

MINUTES

WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE

SEPTEMBER 14, 2010

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Call to Order:

Chairman Weigel called the meeting to order at 10:32 a.m.

Members Present at Roll Call:

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

Members Absent:

Katrina Deutsche and Michael Wisniewski.

Staff Present:

David Dubois, Curt Paddock, Brian Radner, Eileen Franz, Mike Smetana, Thomas Carroll, Leigh Kelley

State's Attorney Present:

Phil Mock

Others Present:

See sign in sheet.

Approval of Minutes:

PRELIMINARY PLAT AND PUD

FINAL PLATS

TABLED ZONING CASES

5933-S Berglund

Chairman Weigel asked Mr. Smetana to open case 5933-S.

Mr. Smetana reviewed a letter he distributed to the Committee. When this case was heard by the Planning and Zoning Commission on July 20, 2010 there was written correspondence from the Village of Homer Glen stating they opposed this Special Use Permit request. It has been discovered since then that the Village of Homer Glen voted to approve this request at the Planning Commission. The applicant is requesting a Special Use Permit to allow an illegal nonconforming kennel within 75' of a property line and 75' from the nearest residential use. The purpose is to allow existing state licensed Suburban Sheltie Rescue, Ltd. for abandoned dogs.

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

This case was denied at the Planning and Zoning Commission and Staff is also recommending denial of a Special Use Permit to allow an illegal non-conforming kennel within 75' of the property line and 75' from the nearest residential use. However, if the Special Use Permit is approved, staff requests that the following conditions be placed on the Special Use Permit: 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 Special Use Permit is not transferable upon change of property ownership. 3. Once removed from animal pens or enclosures, all animal waste and spoiled bedding shall be placed into a self-contained covered waste receptacle or dumpster. The location of this dumpster is subject to approval of the Will County Land Use Department. 4. Animal waste shall be removed offsite for proper disposal at an Illinois Environmental Protection Agency permitted disposal facility. This must occur on a weekly basis. 5. The applicant must submit a waste management plan subject to the approval by the Waste Services Division of the Will County Land Use Department within 30 days of County Board approval. 6. The applicant shall submit documentation, accompanied by affidavit, which depicts the exact number of adult dogs on the subject property. 7. All dogs must be on record with the Will County Animal Control Department. 8. All dogs must be vaccinated. Vaccinations must be kept current. 9. There shall be no increase in the number of dogs on site. 10. Deceased dogs shall not be replaced except to maintain a maximum of 10 on site in the future to keep this Special Use Permit active. 11. The applicant shall notify the Will County Land Use Department when the number of adult dogs on the subject property is decreased to five. At this time the Special Use Permit shall become null and void. 12. The applicant must schedule a pre-inspection with the Building Division of the Will County Land Use Department within 30 days of County Board approval. A building permit must be applied for within 90 days of County Board approval. This building permit application must be applied for within 90 days of County Board approval. This building permit application must depict compliance with all required commercial building codes for kennels. 13. Retail sales are prohibited on site. 14. Breeding of dogs on site is prohibited. 15. The total number of dogs allowed outdoors at one time shall be limited to five. 16. The total number of dogs at the time of this Special Use Permit is 20. 17. Dogs when outdoors shall be kept off area adjacent to property to south. 18. This Special Use Permit shall expire if a current animal shelter license is not maintained with the Illinois Department of Agriculture.

Mr. John Antonopoulos, attorney for the applicant, approached and explained that his client is fine with the additional conditions the Board Members want added.

Mr. Antonopoulos advised the Committee that not all neighbors objected; only two objected to this request. Mr. Antonopoulos then discussed and passed out photos of the two objector's lots.

Mr. Antonopoulos stated that many of the applicant's neighbors were present to show their support.

Chairman Weigel advised that he spoke with the County Board Members from District 7 and made the following changes: Revise #10 - Deceased dogs shall not be replaced except to maintain a maximum of 10 on site in the future to keep this Special Use Permit active.
Add condition #17 as follows: Dogs when outdoors shall be kept off area adjacent to property to north.
Add condition #18 as follows: This Special Use Permit shall expire if a current animal shelter license is not maintained with the Illinois Department of Agriculture.

Tom Weigel made a motion to approve the changes/added conditions listed above; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (5-0)

Mrs. Helen Tomczyk approached and explained that she moved to Homer Glen for the quiet and now there are dogs barking all of the time. Recently the applicant has moved the dogs to another part of the property and the noise has been better but what will happen when that land is built upon. She stated the dogs and their barking could hurt her if she wanted to sell her home. Mrs. Tomczyk stated they live in a residential area and 20 dogs are too many dogs.

Mrs. Rozak asked how long Mrs. Tomczyk has lived her and Mrs. Tomczyk answered over 20 years.

Mrs. Betty Pastulka approached and explained that she is the owner of a lot adjacent to the applicant's lot. They purchased the lot about 3 years ago with plans to build a home but she stated there is no way she is going to live near that many dogs. Two of her four children are allergic to dogs. She stated she feels cheated because she did not know that there was a shelter adjacent to the lot she purchased.

Mrs. May asked how many dogs are legally allowed and Mr. Smetana answered five.

Mrs. Jolanta Nocon-Kotarski approached and explained that she owns a lot adjacent to the applicant. They have not built on their property because they have to build on the corner of her property which is closest to the applicant's lot because of setbacks and land that has to be given for dedication. Mrs. Nocon-Kotarski stated she objects to this Special Use Permit also because she has two small children.

Chairman Weigel asked who in the gallery were present and in favor of this case and six people raised their hands.

Jim Bilotta, County Board Member, approached and explained that he had personally been to the applicant's property both announced and unannounced. Mr. Bilotta explained that the applicant is currently keeping the dogs on the southern end side of her property (she has 2.5 acres). Mr. Bilotta likes the idea of lowering the number of dogs and the applicant is willing to do that.

Tom Weigel made a motion to amend condition #10 to read "Dogs when outdoors shall be kept off area adjacent to property to South"; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (5-0)

Kathleen Konicki stated she had also been out to visit this applicant and the dogs are old and Mrs. Berglund has the support of almost all of her neighbors, the one objector lives by her and the other two did not even know there was a kennel there.

Kathleen Konicki made a motion to approve a Special Use Permit for an illegal non-conforming kennel with the eighteen (18) conditions as listed above; seconded by Brian Smith.

ROLL CALL VOTE: Weigel, Rozak, Konicki, May & Smith voted "yes".

MOTION CARRIED (5-0)

REMANDED ZONING CASES

NEW BUSINESS

5932-SV2 Vejvoda

Chairman Weigel asked Mrs. Franz to open case 5932-SV2. This property is located in Manhattan property and the applicant was cited for having two miniature horses on an R-2 property. R-2 zoning allows one horse per acre only if a Special Use Permit is granted by the County Board. The applicant is also requesting two Variances for a pole building. The pole building meets the site and structure requirements for the R-2 zoning district but since horses are being housed in the building there are additional separation distances that are enforced

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

Mrs. Franz advised that the Planning and Zoning Commission recommended approval of a Special Use Permit with seven (7) conditions but denied the Variance for side-yard setback and approved the Variance for rear-yard setback.

Staff is recommending denial of a Special Use Permit for stabling of miniature horses based upon the findings of fact with the following seven (7) 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 applicant is limited to two miniature horses on the property. 3. The Special Use Permit shall become null and void if the property is sold. 4. All animal waste shall be disposed of through a waste hauler and/or through land application. Land application must be conducted in a manner not to violate any and all State of Illinois applicable laws. 5. Animal waste should not be applied within 200 feet from any surface water. 6. If animal waste is accumulated it must be contained in a three-sided storage unit and must not accumulate over 6 months. 7. Waste should not be applied within 150 feet of any well.

Mrs. Helen Houston approached and asked what happened to legally securing a permit before building an addition to a building or placing horses on the property. She has been informed by the Zoning Department that two citations have been issued on this building and for a pool.

Mrs. Houston stated the Manhattan Planning Board unanimously denied the petition for a Variance and horses as did Manhattan Township. Covenants were also presented to the Township.

Mrs. Houston submitted a letter stating that on August 14th the smell was so bad that she could not continue mowing her grass or working in her yard; she is also concerned about flies and her water.

Mrs. Rozak asked Mr. Mock about covenants of a subdivision and he explained that if there is a Homeowners Association in effect the Homeowners Association can take the homeowner to court. Our ordinance for R-2 does allow for Special Use for stabling of horses or mules not to exceed one animal unit per acre. Miniature horses are not listed in our ordinance. Our Zoning Administrator who is empowered to determine the value of animal units for mature animals not listed said two miniature horses would constitute one animal unit so this is proper under our Zoning Ordinance.

Mark Vejvoda, the applicant, approached and apologized for not knowing the proper procedures. He explained that he and his family do activities and attend parades with their horses. These horses are for the enjoyment of his children and his neighbor's children; they do not run a pony ride business out of their home. He explained

that the horses are only out when he and his family are home and that they do not purposely put the horses by Mrs. Houston's property.

Mr. Vejvoda explained that the horses are kept in a 30 x 32 building and these horses are approximately one-third the size of a regular horse. He then explained his cleaning procedures (with regard to the horse manure and urine) to the Committee and stated he also hangs up fly traps to deal with the flies.

Mr. Vejvoda explained that he received 60% approval from his neighbors, which is what is needed in order to change the subdivision's covenants; this information was presented to Manhattan Township after their first meeting since he was not aware it was originally needed.

Mrs. Rozak asked about Mr. Vejvoda being able to meet the 50' setback and Mr. Vejvoda explained he could build a 10 x 12 shed to house the horses and that would be 51' feet from the rear property line and 76 ½' from the north property line, however, he would really like to keep them in the 30 x 32 building.

Conversation ensued regarding the neighboring zoning and how many animals are within a 1-1/2 mile area.

Mrs. May asked if something happened to their two horses would they be replaced and Mr. Vejvoda explained that the horses are for his children and if something happened to one of them in the near future he would replace it, because the miniature horses like to live in pairs.

Mrs. May asked Mr. Vejvoda if he has been contacted by his homeowner's association and he explained that he was never presented with the covenants and in speaking with the neighbors he does not believe there has been a homeowners association meeting.

Mrs. May asked Mr. Vejvoda to show on the overhead which neighbors are objectors and which neighbors are in favor and Mr. Vejvoda obliged.

Mrs. Rozak asked about the charges Mr. Vejvoda would incur and Mrs. Franz stated she would check into the permit for the building, if he did not get that one it would be doubled.

Mrs. Franz explained that the two variances were going to be voted on today and this was verified by Phil Mock.

Mrs. May indicated that she and Mrs. Rozak met with the neighbor that is complaining about the runoff problem.

Mr. Thomas Carroll explained that the stormwater pond in the subdivision was designed for the level of impervious area per the subdivision and the horses themselves will not affect how that facility functions.

Mrs. May suggested the applicant get the homeowners to meet to work on this runoff problem.

Chairman Weigel asked if there were any neighbors present that were in favor of this request and there were.

Debbie Rozak made a motion to approve a Special Use Permit for stabling of miniature horses with the above listed seven (7) conditions; seconded by Kathleen Konicki.

ALL IN FAVOR **MOTION CARRIED (5-0)**

Debbie Rozak made a motion to approve a Variance for side yard setback from 50' to 12'; seconded by Kathleen Konicki.

ALL IN FAVOR **MOTION CARRIED (5-0)**

Debbie Rozak made a motion to approve a Variance for rear yard setback from 50' to 39.43'; seconded by Kathleen Konicki.

ALL IN FAVOR **MOTION CARRIED (5-0)**

PREAUTHORIZATION TO FORECLOSE

1. Castellan Crossing PUD, Phase 1 –GG - \$1,657,639.00

Chairman Weigel advised the Committee that Castellan Crossing PUD has signed a new letter of credit.

2. Highland Ridge South PUD – FR- \$224,782.82

Chairman Weigel asked for a motion to approve pre-authorization to foreclose on the Highland Ridge South PUD in Frankfort Township in the amount of \$224,782.82.

Debbie Rozak made a motion to approve pre-authorization to foreclose on Highland Ridge South PUD in Frankfort Township in the amount of \$224,782.82; seconded by Kathleen Konicki.

ALL IN FAVOR **MOTION CARRIED (5-0)**

3. Steeplechase PUD- NL- \$50,040.30

Chairman Weigel asked for a motion to approve pre-authorization to foreclose on Steeplechase PUD in New Lenox Township in the amount of \$50,040.30.

Sharon May made a motion to approve pre-authorization to foreclose on Steeplechase PUD in New Lenox Township in the amount of \$50,040.30; seconded by Brian Smith.

ALL IN FAVOR **MOTION CARRIED (5-0)**

OTHER BUSINESS

1. Temporary Use Permit 10-15-T; Naperville Polo Club

Mrs. Franz advised the Committee that the Naperville Polo Club is requesting a temporary use permit on behalf of the Galaxy Soccer Club. The purpose is to allow a soccer tournament on the property identified by permanent index numbers: 07-01-22-300-015, 07-01-22-400-007, 07-01-22-400-008, 07-01-22-400-009, 07-01-22-400-010 and 07-01-22-400-011. The property is commonly known as 23700 119th Street, Plainfield, Illinois. The property is zoned A-1 with a Special Use Permit for a polo club and golf driving range. (Will County Zoning Case 3736-RS2). The Special Use Permit was granted January 16, 1992. It has been determined by the Will County Land Use Department that the Special Use Permit does not allow a soccer tournament.

The proposed dates are September 17, 18 and 19th. The event will be held from 4:00 p.m. to 7:00 p.m. on the 17th and from 7:00 a.m. to 7:00 p.m. on the 18th and 19th.

The requested temporary use permit is not identified as one that the Zoning Administrator is authorized to issue.

Therefore, the application is being presented to the Will County Land Use and Development Committee.

If approved, staff recommends the following conditions be placed upon the temporary use permit: 1. There shall be no parking along 119th Street from Route 59 to Naper-Plainfield Road or in the Wolf Creek Subdivision. 2. Food vendors must secure all cylinders and have ten pound ABC fire extinguishers as well as Class K fire extinguishers if using deep fat fryers (Plainfield Fire Protection District). 3. The applicant shall obtain all required permits from the Will County Health Department, and comply with all applicable requirements and pre-inspections regarding food vendors, portable toilets and water. 4. The applicant must coordinate with the Will County Sheriff's Office and at a minimum eight deputies must be provided for traffic control. 5. The applicant shall obtain a temporary liquor license from the Will County Liquor Commissioner. 6. Maximum occupancy for structures on site must be adhered to. Avenues of egress must be properly identified, lit and uninhibited.

Mrs. Franz explained that condition number 5 is not necessary as there will be no liquor sold. A letter was received from the Wheatland Township Supervisor expressing concerns about traffic and parking and conditions 1 and 4 address these issues.

There were no objectors

Debbie Rozak made a motion to approve a soccer tournament for the Galaxy Soccer Club at 23700 119th Street, Plainfield, Illinois PIN Nos.: 007-01-22-300-015, 07-01-22-400-007, 07-01-400-008, 07-01-40-009, 070-01-22-400-010 and 07-01-400-011 September 17, 18 and 19th with the above listed five (5) conditions; seconded by Kathleen Konicki.

ALL IN FAVOR

MOTION CARRIED (5-0)

2. Natural Planting Ordinance

Brian Radner gave a brief introduction on this topic. The Natural Plantings Ordinance would regulate natural plantings. Many people want to have vegetative swales and natural plantings in their yards not just as a landscaping component but an overall portion of their yard would be natural plantings. The current Property Maintenance code does not address this. It would look at anything over 10" that was not in a cultivated garden as being a violation of the code. This ordinance is an attempt to address some of those issues that are in the property Maintenance Code with natural Plantings. There are a number of the County's publications that recommend natural plantings in certain areas such as the Subdivision Ordinance or the Drainage Guide. In an effort to accommodate people who desire to do this type of activity and to encourage green-type land uses staff has come up with this draft document. Steve Lazzara and Elizabeth Dunn have been working on this project for a number of months with Will South Cook and some other groups that have interest and expertise in natural plantings.

Mr. Radner asked the Committee to review the proposed draft ordinance and bring forward any comments for the next meeting.

Mrs. Konicki stated she applauds the staff for working on this project.

Mr. Radner explained that staff wants to make sure that people are planting appropriate species for our area.

Chairman Weigel asked that height of weeds be addressed and vegetable gardens in front yards be looked into.

3. Equestrian Related Events/ Horse Shows/Rodeos – Discussion

Curt Paddock approached and gave an overview of this topic. He explained that at the August 10th Land Use meeting Mrs. Gross made a presentation with the variety of concerns she has regarding rodeo or charreada activities that occur on the property adjacent to her. The Committee asked staff to compile a variety of statistics and asked to be informed with regards to the formation of a working group. The Will County Planning & Zoning Commission has been formed and will meet on September 29th. This group will include property owners that have been impacted by these activities, operators of these activities and a variety of agency personnel from Will County that have one role or another in the enforcement process as related to the types of activities that have occurred or are alleged to have occurred at various sites where charreada or charreada-like activities are currently occurring.

Mr. Paddock went over the list of: horse show/rodeo facilities that have been granted/denied a Special Use Permit, horse show/rodeo facilities that have been granted/denied a Temporary Use Permit, “Grandfathered” horse show/rodeo facilities, a list of current complaints where horse show/rodeo operations are suspected to be occurring and a map of properties showing permitted horse show/rodeo operations and properties where horse show/rodeo activity is suspected.

Mr. Paddock stated the working group will try to determine if there is a need to make recommendations to the County Board through the Land Use Committee for needed changes to existing ordinances; perhaps the adoption of new ordinances and/or different strategies to be applied for more effective enforcement of existing ordinances as that relates to the general topic of equestrian activities.

Mr. Paddock advised the Committee that there are colleagues from the Sheriff’s Department, Animal Control, Liquor Control, The State’s Attorney’s Office, the Building Division and others that each have some degree of purview in this general matter and would be happy to answer any questions.

Ms. Konicki asked if Mrs. Gross had received the same information that the Committee members had and Mr. Paddock stated he would get a copy to Mrs. Gross.

Mr. Radner advised the committee that the following people were contacted by staff and Mr. Vallone to attend the working group: Development Review Division staff, Administration and Planning, Code Enforcement, Waste Services, States Attorney’s Office, Sheriff’s Department, two concerned citizens, two horse show operators, Lockport Township Supervisor, Lockport Township Trustee, Mr. Vallone, Lockport Fire District, Will County Farm Bureau and Will County Health Department.

Mrs. Rozak asked if the two concerned citizens have been identified and Mr. Radner answered Mrs. Gross and Rachel Barroco.

Mr. Paddock advised that this initiative is an undertaking by the Planning & Zoning Commission, they are advisory to the County Board and they hope to get a candid discussion going amongst stake holders and then as a Planning & Zoning Commission make recommendations to this Committee.

Mrs. Konicki asked if she would be allowed to be present and hear the debate and asked if she would be allowed to comment and/or ask questions and he answered yes.

Conversation ensued regarding the working group and their schedule.

Mrs. Gross approached and advised she would be gone on vacation in mid November and asked if a teleconference would be possible and Mr. Paddock answered yes.

Mrs. Gross distributed photos of rodeos or events that have taken place recently on Oak and Rosalind. There was police activity and an ambulance there.

Mrs. Konicki asked about a term Mr. Paddock used charreada and Mr. Paddock explained that the American rodeo actually derives historically out of an equestrian event called a charreada that is integral to Mexican culture. They have a superficial similarity but the actual nature of the events differ in many instances. They share in common athletic competitions involving various types of skills with large animals they share the fact that it is a festival type of event and they differ in that the charreada involves exhibition of costumes and sometimes dance and other related aspects of Mexican culture. This information was given to the working group and Ms. Konicki would like to receive this too.

Mrs. Gross is thankful that the rodeos have come to the attention of the Board; however, she is still concerned about the way the animals are being boarded and the poor construction of the buildings as well as the manure and flies. She would like to see all of the issues addressed not just the rodeos themselves.

Ms. Konicki asked if the task force members have each other's email addresses and Mr. Paddock explained that it would be discussed at the working meeting

Mrs. Gross asked about the "Grandfathered" rodeo on Briggs and Rosiland they use to have them only on Sunday afternoons and now they are having them on Friday, Saturday, Sunday and even this last Monday because it was Labor Day. She asked if there time limits, they go from 3:00 p.m. to midnight.

Mr. Paddock explained that it is operating as having been a previous situation prior to the adoption of the Ordinance and therefore did not require a Special Use Permit. A Special Use Permit is the mechanism that one would use or a Temporary Use Permit to specify limits to the dates and times and frequency of the events. Although they have that ability to conduct this type of activity on their premise they are subject to all of the same nuisance laws, traffic laws etc. that would apply to activities of any type at any time in unincorporated Will County.

Ms. Konicki asked if a "Grandfathered" use could be expanded upon and Mr. Mock explained that they are not supposed to expand. Ms. Konicki stated it sounded like this use has been expanded many times over and should be looked into.

Mrs. Rozak asked if any of the stakeholders were "rodeo" people and the answer was yes.

4. Section 605 Water Resource Ordinance for Unincorporated Will County – Stakeholder Comments

Mr. Carroll gave an overview of the stakeholder's meeting and the comments received. Six participants were present at the meeting. Written correspondence from some stakeholders was received and was included in the Committee Member's packets.

Mr. Carroll asked the Committee to approve the following comments and proposed revisions and approve a copy for public hearing at the October Planning & Zoning Commission meeting.

Proposed Section 605-

1. The County Board shall propose and establish one or more Maintenance Special Service Areas (MSSA) pursuant to the Special Service Area Tax Law upon all taxable property within the MSSA. The Maintenance Special Service Area (MSSA) will be used either as the primary means of providing for the long term maintenance of the stormwater facility, or as a backup vehicle in the event the entity designated by the applicant as having primary maintenance responsibility of the stormwater facility fails to adequately carry out its duties. In such an event, the County Board may enact an ordinance to levy an ad valorem special tax against all taxable property within the proposed Maintenance Special Service Area in order to fund the necessary maintenance and other costs set forth herein. In furtherance of this requirement, the ~~Chief Subdivision Engineer~~ **Applicant** shall submit to the Plat Committee a request to propose the Maintenance Special Service Area.
2. Upon receipt of the MSSA request, the Plat Committee shall submit a Proposing Ordinance, **pursuant to the Special Service Area Tax Law**, to the County Board for its consideration.
3. In the event the County Board adopts the Proposing Ordinance, an MSSA Hearing shall be held pursuant to the terms of the Proposing Ordinance and Special Service Area Tax Law.
4. The County Board shall consider and vote upon the establishment of the Maintenance Special Service Area after the later to occur of (i) expiration of the MSSA Objection Period or, in the event the states attorney determines that sufficient consents to the formation of the proposed Maintenance Special Service Area have been obtained which adequately waive the right to object to the formation of the proposed Maintenance Special Service Area under the Special Service Area Tax law, then upon such determination; or (ii) the date all authorized signatures are on the Final Plat.
5. Prior to the County Board considering and voting upon enacting the levy ordinance, **pursuant to the Special Service Area Tax Law**, for the established MSSA, all landowners within the MSSA shall be noticed in writing, via first-class mail, and a non-binding public hearing with the Plat Committee shall be held to hear comment. Notice of the time and place of such hearing shall also be published in a newspaper of general circulation in the County no less than fifteen (15) days before the hearing.
6. **Landowners within the MSSA have the right to file Objection Petitions, pursuant to the Special Service Area Tax Law, objecting to the creation of the MSSA and/or tax levy.**

If the establishment of a maintenance special service area is required, the Applicant shall submit to the Chief Subdivision Engineer a good faith estimate of the tax rate required to produce a tax to be levied upon all taxable property within the area, sufficient for the long term maintenance of the facilities and submit the same to the ~~permitting authority~~ **County Board** which shall incorporate such rate into its enactment of the ordinances necessary for the establishment of the area, **pursuant to the Special Service Area Tax Law**. The ordinances to be enacted by the ~~permitting authority~~ **County Board** shall be substantially in the form set forth in the Appendix A.

On or before August 1 of each year thereafter, the Chief Subdivision Engineer shall submit to the ~~permitting authority~~ **County Board** a good faith estimate of the amount of tax required to be levied, **pursuant to the Special Service Area Tax Law**, upon all taxable property within the area for the next fiscal year for the continued maintenance of the stormwater drainage system.

Mr. Carroll explained that most of the changes to Section 605 are to reference the state statutes for clarity.

Page 3 of Appendix A:

Section 4. Public Hearing

A public hearing shall be held on _____, at _____, in Will County, Illinois to consider the creation of the Will County Special Service Area Number _____ for the subject property. At the hearing the following method of financing special services within the Proposed Special Service Area will be considered, including but not necessarily limited to: the levy by the County (ie. Special Service Area) of a tax in the Proposed Special Service Area sufficient to produce revenues to provide Special Services to the Proposed Special Service Area; the maximum rate of such taxes to be extended in any year for Special Services under this ordinance within the Proposed Stormwater Special Service Area shall not exceed the amount necessary to produce a maximum annual tax levy of \$ _____. The Special Services to be provided to the Proposed Special Service Area may include all those Special Services as provided and/or needed in the Site Development Permit, attached hereto as Exhibit C. This Tax is to be levied, **pursuant to 35 ILCS 200/27-5 et seq.**, upon all taxable property within the Proposed Special Service

Draft 2, Appendix A, Page 6, Section 2, Findings.

(c) An annual *ad valorem* special tax upon all taxable property in the Special Service Area as described shall not exceed (insert specific rate), the tax rate or method proposed in the notice of Public Hearing.

Landowners within the Special Service Area have the right to file Objection Petitions, pursuant to the Special Service Area Tax Law, objecting to the tax levy.

(h) The provisions of the Illinois Special Service Area Tax Law, 35 ILCS 200/27-5 et seq. have been fully complied with as it applies to the Proposing Ordinances, Public Hearing, Objection Periods and Establishing Ordinances.

Mr. Carroll explained that this change to 2 (h) came from the State's Attorney's Office via email and that he provided a hard copy to the Committee members.

Mr. Carroll then reiterated that these were the changes that came out of the stakeholder's meeting and they are primarily just references to the state statute, to provide additional clarification.

Debbie Rozak made a motion to approve the above listed changes to Section 605 of the Water Resource Ordinance as presented; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (5-0)

Tom Joseph asked that the changes made to Page 6, Section 2 (h) be read aloud and Mr. Carroll obliged.

5. Extension Request for 5840-SV

Chairman Weigel asked Eileen Franz to handle this.

Mrs. Franz explained that this is a Special Use Permit and Variance extension request for Case 5840-SV it was approved at the September 2009 County Board meeting. The applicants are requesting an extension, the Special Use Permit is to allow storage of cargo containers with seven (7) conditions and the Variance is to allow cargo container storage location from 1,000' to 0' on the existing identified floodplain.

Debbie Rozak made a motion to approve an Extension Request for Case 5840-SV- Special Use Permit to allow storage of cargo containers with seven (7) conditions and a Variance to allow cargo container storage location from 1,000' to 0' on the existing identified floodplain; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (5-0)

Chairman Weigel asked about the status of the Billboard Ordinance and Mr. Radner explained that the current update is that staff hopes to bring it back at next month's meeting. Staff is reviewing comments that have come in. Additionally the section regarding the nits has to have the correct language and that is being worked on. There is concern about the name of the device and also there needs to be correct requirements of the actual measurements of the nit levels.

Mrs. Konicki asked if there had been any interest in visiting any existing billboards and taking a nit reading; Mr. Radner answered that he could try to arrange that.

Conversation ensued regarding the issue of nit measurements and readings.

Ms. Konicki stated she was hopeful that perhaps, Lamar, Clear Channel and ICROL would go out and take measurements. We do not have a reference point for nits. If readings were taken on existing billboards and we are given the reading we would know that is what we are used to seeing in our County.

Mr. Paddock stated staff would look into this matter to see that it is handled by an impartial technically competent person. Mr. Paddock stated he was sure that there would be some cost involved and if advised by the Committee it would be done.

Mr. Paddock asked for clarification and Ms. Konicki stated she wanted measurements on the static billboards.

Ms. Konicki made a motion to direct staff to contact Clear Channel and Lamar as to their willingness to participate in the nit level measurement of existing static billboards and invite ICROL to compile a nit reading; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (5-0)

Mr. Dubois passed out a paper to the Committee with regard to the direction he received from the Committee to provide a short-term fix with regard to Temporary Use Permits.

14.12 Temporary Permits

14.12-1 Authority

The Zoning Administrator is authorized by this Ordinance to issue a “temporary permit” for uses specifically authorized in particular zoning districts as temporary permit uses. The Zoning Administrator shall not authorize a temporary use permit for the sale of fireworks. The Planning and Zoning Commission is authorized by this Ordinance to direct the Zoning Administrator to issue “temporary permits” for uses not identified in specific zoning districts, including, but not limited to, fairs, festivals, sporting events, equestrian events and concerts.

Mr. Dubois explained that he added the last that gives the Planning & Zoning Commission authorization to consider and direct the Zoning Administrator to issue temporary permits for uses that are not specifically identified in districts. What this would do is stop the Temporary Use Permits at the Planning & Zoning

Commission and relieve the County Board from having to consider these requests and shorten the time frame. Mr. Dubois indicated that there would still be the same notice requirements for the agencies that are currently notified and if he felt any current or future Temporary Use Permit needed a public hearing, as Zoning Administrator he could require that.

Mr. Dubois asked for this to go forward for public hearing.

Mrs. Rozak asked how many times could a temporary use permit be requested, when would we tell them that they would need a Special Use and Mr. Dubois answered that with regard to an equestrian event (which is temporary in nature) it would be a quick fix to get some kind of mechanism in the Ordinance to address the current situations that we are experiencing until we can thoroughly analyze Temporary Use Permits themselves as well as equestrian events.

Mr. Dubois explained that this is a temporary fix that provides a mechanism in the ordinance to address these types of uses that are coming forward.

Ms. Konicki asked about the last sentence and Mr. Dubois explained that it is basically giving the Commission the authority to approve them and direct him to issue the permit.

Ms. Konicki stated she would like adjoining land owners to be notified of these types of events and conversation ensued regarding this topic.

Mr. Dubois explained that notification could be added to the application process and not be codified. Temporary Use Permits are for uses that are not specifically listed as permitted uses, special uses or accessory uses; right now this is the mechanism to deal with these that are seasonal or a temporary basis. In the long term we can address this by making those uses that the County Board deems to be necessary, to classify them as special uses or permitted uses.

Mr. Mock explained that in a lot of our districts agricultural and commercial right now the Zoning Administrator can give a temporary permit right in our ordinance for: a bizarre or dance, fairs, festivals, sporting events. But we are limited to what our language is and this just gives an opportunity for them to have some review more than just the Zoning Administrator allowing a sporting event or an equestrian event because it would go through the Planning & Zoning Commission where the public could have input.

Mr. Dubois asked the Committee if the language as presented is acceptable for public notice and Chairman Weigel answered yes.

Ms. Konicki asked Mr. Dubois to insert something in the administrative process to include a notice requirement and Mr. Paddock answered yes, but staff would like the Committee's consensus today.

Mrs. Rozak asked if notice is given to the adjoining landowners where would they go if they had a complaint and Mr. Dubois answered that if we give notice on an Administrative Temporary Permit the complaints would come to him.

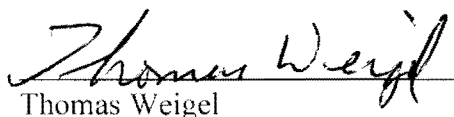
Mr. Dubois advised the Committee that he is looking for a temporary solution to an issue that staff deals with quite often and we don't have a good answer for the public.

Chairman Weigel asked Mr. Dubois to bring this back with some notification provision.

Debbie Rozak made a motion to adjourn; seconded by Kathleen Konicki.

ALL IN FAVOR

MOTION CARRIED (5-0)


Thomas Weigel

Chairman, Will County Land Use and Development Committee

WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE

DATE: September 14, 2010

ALL SPEAKERS MUST SIGN IN

PLEASE PRINT

CASE #	NAME	ADDRESS & PHONE NUMBER	EMAIL ADDRESS
5933-5	ROBERT SIPEK	300 WEXFORD DR, LEMONT IL, 60459	RSIPEK@AOL.COM
"	GREG BERGLUND	4011 HENNER W DR Joliet 60431	ntyboys2@yahoo
"	LISA BERGLUND	15817 W. 138 th St Homer Glen	BRGSG@Sbcglobal.net
"	JOHN RANUH	11257 S. Elm St	_____
"	Leslie GROEBE	18019 OAK PARK Ave Tinley Park IL 60487	_____
5932-SV2	MARK VEJVODA	23719 S. HIGHLAND DR. - MANHATTAN (815) 478-0194	_____
5932-SV2	Debbie Vajvoda	23719 S. Highland DR. Manhattan (815) 478-0194	_____
5932-SU2	Lee A. Bisceglie	411 Knock Knolls Naperville, IL. ⁶³⁰ 577-9234	_____
"	Chelsie Vajvoda	23719 S. Highland Dr. Manhattan ⁸¹⁵ 478-0194	_____
"	Kyle Vajvoda	23719 S. Highland Dr. - Manhattan IL ⁸¹⁵ 478-0194	_____
"	SASYPARE DISCEGLIE	411 Knock Knoll Rd Naperville IL ⁶³⁰ 577-9236	_____
5932-S 1/2	Steve Link	23663 Highland Dr, Manhattan, IL	_____
5933	John Antropian	15410 127 th Lemont IL	_____
5933	Helen Tomczyk	15826 W 139 ST	_____
5933	Betty Kistulka	15551 Nolan Ct Homer Glen IL	_____
5933-5	Joan Gillespie	2634 Harbor Dr. Joliet, IL 815-577-1618	_____
5933-5	Edna Gillespie	2634 Harbor Dr. Joliet, IL 815-577-1618	_____
BODEO	Paul Anos	18058 S. Farnce Rd Joliet 60430	_____
5933-5	JOLANTA NOCON-KOTARSKI	15810 W. 139 th St, Lockport, IL	jolantanocon@yahoo.com
5932-	JIM MILLEC	12040 W BAKER ROAD MANHATTAN	_____

LUDC SIGN IN SHEET

5933-5 Noe Gonzalez 13150 Main St Lemont IL 60439