

**MINUTES  
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE  
(REGULAR MEETING)  
JUNE 8, 2010**

**Pledge of Allegiance**

Chairman Weigel led the pledge.

**Call to Order**

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

**Members Present at Roll Call**

Tom Weigel, Debbie Rozak, Kathleen Konicki, Katrina Deutsche (arrived at 10:35), Sharon May, Michael Wisniewski and Brian Smith were present.

**Members Absent**

None

**Staff Present**

Thomas Carroll, Pat Cline, David Dubois, Eileen Franz, Steve Lazzara, Amy Munro, Derek O'Sullivan, Curt Paddock, Michael Smetana and Brian Radner were present.

**State's Attorney Present**

Melanie Manning was present.

**Others Present**

See sign-in sheet.

**Approval of Minutes**

**Motion by Wisniewski, seconded by Rozak to approve the minutes of April 20, 2010, as presented.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**Motion by Rozak, seconded by Wisniewski to approve the minutes of May 11, 2010, as presented.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**New Business (Zoning Cases)**

**5911-M**

The applicant is Edward E. Dunn. The property is located in Wesley Township. The purpose of the request is to bring the entire parcel into compliance with A-1 zoning consisting of a 53-acre farm.

Eileen Franz stated the applicants are requesting a map amendment from A-2 to A-1. The property is currently split zoned A-1 & A-2 and it is bisected by Angle Road. The property on the north side of the road is zoned A-2. The applicant wishes to bring the property into A-1 zoning.

No objectors were present.

**Motion by Rozak, seconded by Wisniewski to approve a map amendment for Case 5911-M from A-2 to A-1.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**5917-S**

The applicant is Rachel Riley. The property is located in Wilmington Township. The applicant is requesting a special use permit for a residential lease hold for the conversion of a non-conforming lease hold to a special use permit (Section 11.6) to allow construction of a garage.

Eileen Franz noted the property consists of 10,900 sq. ft. of A-1 zoned property that borders the Kankakee River. There are several lease holds on the property. Lease holds are not currently addressed in the Will County Zoning Ordinance. The property is non-conforming. There is a single-family residence on the applicant's leased area and he would like to add a garage. In order to bring the property into compliance the applicant was required to apply for the special use permit.

Staff was requested at the Planning & Zoning Commission to research lease holds as something to be addressed in the future. The Planning & Zoning Commission Chairman asked staff to bring the issue before the Land Use Committee at their meeting today to see if there was any direction you wanted to give staff on it.

Ms. Konicki asked about public policy standpoint. Ms. Franz said there is one owner of the entire large piece of property and they just lease part of their property. Ms. Konicki said you are putting multiple homes on a single parcel and that's not a very good idea. People have leased areas that are similar to Lot lines but they are not official Lot lines. There are several areas with these in southern Will County.

Mr. Dubois is very familiar with the lease hold. It is a ground lease. Currently, no funding is available for lease hold properties. Lease holds have been identified as an issue. They will be addressed in the updated Zoning Ordinance. Right now staff is working with the existing ordinance. They are not setting a precedent and staff is dealing with the situation under the existing ordinance. Ms. Franz noted we had one about a year ago. Staff recommended approval with the following condition:

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.

The Planning & Zoning Commission recommended approval of the request with the one staff recommended condition.

No objectors were present.

**Motion by Rozak, seconded by Smith to approve a special use permit for Case 5917-S for a residential lease hold with the following staff condition:**

- 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.**

**MOTION CARRIED (6-1) (Konicki voted "no.")**

**5918-S**

The applicant is Lou Ann Kinney. The property is located in Wilmington Township. The applicant is requesting a special use permit for a residential lease hold. The purpose of the request is to allow for the conversion of a non-conforming lease hold to replace an existing mobile home and to bring the property into zoning compliance.

Ms. Franz stated the applicant leases an approximately 15,000 sq. ft. Lot zoned R-3 on the Kankakee River. The applicant would like to replace the existing trailer and needs to bring the property into compliance. Ms. Konicki requested she be sent the backup for the previous lease hold case(s) mentioned earlier. Staff recommended approval with the following condition:

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.

The Will County Planning & Zoning Commission recommended approval with the one (1) recommended staff condition.

No objectors were present.

**Motion by Rozak, seconded by Deutsche to approve a special use permit for Case 5918-S for a residential lease hold with the following condition:**

- 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.**

**MOTION CARRIED (6-1) (Konicki voted "no.")**

**5919-SV**

The applicants are Kevin P. and Loretta Clifford. They are represented by Thomas Osterberger, Attorney at Law, Kavanagh, Grumley & Gorbald, LLC. The applicants are requesting a special use permit to allow a horse riding school and a variance for maximum number of horses from ten (10) horses to twenty-three (23) horses. The request concerns an approximate ten (10) acres located on the south side of west Renwick Road, east of South County Line Road in Plainfield Township.

Mike Smetana stated the applicants are requesting a special use permit to allow a horse riding school in the E-2 zoning district. They are also requesting a variance for the number of horses allowed on the property from 10 horses to 23 horses. The purpose of the request is to bring the property into compliance and allow continuation of the horse riding school. Staff recommended approval with six (6) conditions and the Planning & Zoning Commission also recommended approval with the six staff conditions. There were no objections by other agencies. Mr. Smetana did receive one objection from a neighboring property owner regarding odors, lighting from within the pole barn and some drainage issues. Mr. Smetana said he feels the staff conditions attached to the special use permit will mitigate those negative impacts. Typically, in the E-2 zoning district you are allowed one horse per acre.

Ms. Konicki said technically, an E-2 parcel can be subdivided. Mr. Smetana said yes that is true but with the condition that he has placed on that special use permit; if they do any subdivision of that land they will lose their special use permit. That way we don't have twenty-three (23) horses on five acres or two and a half acres.

No objectors were present.

**Motion by Smith, seconded by Rozak to approve a special use permit for Case 5919-SV to allow a horse riding school in the E-2 zoning district with six (6) conditions:**

- 1. Upon (fourteen) 14 days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in and upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit.**
- 2. The applicants shall submit a manure management plan subject to the review of the Will County Land Use Department's Waste Services Division subject to applicable regulations. This plan shall be submitted within 90 days of County Board Approval.**
- 3. The special use permit shall become void if, at anytime, the subject property is reduced in total lot size.**
- 4. The special use permit does not authorize rodeo related events to take place on the subject property.**
- 5. The applicants must obtain a building permit for the existing Quonset hut and remove the Quonset hut from the required side yard setback.**
- 6. The applicants must remove the truck trailer that is located on the property or apply for a special use permit to allow for the truck trailer to remain on the property.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**Motion by Smith, seconded by Deutsche to approve a variance for Case 5919-SV for the maximum number of horses allowed on the subject property from ten (10) horses to twenty-three (23) horses.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**Other Business**

**Approval of Rodeo dates - The Six Guns Ranch and Arena**

Mr. Smetana stated Six Guns Ranch comes before this Committee every year for approval of their rodeo dates. That was a condition placed on their zoning Case 5109-S; which was approved December 19, 2002 by the Will County Board. Six Guns Ranch and Arena is requesting approval of rodeo dates for August 21 & 22, 2010 for the Windy City Rodeo. The applicant did contact the Township Supervisor and the Fire District. They are working with the Will County Health Department to get permits. Mr. Smetana also contacted the Will County Sheriff's Department. As always, they've never had any issues with this event.

Chairman Weigel called for comments or questions by Committee. He asked if anyone from the public had any objections. Hearing none he called for a motion.

**Motion by Wisniewski, seconded by Rozak to approve the rodeo dates of August 21 & 22, 2010 for the Windy City Rodeo for The Six Guns Ranch and Arena as proposed.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**Resolution Designating Bowen-Tyrakowski House as a Historic Landmark**

Amy Munro presented a request for a house known as Bowen-Tyrakowski House as an Historic Landmark (Historically known as The Rodney Bowen House) located at 725 Widows Rd., Wilmington, Illinois. The house is located within the City of Wilmington. The City approved a resolution granting the Will County Board the authority to designate the building a landmark. The house was nominated by the owner. The house was nominated because of its association with Albert Bowen, one of Will County's earliest settlers. He owned quite a bit of land throughout Wilmington and Joliet. The house was built in 1858 by Albert Bowen's son, Rodney. Rodney Bowen was also a civil war veteran. The house is inspired by Italian Renaissance architecture; Italianate style houses feature rectilinear massing, low pitched roofs, overhanging eaves with bracketing cornice, and tall rectangular windows. The Bowen House contains many of these features. A public hearing was held May 5, 2010, and the Will County Historic Preservation Commission voted to recommend that the subject property be added to the Will County Register of Historic Places. Since all requisite criteria has been met staff recommends designation of the Bowen-Tyrakowski House as an historic landmark.

**Motion by Konicki, seconded by Wisniewski to recommend the Will County Board designate the Bowen-Tyrakowski House as an historic landmark and further that it be added to the Will County Register of Historic Places.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**Water Resource Ordinance & Zoning Ordinance Text Amendments**

David Dubois stated the Water Resource Ordinance and text amendments were remanded by the County Board because of Section 605. The County Board had some comments and it will take time to address these comments. The draft will eliminate confusion and the ordinances will be consolidated into one. It is very important the County move forward on this as quickly as possible. Staff requested the Committee recommend approval of the Water Resource Ordinance and associated Zoning Ordinance Text Amendments reserving consideration of Section 605 for next month. Mr. Dubois stated the timeline for approval would hopefully be completed by early summer, perhaps, within two, possibly three months. Comments were brought up at County Board that need addressing.

Ms. Konicki stated this was addressed at the Conservation Design Phase.

Mr. Dubois said it wouldn't go with the same language.

Ms. Konicki said she is reluctant to adopt the ordinance without this in place.

Chairman Weigel said it is hard to get all the stakeholders to agree; but he thinks the Committee should move forward on this.

**Motion by Rozak, seconded by Smith to recommend the County Board approve the Water Resource Ordinance and associated Zoning Ordinance Text Amendments reserving consideration of Section 605.**

**MOTION CARRIED (5-2) (Konicki & Wisniewski voted "no.")**

**Extension of Moratorium on Digital Billboards**

Brian Radner stated the Will County Board passed a six (6) month extension of a moratorium on the issuance of building permits for digital billboards on December 17, 2009. The current extension of the moratorium will expire on June 18, 2010. An additional extension of six (6) months is needed to complete these regulations.

Brian Smith asked why six (6) months.

Mr. Radner responded to allow sufficient time to develop the regulations and guidelines to propose to the County Board for adoption. A special meeting is being planned for the end of the month.

Chairman Weigel asked if anyone had any questions or comments.

Ms. Konicki noted a representative for the Outdoor Lighting Association was present.

Debra Norvil stated she is glad the County and the Association are working together on the lighting issues. Information about their association may be found on The Dark Sky Association website. She is pleased with the cooperation she has received and thanked the Committee for the opportunity to address them.

**Motion by Konicki, seconded by Wisniewski to approve a six (6) month extension of the moratorium on the issuance of building permits for digital billboards.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**Will County Zoning Ordinance Text Amendment – Advertising Signs**

Brian Radner said they are looking at scheduling a special meeting to be held possibly June 29<sup>th</sup>. Kathleen Konicki asked if the meeting might be scheduled after the 29<sup>th</sup> and possibly rescheduled for the first week in July. Sharon May said she would be gone until after the 30<sup>th</sup>.

David Dubois suggested putting extension of the Zoning Ordinance Update on the agenda, as well.

**Will County Zoning Ordinance – Waste Related Uses**

David Dubois updated the committee regarding recycling drop-off centers and facilities. They are not identified specifically in the ordinance. Future agenda items were discussed.

**Extended Building Services**

Ray Semplinski stated the Will County Building Division is proposing the use of its staff to perform Building Services within incorporated entities located within Will County. He has researched the proposal since July of 2008. This initiative is being proposed not for a profit but to recapture funds expended for inspections to local government. Mr. Semplinski has worked with Keith Aschliman of the State's Attorney's Office to make sure the agreement documents were prepared properly. Current staff plus one layed off employee (plumbing inspector) rehired on a part-time basis would be utilized.

Chairman Weigel said this is a good program.

Debbie Rozak asked how many municipalities are interested.

Mr. Semplinski said about ten. He has talked to Beecher, Bolingbrook, Coal City, Diamond, Wilmington and Braidwood. These were the only municipalities interested.

Ms. Konicki said it is a good idea to rehire staff but she is concerned about increasing the workload on staff.

**Motion by Smith, seconded by Deutsche to recommend approval of the Resolution for Extended Building Services.**

**MOTION CARRIED (6-0-1) Konicki passed.**

**Refund of Building Permit Fees**

Brian Radner stated BP Pipelines (North America) Inc. submitted two building permit applications for sites in unincorporated Will County to install a motor operated valve. After submitting the applications, they decided to withdraw one of the applications. A \$50.00 plan examination fee is non-refundable. The total fee for the site is \$1890.00. BP Pipelines is requesting a refund of \$1840.00.

**Motion by Rozak, seconded by May to recommend approval of a refund in the amount of \$1,840.00 to BP Pipelines.**

**MOTION CARRIED (6-0-1) Wisniewski abstained.**

**Palomino Trace Subdivision – Green Garden Twp. – Letter of Credit**

Mr. Paddock explained the request to the Committee members and the nature of letters of credit. Back in November of 2008, Will County foreclosed on the Letter of Credit for Palomino Trace PUD in Green Garden Township in the amount of \$2,051,657.94. First Midwest Bank has foreclosed on the developer and is now the owner of the subdivision. First Midwest Bank has recently hired Bret Ferris, a Development Manager to assist with these newly acquired properties.

First Midwest Bank proposes to provide Will County with a new Letter of Credit in the amount of \$2,051,657.94. Will County will then refund the foreclosed amount to First Midwest Bank. Before the refund is provided, First Midwest Bank will provide a letter to Will County indemnifying and holding the County harmless for any and all liability associated with the return of the funds. First Midwest Bank will complete the remaining improvements and prepare the subdivision for potential sale. After completing the remaining improvements, First Midwest Bank will then request the appropriate reductions to the new Letter of Credit.

Mr. Carroll said the new cost estimate prepared is 1.3 million. Two million is more than sufficient and as outlined is acceptable to the Land Use Department. First Midwest Bank will be expending their effort and funds to complete the subdivision and the new Letter of Credit will provide the County reasonable assurances that the improvements will be properly completed. The proposal as outlined is acceptable to the Land Use Department. Staff requested the Land Use Committee provide approval to accept the new Letter of Credit and refund the foreclosed amount of \$2,051,657.94, to First Midwest Bank.

Ms. Konicki asked if this is legal. Melanie Manning said Mary Tatroe was contacted and it is lawful. This request is a policy decision only. Ms. Konicki questioned the length of the Letter of Credit. Mr. Carroll stated letters of credit usually run about a year. It is not in their best interest not to move on it.

Mr. Paddock stated the timeline is accurate and acceptable. Based on the cost estimates, staff feels this is entirely sufficient.

Chairman Weigel closed discussion and called for a motion.

**Motion by Wisniewski, seconded by May to approve the new Letter of Credit for Palomino Trace PUD and refund the foreclosed amount, \$2,051,657.94, to First Midwest Bank.**

**MOTION CARRIED (6-1) (Konicki voted “no.”)**

**Reports, Communications, Correspondence**

Kathleen Konicki stated at her request, County Board staff did email out to all Committee members a link to a website. Ms. Konicki requested that email be made a part of the minutes of this meeting so that any member of the public who would like to see that email and would like to see the websites; will have access to that information. Mr. Paddock agreed.

Minutes  
Land Use & Development Committee  
June 8, 2010  
Page 9

**Adjournment**

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

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**The meeting was adjourned at 11:35 a.m.**

Minutes  
Land Use & Development Committee  
June 8, 2010  
Page 10

**Brian Radner**

**From:** Kathleen Konicki  
**Sent:** Thursday, June 03, 2010 12:13 PM  
**To:** Beth Adams  
**Cc:** dnorvil@comcast.net; Curt Paddock; Brian Radner  
**Subject:** Digital Billboards  
**Attachments:** signnits.pdf

Beth –

The attachment shows how bright, in “nits”, signs are at night. Debra Norvil (Illinois Coalition for Responsible Outdoor

Lighting) sent it to me, and I think all members of the Land Use Committee, and even all board members, might

appreciate receiving it, too. They can "see" what 100 or 5000 nits looks like at night.

Would you please forward it to everyone?

Also, the following website has a write-up on billboard lighting written for grade-schoolers. It's a quick, easy read . .

. and will help board members get on top of issues fast:

<http://www.illinoislighting.org/billboards.html>

Please forward it, also. Thank you.

Kathleen

Minutes  
Land Use & Development Committee  
June 8, 2010  
Page 11

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