. Mr. Marcin said they would be agreeable to the three to one ratio for sign faces to allow for dynamic displays. They also discussed space available advertising for amber alerts and other public service messages. The end result is to try to remove nonconforming structures to once again be able to put up these digital displays which once again can help with safety alerts, amber alerts, any type of information the county wants to use that they have provided in the agreement he has sent to Mr. Radner. Mr. Marcin said a three to one ratio would be greatly appreciated. Mr. Marcin said with the situation the way it is right now they cannot convert billboards with a four to one ratio.

Chairman Weigel asked Mr. Marcin to respond to Mr. Radner's questions regarding a photometric study.

Mr. Radner asked Mr. Marcin if upward cast or downward cast lighting was allowed would he be willing to provide a photometric study or plan showing that all light will remain on the billboard or be directed on the billboard and not off the billboard.

Mr. Marcin said, not being a lighting technician, he said he'd be happy to look into that.

Mr. Radner stated that he did want to point out that the ordinance currently states that any downward cast or even if it were upward cast lighting has to remain solely on the billboard. So the photometric plan would be just to verify that is what is happening.

Mr. Marcin talked about sky glow. Initially that is light that would bounce off the face and go up into the air creating this glow up in the air. The same thing is possible going in the opposite direction. That if you project light on and you have a very light background that light is going to protrude outward from the face.

Mr. Marcin quoted a comment made by Mr. Radner that came out of the second stakeholders meeting which is; 'I believe we're on a path that will benefit both the County and the sign industry.'

Kathleen Konicki said what's clear to her is there's too much information, too many changes, too much new information and too many new suggestions have hit the table too recently. She thinks that perhaps another stakeholders meeting should be convened. That party should sit down and see which suggestions have merit. Get their questions answered. She has a list of questions she was going to ask the applicant and the objectors to try to bring these issues out but she doesn't think this is the forum for that. Ms. Konicki said another stakeholders meeting had been contemplated but never took place. It needs to take place. She suggested Mr. Marcin go back to whoever he needs to at his company regarding the photometric study and that staff plan another stakeholders meeting. Ms. Konicki suggested this be tabled until such time as these things have taken place.

Chairman Weigel asked if anyone had any more comments.

Ms. Rozak said she thought the word than should be spelled then in the underlined paragraph of Attachment B, 13.14(4)(i), line 6 'then the advertising sign owners.' Mr. Radner agreed. Mr. Radner pointed out this is the language that staff feels comfortable with, the language the Committee has felt comfortable with, the language our legal council has felt comfortable with. He knows Mr. Marcin would like to have different language that would allow him a little more flexibility but the Land Use Department would like to see that there will be, in this situation, no grandfathered billboards. They will have to comply with our ordinance or anything that becomes more stringent by the state. That way we won't have some billboards that are flipping six times per minute, other ones that are flipping ten times per minute and trying to monitor which one is which.

Mr. Wisniewski asked staff to clarify in Attachment B, 13.8(2), 13.14(2)(d), 13.14(3)(a); it says Clear Channel suggests this, Lamar suggests that; Clear Channel recommends this. Are these now going to be the recommended changes to the first ordinance?

Mr. Radner said the actual language of the ordinance is Attachment A. Attachment B lists a number of comments that were discussed at a stakeholders meeting and at the public hearing. The text that is underlined is the proposed text to replace what is in Attachment A. So what you're looking at in Attachment B, if you went to that section in Attachment A, would replace that language. Above it is a summary of what's changing. The part that's not bolded is a summary of what the change would mean.

Mr. Wisniewski said so in essence, if we vote to approve this, we're voting to all these changes that have been suggested at the stakeholders meeting; the majority of which appears to be from the vendors.

Mr. Radner responded that would be correct Mr. Wisniewski.

Mr. Wisniewski said he was not comfortable with that. Mr. Wisniewski said he has begun to do some web research where he started to see an increase in traffic accidents due to digital billboards. Mr. Wisniewski asked if we have any statistical studies that show the effect of digitally advertising on traffic and traffic accidents and so forth.

Mr. Radner said we have no definitive answer to that to say it does create more accidents or that it doesn't create more accidents. Mr. Radner said staff did do some research but there was nothing definitive.

Mr. Marcin said he had some studies that were done that he would leave with Mr. Radner. They took the data from tickets that were issued before the digital billboards were installed, during the timeframe if there were any accidents; afterwards, daytime, nighttime.

Kathleen Konicki made a motion to table the Zoning Ordinance Text Amendments regarding Advertising Signs. Sharon May seconded the motion.

ROLL CALL VOTE: VOTING "YES" WERE KONICKI, MAY, WISNIEWSKI AND SMITH. VOTING "NO" WERE WEIGEL, ROZAK AND DEUTSCHE. MOTION CARRIED (4-3)

Mr. Radner said, at the next Land Use meeting, staff would be bringing forward an extension of the moratorium for additional timeframe to cover whatever additional time the Committee needs.

Mr. Paddock asked Chairman Weigel to restate, now that the matter has been tabled, the Committee's direction regarding additional stakeholder meetings between now and when they take the matter up again.

Chairman Weigel said Mr. Marcin brought up some issues that need to be resolved. Kathleen Konicki said Mr. Marcin has had the opportunity to iron it out but the two sides need to sit down again because too much has changed since the last time they did sit down.

Mr. Paddock stated a list of stakeholders had been prepared previously. He asked Chairman Weigel if he wanted staff to invite that same list to yet another stakeholders meeting.

Chairman Weigel said apparently. Chairman Weigel asked the Committee members to communicate their objections directly to Brian Radner so they would not have to go through this again next month. Mr. Radner said it seems like there are only two or three things that can be fixed rather quickly so they should be able to move forward with this. Chairman Weigel asked Mr. Radner to communicate with the Committee members to get their objections to see what they think needs to be fixed.

Will County Zoning Ordinance Text Amendment – Pools (Franz)

Eileen Franz said there are some changes to the non-conforming section and the authorized variance section of the Zoning Ordinance brought before the Committee today. The text presented was previously discussed by the Land Use Committee and taken to the Planning and Zoning Commission for a public hearing in March. A couple of additional text changes have come about

since the initial meeting with the Land Use Committee. On page one, the setback requirements are proposed to be decreased. Letter "g." was added. There are some situations in the agricultural estate district and R-1 and R-2 where the side setbacks are stricter than ten feet. Past practice has been to allow pools to encroach in those required side yard setbacks. So this was added into the ordinance for clarification purposes. There is a typo on page three, line 109, which will be corrected prior to County Board. Line 109 should read Section 8.7-5 not Section 8.5-7. They are proposing to add the following to the non-conforming section: Any pool constructed on or before April 10, 2009, and not located in floodplain, wetland or any recorded easement, that does not comply with setback and separation requirements of Section 8.7-5, shall be considered non-conforming. They chose April 10th 2009, because they will have aerial photos that were flown between April 9th and April 15th. They will be able to verify dates from that time period from the aerial photos taken. They will be able to see with their own eyes whether or not the pool was there. They won't have to have the owners sign affidavits. Another thing being added to the ordinance is lots that are deficient in lot area, lot width or frontage may be improved with a swimming pool without bringing the lot area, lot width or frontage into compliance with the Will County Zoning Ordinance. In this case, if somebody is supposed to be 10,000 square feet in lot area and they only have 9,500 they can get a permit for a pool without first getting a variance for lot area. The only other change is if somebody does still choose to apply for a variance even with the relaxed requirements that variance would be heard to a close at the Planning and Zoning Commission instead of moving all the way to County Board.

Debbie Rozak said on page one where it says ~~ten (10) feet~~ to at least **five (5)** feet, the word feet should not be crossed out. Ms. Franz said no, it should not.

Mr. Wisniewski said on page one, where it says ~~e. — All electrical devices used or connected to all pools must be grounded.~~ That is struck.

Ms. Franz said that is a building code requirement so that will still have to be done. They are taking it out of the Zoning Ordinance because it is in the Building Code.

Mr. Wisniewski asked would an existing pool that does not meet the requirements be grandfathered. Ms. Franz said it would be grandfathered unless they wanted to change the pool. If someone comes in and wants to put a deck on their pool but it doesn't meet the setback requirements it would be grandfathered with the proposed grandfathering date. With the grandfathering date they would not have to apply for any variances to bring it into compliance. If they want to come in and replace the pool they will have to meet the requirements. But those current requirements are going to be less than what they are now with the setback changes. So it's conceivable that somebody who might not meet our current requirements when they replace a pool will meet the new requirements.

Kathleen Konicki asked how they arrived at April 10th, 2009 as the particular grandfathering date.

Ms. Franz said because of when the aerials were flown.

Mr. Radner said different parts of the county were flown on different dates. The fly over took place between April 9th and April 15th 2009.

Michael Wisniewski made a motion to approve the Will County Zoning Ordinance Text Amendments regarding swimming pools. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (7-0)

Equestrian Related Events – Discussion (Radner)

Mr. Radner said the department received complaints from County residents regarding rodeos wondering why nothing is being done about them. Mr. Radner said Rachel Barocko, a New Lenox resident was present to speak. Also, Elizabeth Dunn from our Code Enforcement/Community Development Division, as well as Lieutenant Dan from the Will County Sheriff's Department are also present to address any questions the Committee might have.

Rachel Barocko said this is the first time she has been before the Committee. She said she is there because there are no restrictions or ordinances regarding rodeos. Ms. Barocko asked the Committee to please look into the issue and make some regulations regarding rodeos. She lives on a five acre parcel with a rodeo right next door. She has lived next to them for ten years.

Mr. Wisniewski said the rodeos he has seen come through have to meet Health Department requirements and provide security.

Mr. Paddock said he appreciates the comments of the speaker. She is one of many who call the Land Use Department during a seasonal period where this form of activity occurs. He would take exception to the notion that there are no regulations. These types of events are subject to the provisions of the Zoning Code, to the provisions of the Health Code. The issue here that is the problem is the enforcement difficulty. These activities tend to occur at night. The Land Use Department is not a 24/7 operation. Mr. Paddock said if the Will County Board, in concurrence with others, were to fund us to be a 24-hour operation with additional staff then I suppose we could be. The only agency with the wherewithal and capability to deal with the matter when it is occurring; when the evidence is present and able to be captured and put before a judge, is the Sheriff's Department.

Mr. Paddock agreed that it would be possible to develop a separate ordinance with a separate set of both zoning and other regulatory concerns related to this specific activity. That would be possible but it would be redundant to existing laws that are on the books. The issue here is not the existence of law and regulation that can deal with it. It has to do with the practicality of certain enforcement procedures related to when these, often times, illegal activities are present.

Kathleen Konicki said she has rodeos in her district. They operate under a special use permit. The ones in her district are very well behaved and they come in and tell the Committee what days they are going to be doing this. Ms. Konicki asked, "Don't they all require a special use permit?"

Mr. Paddock said there are operations of this type that have sought and occasionally obtained, through the Land Use Committee, a temporary use permit. They would specify over the course of the year when certain events would occur. At the present time, there is only one such event in Will County that is operating under a special use permit granted by the Will County Board.

Mr. Dubois said that is correct. There is also one that operates under the zoning definition as a non-conforming use; which means it was legal at the time of adoption of the ordinance.

Kathleen Konicki suggested we define "rodeo" so we know whether it does or does not require a special use permit. As part of a special use permit we can require them to identify the days they are going to operate. It would seem to be a way to ease the enforcement burden that fall on our Sheriff's Department.

Mr. Paddock stated adding a definition would certainly clarify the special use permit. But the issue still remains with the problem of afterhour's enforcement. Many of these people would continue this type of activity with or without a special use permit.

Sharon May asked Ms. Barocko to explain what happens. Ms. Barocko said what does on is a violation to health, safety, peacefulness and true quality of life. There is alcohol abuse, high levels of noise, animal control and abuse, parking and use of property, improper land use and zoning. In July it will be ten years that she had put up with this. She has had bulls in her back yard and front yard and had to walk them home. The gatherings are huge, loud and very noisy and continue day and night. She was told a long time ago, the police don't have a decibel meter to check the noise level so there's nothing they can do.

Debbie Rozak asked if there was a structure there. Ms. Barocko said they have a home like her, then they have an indoor riding arena and then they have a huge rodeo-type thing back there.

Debbie Rozak asked, isn't this a violation in itself? She asked Ms. Barocko if they charge to get into it. Are they selling food or liquor? If they have erected some type of stadium, this too, might be a violation of our ordinance.

Mr. Paddock said the statement that there are no regulations is categorically, unambiguously incorrect. The regulations exist. Let's talk about health code matters. Even if there is a simple little barbeque and they are preparing hot dogs they are subject to the Health Code of Will County. If there is a commercial operation on an agricultural zone where they are collecting receipts to gain admittance; that would not be in conformance with the Zoning Ordinance and therefore, a violation would occur. Under the nuisance laws of the County there are noise standards. They already exist. The problem all along has been not the absence of regulatory provisions but the enforcement difficulty and clear cut jurisdictional responsibility for obtaining the evidence at the time these activities are occurring; so as to make a sustainable presentation in a court of law that says and proves to a judge that these violations of existing ordinances have occurred. The Land Use Department has been, is now and will always continue to be available to respond to gather evidence on the violation of any of those ordinances we administer during the timeframes when we have staff. However, if the activity is occurring at night, we can't gather information related to violation of the Will County Zoning Ordinance.

Debbie Rozak said she knows the Health Department goes out to different events in the summer to check on them on Sundays, on Saturdays. If that's what it takes we should talk to our County Board Chairman.

Chairman Weigel said we should probably require a special use permit and draw up a list of things that are required. If they do things we can shut them down if they are not asking for these dates ahead of time and are not in compliance.

Debbie Rozak said the guidelines are developed. They just need to be enforced. Chairman Weigel said we need a separate set of guidelines to define these types of events.

Kathleen Konicki said we don't need to go into all the other issues of whether or not they're selling tickets or selling hot dogs. If it's a rodeo and they don't have a special use permit it's a nonconforming use. The Sheriff's Department can drive by and if they see a rodeo they can document it.

Sharon May said she has one about a quarter of a mile away from where she lives. She said "yes" it's terrible. You go to bed on a Saturday or Sunday night and the beat is reverberates the whole house. This particular place isn't doing any rodeo activities. They're not selling tickets and she doesn't know if they're selling food. They have actually come over on her property and used her grain buggy for target practice. What good is a grain buggy that has a bunch of gun holes in it? It doesn't hold grain anymore. This would be more of a noise violation or trespass violation; not a true rodeo.

Debbie Rozak said she didn't think it was that simple. We've been dealing with these things since late-1980. We have to have proof that they are conducting activities without the proper permits.

Lt. Dan Shay, the liaison officer between the Sheriff's Department and the Land Use Department, with regard to Ms. Barocko's comments, he said from personal experience last year he saw two rodeos approached and apply for special use permits. More often than not, a rodeo will occur on a Sunday morning at 9:00 o'clock and the only way they get word that a rodeo has occurred is because they start getting complaints from neighbors. Sometimes a crowd can be as little as 25 or 50. From Lt. Shay's own personal experience the total at a rodeo this time last year was over 800 people. This is the one on Rosalind and Briggs. Those people don't always follow special use permits. The Sheriff's Department doesn't always know when it's happening and it's always after the fact. When going on the property to assess the situation and try to get the owners name that is sponsoring it; they meet a number of difficulties. The foremost one is whoever sponsors the rodeo is never around. So to enforce any of the ordinances that are currently on hand is very difficult. With regard to commercial activity, he has instructed deputies that the first thing they look for is the cash box. If they can prove commercial activity is going on they start from there. Rodeo owners got wise to that very quickly. The cash box disappears. He has instructed deputies to report any activity that violates any of the ordinances. Selling of food, safety and security. They adapt as quickly as they implement these actions that are going on. The majority of the people that attend these rodeos come from outside the County. The one he dealt with, the person was intoxicated, unruly and the rodeo security called the Sheriff's Office to come and eject this person from their property. Upon getting there they found out this person was from the north side of Chicago, 7200 block of North Ashland Avenue. He travelled an incredible long distance to come to a rodeo. On that particular night he shut that rodeo down. He thinks he might have overextended his authority on doing that but he felt when he got a hold of the owners that this was now a safety issue and it was time to end it. They subsequently complied with his wishes. When they see something they

document it. All the deputies know to document when they go on rodeos. The document and they go from there. Ms. Barocko has an instance where they responded to her house. They documented the incidence and it all went to court. He doesn't believe he knows the outcome of that incidence.

Ms. Barocko said it was dismissed. The judge said there were no regulations. There were no codes. They didn't violate anything. That's what the judge said. That was in 2000 when she first moved in.

Brian Smith said so we should make the definition loose enough where it can apply to anything that could be a rodeo. If they are running around barrels; that's a rodeo. If they are chasing cattle; that's a rodeo. If they are running around on a horse with a flag; that's a rodeo. If we have to make it that loose to force them to come in for a special use permit to try and control this than that's what we might need to do.

Lt. Shay said in the American rodeo you have barrel racing. When you have a charada you have other activities involved. One that people find most upsetting is what they call 'horse tripping.' They get complaints about that and deputies will go out there and unless you've actually seen that or understand the definition it appears to be very cruel to the animal. He has had owners tell him that it's not. That it takes a lot of training. He can't speak to that issue. You have a cultural issue that's also involved.

Debbie Rozak asked about parking requirements.

Mr. Paddock said once again we could identify a particular category of zone where this activity, once defined, could be a possible permitted use. Variance conditions could then be attached to it with respect to parking; with respect to screening and so forth. Mr. Paddock said this would be a constructive step. However, he cautioned people that just because we have defined it and permitted it that doesn't necessarily mean people will bother to come in for a special use permit; or that those who actually bother to get a special use permit would adhere to all the provisions of the special use permit. There always has to be enforcement.

Chairman Weigel suggested staff go back and work on that and bring something back to the Committee they can try to enforce in the future.

Zoning Ordinance update draft schedule – Dubois - Discussion

David Dubois presented a draft schedule for updating the Zoning Ordinance in its entirety. The current Zoning Ordinance has been amended seventy times and is thirty-two years old. It has conflicting and confusing categories and definitions making it difficult for the public and staff to use and interpret.

Mr. Dubois said the draft schedule is broken down into 8 tasks over a 24-month period. The approval process would include adoption of the draft schedule, setting stakeholder meetings to discuss comments, identify issues, Land Resource Management Plan recommendations and preliminary draft text approvals. The final task would take the approval process through a public workshop, public hearing, LUDC and County Board consideration for approval of a final draft.

Mr. Dubois asked the Committee to look over the draft schedule and get back to him with any possible feedback. Hopefully, the Committee could consider the draft and adopt the draft schedule April 20th after discussion of the Water Resource Ordinance.

Reports, Communications, Correspondence

Chairman Weigel asked if any Committee members had any comments or questions.

Ms. Konicki asked regarding the “grandfathering date” if flyovers are done every year and if one is being done this year. She suggested using this April, if possible.

Mr. Radner said he would check with the GIS Department. He would need to see if they are doing the whole County. Flyovers are better to be done in April because there are fewer leaves on the trees and you get a clearer picture.

David Dubois reminded the Committee members that a special Land Use Committee meeting is scheduled for April 20th at 10:30 a.m. in the County Board room and asked if anyone knows if they can be there or not.

Debbie Rozak said she can't be there.

Adjournment

Mike Wisniewski made a motion to adjourn the meeting. Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (7-0)

The meeting adjourned at 12:40 p.m.