

**MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
APRIL 12, 2011**

Pledge of Allegiance

Chairman Weigel led the Pledge of Allegiance.

Call to Order

The meeting was called to order at 9:35 a.m.

Members Present

Tom Weigel, Kathleen Konicki, Katrina Deutsche and Sharon May were present at roll call. Brian Smith arrived at 9:40 a.m. and John Argoudelis arrived at 9:45 a.m. Debbie Rozak was absent.

Staff Present

Amy Munro, Brian Radner, David Dubois, Eileen Franz, Michael Smetana, Pat Cline, Ray Semplinski and Thomas Carroll were present.

State's Attorney Present

Melanie Manning was present.

Others Present

Marie Richmond, Rod Tonelli, Steven Tongren and Tom Scofield were present. (See sign-in sheet.)

Approval of Minutes

The March 8, 2011, Land Use and Development Committee minutes were presented for review and approval.

There were no questions or comments.

**Motion by Deutsche, seconded by May to approve the minutes of March 8, 2011, as presented.
ALL IN FAVOR MOTION CARRIED (4-0)**

Public Hearing

Building Ordinance

Chairman Weigel opened discussion regarding the Building Ordinance and asked if someone would like to make a motion to open the public hearing.

Motion by Deutsche, seconded by May to open the public hearing regarding the Building Ordinance.

ALL IN FAVOR

MOTION CARRIED (4-0)

Ray Semplinski explained the purpose and intent of the proposed amendment. The amendment will delete Section 903.2.9 in its entirety from the 2006 International Building Code the County is currently following and replace it with the following code from the 2009 International Building Code:

903.2.9 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the International Building Code as follows (the applicable code section found in the 2009 International Building Code):

1. Where the fire area of the enclosed parking garage exceeds 12,000 square feet (1115m²); or
 2. Where the enclosed parking garage is located beneath other groups.
- Exception:** Enclosed parking garages located beneath Group R-3 occupancies

This will establish a threshold of 12,000 square feet before sprinkling is required.

There were no comments or questions from the public or staff.

Motion by Deutsche, seconded by May to close the public hearing.

ALL IN FAVOR

MOTION CARRIED (4-0)

Motion by May, seconded by Deutsche to approve the proposed amendment to the Will County Building Ordinance as presented and move forward to the County Board.

ALL IN FAVOR

MOTION CARRIED (4-0)

New Business (Zoning Cases)

5963-SV, Tabron

Michael Smetana presented the request. The applicant is requesting a special use permit for the residence of the proprietor, caretaker, or watchman. The purpose of the request is to correct the existing violation and bring the property into compliance with the Will County Zoning Ordinance. Staff and the PZC (Will County Planning & Zoning Commission) recommended approval with the following three (3) 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 conditions of the special use permit.
- (2) The applicant shall comply with the current Will County Building Ordinance and Codes.
- (3) The applicant shall comply with all regulations of the New Lenox Fire Protection District.

There were no questions or comments.

There were no objections.

Motion by Konicki, seconded by May to approve a special use permit for the residence of the proprietor, caretaker, or watchman with the three (3) recommended conditions for Case 5963-SV.

ALL IN FAVOR

MOTION CARRIED (4-0)

5964-M2V, Farmers Grain & Supply Co/Hellriegle

Michael Smetana presented the case. The applicants are requesting two map amendments. A map amendment from C-2 to I-2 on Parcels 1, 2, and 3 and a map amendment from A-1 to I-2 on Parcel 4. This is to bring the property into compliance and allow for expansion of the existing office that is located on the property. The existing office does qualify to be placed on Will County's Register of Historic Places. Staff encouraged the applicant to do so.

Staff and the PZC recommended approval of both requests.

There were no comments, questions or objections from anyone present.

Motion by Deutsche, seconded by May to recommend approval of a map amendment from C-2 to I-2 for Parcels 1, 2 and 3 on Case 5964-M2V.

ALL IN FAVOR

MOTION CARRIED (4-0)

Motion by May, seconded by Deutsche to recommend approval of a map amendment from A-1 to I-2 for Parcel 4 on Case 5964-M2V.

ALL IN FAVOR

MOTION CARRIED (4-0)

5965-V2, Center Point Joliet LLC

Eileen Franz presented the request. The parcel is a 20.6-acre parcel located on the south side of Channahon Road. The applicant is proposing an engineered barrier to remediate the subject property due to contamination. There is contamination of arsenic from a previous owner. Both staff and the PZC recommended approval of the request.

Brian Smith arrived at 9:40 a.m.

There were no questions or comments. No one objected to this change.

Motion by Konicki, seconded by May to recommend approval of a variance from the Will County Water Resource Ordinance to allow a reduced detention volume, to stabilize the environmentally contaminated site for Case 5965-V2.

ALL IN FAVOR

MOTION CARRIED (5-0)

5967-MV, North Star Trust Co/Nazos

Eileen Franz presented the request. This is a map amendment from A-1 to R-2 on two acres of an eight and a half acre piece of property. The applicants have indicated they may sell the property in the near future and they are rezoning part of the property to bring the parcel into compliance.

There were no questions or comments from the Committee or anyone else present.

There were no objectors.

Motion by Konicki, seconded by May to recommend approval of a map amendment from A-1 to R-2 for Case 5967-MV.

ALL IN FAVOR

MOTION CARRIED (5-0)

Pre-Authorization to Foreclose

**Preserve at Charlevoix PUD, Phase 1 & Palomino Trace PUD, Phase 1–
Green Garden Township**

Thomas Carroll presented two subdivisions for Pre-authorizations to foreclose. Both subdivisions are located in Green Garden Township. The Letters of Credit for the Preserve at Charlevoix PUD, Phase 1 and Palomino Trace PUD, Phase one are both set to expire in June. The Letter of Credit for the Preserve at Charlevoix PUD, Phase 1 is in the amount of \$533,192.41. The Letter of Credit for Palomino Trace PUD, Phase 1 is in the amount of \$2,051,657.94. Staff requested the Committee approve pre-authorizations to foreclose in the event the improvements are not completed or new Letters of Credit have not been secured before the current Letters of Credit expire.

Motion by May, seconded by Smith to approve a Pre-authorization to foreclose on the Preserve at Charlevoix PUD, Phase 1 in Green Garden Township in the amount of \$533,192.41.

ALL IN FAVOR

MOTION CARRIED (6-0)

Brian Smith asked if negotiations with staff and the developer had stopped on this property for Palomino Trace Subdivision.

Thomas Carroll stated no, they are still continuing. Over the winter months they put in the final layer of asphalt on the subdivision. The remaining improvements are mostly the amenities; the bike paths, a gazebo. The developer is still going to be working to complete those improvements on those things now that the nice weather is back. Staff fully expects them to renew their Letters of Credit before the expiration dates but in the event they don't this allows the Land Use Department to foreclose on those Letters of Credit.

Kathleen Konicki asked why the pre-authorization to foreclose is requested in April when the Letter of Credit doesn't expire until June.

Thomas Carroll stated they try to do it at least one meeting early; ideally two meetings in the event the May meeting was cancelled; then we might be in a situation where we would not be able to foreclose. This gives us a little bit of lead time. If the Letter of Credit expires we can act on it.

Kathleen Konicki asked Mr. Carroll to keep the Committee informed if any of the funds are used.

Motion by Deutsche, seconded by Argoudelis to approve a Pre-authorization to foreclose on Palomino Trace PUD Subdivision, Phase 1 located in Green Garden Township in the amount of \$2,051,657.94.

ALL IN FAVOR

MOTION CARRIED (6-0)

Other Business

Boy Scout Cabin Historic Landmark Nomination – Village of New Lenox

Amy Munro presented the proposed landmark nomination for the property commonly known as the Scott Cabin located in the Village of New Lenox. Because the property is located within the municipal boundaries of New Lenox, a resolution of support from the Village of New Lenox granting authority to the County to review this nomination was necessary. The authority was received. The Historic Preservation Commission reviewed this nomination at their March meeting and voted unanimously to recommend nomination of this property that was originally constructed by the Boy Scouts in 1929.

It is still being used for youth activities, although not to the capacity it once was. It is the only Boy Scout cabin in Will County of which the Department is aware. What sets it apart from some of its counterpart cabins is that it is constructed from telegraph poles obtained locally.

Four of the twelve criteria as identified in the County's Historic Preservation Ordinance for landmark consideration were applied to the nomination and the Commission voted in favor of them.

No objectors appeared at the public hearing and after discussion the Committee voted to recommend it to the County Board.

Kathleen Konicki asked if the Village of New Lenox has their own Historic Preservation Ordinance. Amy Munro said they do not. In the future should they wish to adopt one then jurisdiction would transfer to the Village.

Motion by May, seconded by Argoudelis to recommend approval of the Boy Scout Cabin located in the Village of New Lenox as a landmark.

ALL IN FAVOR

MOTION CARRIED (6-0)

IHPA, Fiscal Year 2011 CLG Grant Program-Will County Rural Historic Structures Survey

Amy Munro presented a resolution for the Committee's review for the continuance of our rural structures survey in Wesley and Custer Townships. This would bring the countywide rural survey project to its 16th and 17th townships. It has been about an eleven year project. The Commission was excited to hear they received this grant earlier this year.

The Commission is seeking the County Board's approval to have our County Executive execute the respective grant agreement that coincides with this application that was filed in November.

There were no questions or comments by the Committee or anyone present.

Motion by Konicki, seconded by May to recommend the County Board authorize the County Executive to execute the proposed IHPA Fiscal Year 2011 CLG grant agreement.

ALL IN FAVOR

MOTION CARRIED (6-0)

Zoning Ordinance Text Amendment – Nonconforming uses, damage/destruction

There was no backup presented for this agenda item. Staff presented the topic for discussion of nonconforming uses and structures they may be damaged or destroyed due to circumstances beyond an individual's control such as fire or weather. Staff spoke to the consultants that are in the process of working on the comprehensive revision to the Zoning Ordinance and their recommendation was that this particular topic be addressed within that process because it has potential to impact several issues that may be addressed within that process dealing with the nonconforming section as a whole. Staff has been able to address most issues that have come up with regard to this topic with the current text. It will need to be clarified, strengthened or modified within the current revision.

The consultant has recommended this be addressed within the comprehensive revision and not on an individual text amendment. No action was taken and the item will remain for future action.

Zoning Ordinance Text Amendment-Swimming pool fence/barrier requirements

Revised text was brought back to address Board Member Konicki's comments regarding discretion of the Zoning Administrator with the location of swimming pools within the required front yard. The text was modified so there is no discretion; either you can or you can't. There is no discretion on it. On a corner lot, a swimming pool may be located in the front yard that does not contain the main entrance to the residence. On a through lot it can be in a yard that does not contain the main entrance to the residence. The side and rear yard setbacks and corner lot setback is five. The revised text establishes clear thresholds and authorizes it by right within those parameters. There is no discretion.

John Argoudelis asked what a through lot is. David Dubois explained that it is a lot with double frontage, front and back.

Kathleen Konicki asked if that was a defined term in the ordinance. David Dubois said yes.

Motion by Smith, seconded by May to approve the revised text amendments regarding swimming pool fence/barrier requirements as presented.

ALL IN FAVOR

MOTION CARRIED (6-0)

David Dubois said we will take it to public hearing.

Zoning Ordinance Text Amendments – Temporary use permits revision

David Dubois presented the revisions based upon some of the comments that resulted at the last committee meeting. With the committee's approval staff will ask the consultant who is doing the comprehensive revision to the Zoning Ordinance review it to make sure that the County is not doing anything that would be contrary to the potential revisions that may be adopted next year. Staff will bring it back to committee and hopefully on to the full County Board next month.

The proposed text amendment revisions add clarity to the temporary use permit process. It identifies when the applicant notifies adjacent property owners, when they do not, when they have to notify governmental agencies and when they do not. The revisions state what the Land Use Department can issue administratively and what it cannot.

On page eleven of the chart for temporary use permit, comments regarding equestrian events is removed to be addressed later. Defined construction has been added to batch plants, contractor's offices and construction equipment for clarity so it is project specific and those uses can be authorized and it goes into the commercial and industrial districts, as well. Minor modifications were made on pages twelve and thirteen for consistency with the Building Ordinance. Board Member Argoudelis had requested some kind of cure period. On page thirteen, three calendar days have been added to allow cure of the issue. It gives them an opportunity to do so. If someone is trying to remedy the situation staff would try to see that through to conclusion before they take the next step unless there is a life-safety issue, staff would obviously not delay on that.

On page fourteen under, "Events of Public Interest" dinner dances, fundraisers and tent meetings are being removed. The Land use Department does not want to be bound to have to issue a temporary use permit for these types of things just because they are listed.

Board Member Konicki asked that staff articulate on what parameters they would base their decisions. Staff said they would ask the consultants if they have any recommendations on that. Board Member Argoudelis agreed that a list of guidelines that is not necessarily part of the Zoning Ordinance should be available for people to look at to assure fairness and equality in the process.

Melanie Manning agreed that the County does need some sort of criteria or guidelines as to who needs to notify adjacent property owners and who does not.

Board Members Konicki and Argoudelis agreed that the County should have something official and published that can be distributed to the public that states what the guidelines are.

Road jurisdiction, the distance from access points was brought up at the last meeting. Staff referenced page sixteen, beginning with line thirty-three of the draft text amendments. Road jurisdictions are notified of temporary use permits. If they have any concerns or comments they will notify the County. Staff recommended that be deleted as a requirement. The consultant will review comments from today's meeting. Staff will bring this back next month.

Discussion followed regarding equestrian events. David Dubois said the reference to equestrian events was removed from the amendments at the request of Elaine Gross. Board Members Konicki said she would speak to Mrs. Gross and if it is appropriate that it be added back into the amendments; Board Member Konicki said she would make a motion to add it back in at next month's meeting. Board Member Konicki suggested that any adjacent landowners who feel they have been harmed be notified of temporary use permit requests.

Zoning Ordinance Text Amendment: Billboards

Brian Radner stated at the January 11th meeting of the Land Use and Development Committee the Committee approved the text amendment draft for the advertising signs. In February language was introduced that removed any reference to specific dollar amounts from the ordinance and moved it to the County's adopted Fee Schedule. The language presented to the Committee removes that language out of the advertising sign section of the Zoning Ordinance and places it on the Fee Schedule. The public hearing was conducted on March 1st and no comments were provided at that meeting. Board Member Konicki mentioned there are some residents who may want to have a discussion with staff. Brian Radner said staff has met with residents and had previous discussions and would be happy to meet with them. Chairman Weigel mentioned there is also a Committee of the Whole on this issue this Thursday.

Brian Radner stated we have a revised Memorandum of Understanding from Clear Channel, the only company that has a digital billboard in Will County. It has been signed by Clear Channel and is awaiting signature from the County. Hopefully, it will be in place by the County Board meeting. Brian Radner mentioned Clear Channel is currently running a campaign for the Plainfield Library District and Plainfield Park District. Board Member Konicki asked if Melanie Manning could email her a copy of what Joliet has in writing with regard to digital billboards.

Motion by Deutsche, seconded by Smith to approve the advertising sign amendments as proposed and move them forward to County Board.

APPROVED (5-1) with Board Member Konicki voting no.

Annual Sign Registration Fees

Brian Radner stated a public hearing was held on Will County's Fee Schedule. The Fee Schedule was last amended in 2007. The Fee Schedule will not include the cost for sign permit fees for brand new signs. There was no change in that cost. That would be for both on premises and advertising signs when a new sign is applied for. The annual registration fee for billboards would be \$150.00 per sign face for static signs and \$650.00 for dynamic signs per sign face. Brian Radner stated he would like to add the word "Permit" in front of the word fees in number 10 of the proposed Will County Land Use Department Fee Schedule he handed out.

Motion by Smith, seconded by Deutsche to insert the word “Permit” in front of the word fees in number 10 of the proposed Will County Land Use Department Fee Schedule.
ALL IN FAVOR **MOTION CARRIED (6-0)**

Will County Building Ordinance & Land Use Department Fee Schedule
(Violation Penalty-Grace Period)

The County has been developing an administrative communication process over several months. Part of that process concerns some of the routine violations that are so often seen. Many times people are hit with a large fee they are unable to pay. The idea behind having a grace period is that if people know there is a grace period maybe they will come in voluntarily and pay the regular fee within that grace period; which will be for a limited time. The Committee suggested that staff draft language and bring it back to the Committee.

Email entered into Public Record

Chairman Weigel acknowledged an email that was sent by Board Member Konicki to County Board Executive Council and the Will County State’s Attorney regarding digital billboards and franchise fee agreements. The email was distributed in the meeting agenda packet and was made a part of the record.

Resolution Authorizing the Reimbursement of Foreclosed Subdivision Guarantee Funds

Thomas Carroll presented a resolution authorizing the reimbursement of foreclosed subdivision guarantee funds. Over several years the County has foreclosed on a number of subdivisions. The improvements have been completed and inspected on eleven subdivisions and the remaining foreclosed funds are ready to be reimbursed to the issuer or applicant from whom they were secured.

Board Member Deutsche asked about a foreclosed item that dated back to 1982. Thomas Carroll explained that the previous Subdivision Ordinance was not very clear on the policy. At their March meeting, the County Board adopted a Resolution amending the Subdivision Ordinance that provided clarification on this issue.

Thomas Carroll asked that the words “or applicant” be removed from the second to last paragraph of the resolution authorizing the reimbursement of foreclosed subdivision guarantee funds. The amended paragraph was read as follows; ”NOW, THEREFORE, BE IT ORDAINED, by the County Board of Will County, Illinois, that remaining funds, as outlined in Attachment A, shall be reimbursed to the issuer ~~or applicant~~ from whom the foreclosed funds were secured.”

The Committee agreed that verbal updates regarding the status of subdivision foreclosures are sufficient.

Motion by Argoudelis, seconded by Deutsche to recommend approval of the Resolution Authorizing the Reimbursement of Foreclosed Guarantee Funds.
ALL IN FAVOR **MOTION CARRIED (6-0)**

Vacation of Fairway Lakes Estates PUD-Green Garden Township

Thomas Carroll summarized the background regarding Fairway Lakes Estates Subdivision located in Green Garden Township located at the northwest corner of 88th and Bruns Avenue. The subdivision was approved in 2005 and after the final plat approval the majority of the onsite improvements were completed. The roads were put in. Onsite utilities were put in. Mass grading and detention were put in. The majority of the improvements have been completed with the exception of the final layer of asphalt pavement and off-site utilities remaining. Off-site utilities (water main and sanitary sewer) still need to be extended to the site. The developer has been unable to extend those services to the site.

The developer has contacted the Land Use Department and wishes to vacate the plat of subdivision at this time. They are unable to complete the improvements and unable to secure a new line of credit. The developer has presented a proposal to the County. In exchange for vacating the plat of subdivision, the developer proposes the following:

- If the developer files a new application for Final Plat within five years of vacating the subdivision, the County would not require any changes to the previously approved final plat, final engineering plans, and final off-site utilities engineering plans.
- The developer will renew or reinstate any applicable permits and entitlements required to continue construction.
- Before any permits are reinstated or renewed, the developer would provide a new Letter of Credit based on a current Engineer's Estimate of Cost.
- Within 60 days of the vacation, the developer would stabilize the site to prevent potential soil erosion issues.
- Existing roadways will be barricaded and signage installed to close the roadways from public use.

Thomas Carroll stated he has been to the site and it has been stabilized. Barracades have been put in place at the two entrances to the Subdivision to keep the public out. Mowing will still be done. Board Member Argoudelis commended staff on working with the developer in these difficult times. He stated keeping the current engineering is fine. If the developer comes back in five years though we would want to have the pipes tested to make sure they are up to code. If there are any health or safety issues it should be brought back to the Committee.

Thomas Carroll said when they do restart the subdivision and post a new letter of credit, they will have to retest those pipes to make sure they comply so at the time of that testing if there are any issues with those pipes they are going to have to fix them. Thomas Carroll stated there are no homes in the subdivision. The developer must keep the grass cut. If there are mowing issues or sediment control issues we would still be able to control that through the current ordinances.

Discussion followed regarding maintenance of the subdivision property while it is vacated. Board Member Konicki stated her concern that the County may be burdened with the obligation to maintain the property if the developer fails to do so. Thomas Carroll indicated that pre-authorization to foreclose on the letter of credit would be sought from the Committee prior to expiration of the letter of credit.

A formal agreement will be brought back to committee next month and on to the County Board for approval.

CMAP Local Technical Assistance Program-Fairmont Community Sub Area Plan

The County has received a grant from the Chicago Metropolitan Agency for Planning (CMAP) for the Local Technical Assistance Program to undertake the development of a comprehensive community plan. Brian Radner asked for approval of a resolution from the Committee for support of the project. The joint venture between CMAP and Will County to develop a Land Use Plan for the Fairmont Area at no cost to Will County. These initiatives are sponsored by the U.S. Department of Housing and Urban Development as part of a federal inter-agency partnership for sustainable communities.

County Board members from the district, Lockport Township, the school district and various community leaders where the project is located are in support of the project. A grant for a sidewalk has been applied for a long Green Garden that will get kids to school safer. The neighborhood does not have any sidewalks right now. Steve Lazzara from our office will be the project manager. This grant will allow CMAP to place a person, Trevor Dick, in the Land Use Department. He is coming to the County from a planning consulting service with a significant amount of experience.

Motion by Board Member Argoudelis, seconded by Board Member Deutsche to recommend approval of the resolution supporting the proposed CMAP Local Technical Assistance Program-Fairmont Community Sub Area Plan project.

ALL IN FAVOR

MOTION CARRIED (6-0)

Reports, Communications, Correspondence

The Chairman had no reports or communications.

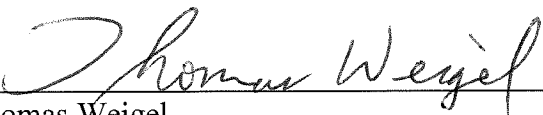
There was a brief discussion regarding paperless agendas. Chairman Weigel and Board members Konicki and Argoudelis expressed a desire to continue to receive paper copies while Board members May and Deutsche would prefer paperless copies. However, Board member Deutsche asked if putting the agenda on disk were feasible. David Dubois said he would check into it.

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Adjournment

Motion by Argoudelis, seconded by Smith to adjourn the meeting.

The meeting was adjourned at 11:10 a.m.



Thomas Weigel
Chairman, Land Use and Development Committee

