

**MINUTES  
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE  
JULY 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, Sharon May, John Argoudelis and Brian Smith.

**Members Absent**

Debbie Rozak was absent.

**Staff Present**

Curt Paddock, Derek O'Sullivan, Eileen Franz, Mike Smetana and Pat Cline were present.

**State's Attorney Present**

Melanie Manning was present.

**Others Present**

See sign-in sheet for others.

**Approval of Minutes**

There were no questions or comments.

**Motion by May, seconded by Deutsche to approve the minutes of June 14, 2011, as presented.  
ALL IN FAVOR MOTION CARRIED (6-0)**

**Motion by Weigel, seconded by Smith to approve the minutes of the May 31, 2011 and June 14, 2011 Ordinance Review Sub-committee meetings, as presented.  
MOTION CARRIED (5-0-1) Board member Konicki passed.**

**Preliminary Plats and Planned Unit Developments (PUD)**

There were no preliminary plats or planned unit developments presented for consideration.

**New Business (Zoning Cases)**

**5973-SV4, Boyle**

Mike Smetana presented the request. The applicants are requesting a special use permit for a contractor's yard/outdoor storage and a variance from Section 6.1-9-6 of the Will County Zoning Ordinance (Screening of outdoor storage). That section requires screening of outdoor storage. The reason the applicant is requesting not to provide screening is because there is floodplain on the property and that screening would violate the Water Resource Ordinance for unincorporated Will County. Staff and the Will County Planning and Zoning Commission recommended approval of both requests and approval of the request for a special use permit for a contractor's yard/outdoor storage with the following three 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 outdoor storage must comply with Article 4 of the Water Resource Ordinance for Unincorporated Will County.
3. Outdoor storage is to be maintained in a neat and orderly fashion.

The New Lenox Village Board voted not to object to the special use permit for outside storage subject to three conditions. Smetana recommended their first condition be added by the Committee. The condition states, "To the greatest extent possible, given consideration to the existing floodplain on the site, the County shall require slats to be added to the existing perimeter chain-link fence to more adequately screen the existing outside storage from adjacent industrial uses."

**Motion by Argoudelis, seconded by Smith to approve the special use permit for contractor's yard with outdoor storage with the one condition added by the Village.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**Motion by May, seconded by Deutsche to recommend approval of a special use permit for a contractor's yard with outdoor storage with the following four (4) conditions, as amended:**

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 outdoor storage must comply with Article 4 of the Water Resource Ordinance for Unincorporated Will County.
3. Outdoor storage is to be maintained in a neat and orderly fashion.
4. To the greatest extent possible, given consideration to the existing floodplain on the site, the County shall require slats to be added to the existing perimeter chain-link fence to more adequately screen the existing outside storage from adjacent industrial uses.

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**Motion by May, seconded by Deutsche to recommend approval of a variance from Section 6.1-9-6 of the Will County Zoning Ordinance (Screening of outdoor storage).**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**5978-SV4, FNB of Manhattan, Tr. #370/Boyle, Beneficiaries**

Eileen Franz presented the request. The Forest Preserve District of Will County is requesting a special use permit for floodplain development to develop a shelter and boat lift facility at Four Rivers Educational Center in the McKinley Woods Preserve. The Channahon Township Fire Protection District requested a water rescue boat be housed in that area and the Forest Preserve District are in agreement.

There were no objectors at the public hearing. Both staff and the PZC recommended approval with three (3) conditions.

Board member Argoudelis asked if compensatory storage was a standard requirement for everybody. Derek O'Sullivan said the ratio is 1.5 times and that is an ordinance requirement.

**Motion by May, seconded by Deutsche to recommend approval of a special use permit for floodplain development for Case 5978-SV4 with the following three (3) conditions:**

- 1. The applicant shall provide compensatory storage for all floodplain impacts.**
- 2. A permit or letter of no objection from the Illinois Department of Natural Resources must be submitted.**
- 3. A permit or letter of no objection from the Army Corps of Engineers must be submitted.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**5979-SV, Bensik Family Limited Partnership**

Mike Smetana Summarized the request. The applicant's are requesting a special use permit for a contractor's yard. The request is being made to bring the property into compliance with the Will County Zoning Ordinance. Both staff and the PZC recommended approval of the request with the following 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 inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit.
2. The outdoor storage must be screened within ninety days of County Board approval.

Correspondence from the Village of New Lenox dated June 17, 2011, states the Village Board voted not to object to the County Special Use, subject to the following two conditions:

1. Slats shall be added to the existing perimeter chain-link fence to more adequately screen the existing outside storage from adjacent industrial uses.
2. Landscaping shall be installed in the green space at the southwest corner of the property to More adequately screen the outside storage from Ford Drive.

Staff indicated the Will County Zoning Ordinance already addresses these requirements. They will have to screen the outdoor storage; they will have to install landscaping across the southwestern portion of the property. Therefore, the additional requirements are not necessary.

Board member Argoudelis mentioned staff's report does require screening in condition number 2. Staff responded that is done so the applicant is well aware of the ordinance requirement. Board member Argoudelis suggested the phrase "pursuant to existing County Ordinances" be added to condition number 2.

**Motion by Argoudelis, seconded by Smith to add the phrase "pursuant to existing County Ordinances" to condition number 2.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**Motion by Deutsche, seconded by Argoudelis to approve the conditions as amended.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**Motion by Deutsche, seconded by Argoudelis to recommend approval of a special use permit for a contractor's yard for Case 5979-SV with the following two (2) conditions, as amended:**

- 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 outdoor storage must be screened within ninety days of County Board approval pursuant to existing County Ordinances.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

Board Member Konicki asked staff if we weren't already bringing this property into compliance, in other words if this use wasn't already there; it is something you would approve for the property, correct?

Smetana said outdoor storage no matter what, on this property, would require a special use permit.

### **5980-S, Wheeler**

Chairman Weigel announced the case. Mike Smetana stated the applicants are requesting a special use permit to operate a day care home for children from their residence. Both staff and the Planning and Zoning Commission recommended approval with four (4) conditions.

The Village of New Lenox submitted correspondence recommending an additional four conditions. Staff has reviewed those four conditions from the Village and stated they are redundant and are addressed by existing conditions.

Board member Konicki said it might be helpful to the Committee if when staff sees correspondence like this coming from any of the villages they might want to respond back to them indicating you believe it is already covered in our existing ordinances. Smetana said typically we see these types

of recommendations come in several weeks before the hearing by the Planning and Zoning Commission. These conditions came in at about 4:30 p.m. the night of the public hearing. Staff did not have the time to discuss it with the Village or prepare a staff report to reflect it or address the Village's conditions. Board member Konicki suggested we try to discuss it with the village even if it is after the public hearing to if we can get an updated letter from them stating no objection.

Board member Argoudelis agreed that it would be helpful to him if he saw a letter from us responding back to the Village that their concerns have been addressed in our existing ordinances.

No objectors were present.

**Motion by Argoudelis, seconded by May to recommend approval of a special use permit for a day care home for children for Case 5980-S with the following four (4) recommended 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 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.**
- 4. The special use permit is only valid for the current owner of record. If the property is sold, the special use permit will be null and void.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**5981-SV, Ebert-Zarack**

Chairman Weigel opened discussion on the request for a special use permit for a towing business.

Mike Smetana stated this request is to address a zoning violation in an industrial park located in New Lenox Township. Both staff and the Will County Planning and Zoning Commission recommended approval with eight conditions. The Village of New Lenox recommended four (4) additional conditions be added. Mike Smetana explained that condition #2 is redundant because outdoor storage is required to be screened by the Will County Zoning Ordinance. Conditions 1, 3 and 4 may be added at the Committee's discretion.

Doug Schlak stated he is the attorney for Ebert-Zarack Real Estate Partnership that owns the property. This is the impound lot for the New Lenox Police Department. Mr. Schlak explained there are two fences on this lot; an inner fence that surrounds the impound lot which is already screened that has the slats and everything in there. There is an outer fence that surrounds the parking lot where the employees park. His clients do not feel the outer parking lots needs to be screened. West of this property is a 160-acre farm. Right now it has a heavy tree line along its property line that shields this property from the rest of the farm. To the south used to be the recreational fields for Lincoln-Way High School. That has been turned back into a farm. Those fields have been removed and a private individual owns them.

The Committee discussed the conditions recommended by the Village of New Lenox.

**Motion by Argoudelis, seconded by Deutsche to recommend approval of a special use permit for a towing business with the following eight (8) conditions as recommended by staff and the Will County Planning and Zoning Commission:**

- 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. All automotive repair and maintenance shall occur within the building onsite.**
- 3. If more than 50 tires are stored onsite at any time, you must apply with the Illinois EPA as a registered tire storage facility.**
- 4. All automotive fluids shall be stored in approved bulk containers, and removed from the site regularly.**
- 5. Secondary containment shall be provided for all liquid storage containers.**
- 6. All spills derived from leaking automotive fluids shall be contained and removed immediately.**
- 7. At no time may automotive fluids be dumped in sewage treatment system on site.**
- 8. The outdoor storage is to be completely screened from adjacent properties and the right of-way.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**5985-MV2, Carter**

Chairman Weigel announced Case 5985-MV2, a map amendment from R-4 to C-2 in Lockport Township.

Mike Smetana identified the applicant as Lockport Steel Fabricators, who is the contract purchaser for a property located at 3048 S. State Street. The applicant intends to convert the existing single-family residence into office space to be utilized by employees of Lockport Steel Fabricators. Both staff and the Will County Planning and Zoning Commission recommended approval of the request.

**Motion by Smith, seconded by May to recommend approval of a map amendment from R-4 to C-2 for Case 5985-MV2, as presented.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**Pre-Authorization to Foreclose**

No pre-authorizations to foreclose were presented.

**Other Business**

**TU-11-13 B**

Eileen Franz presented the request; a temporary use permit application to allow a picnic fundraiser on the property located at 11605 West Pauling Road, Manhattan, Illinois. The fundraiser is to raise funds

for the La Gavia Village in Mexico sponsored by Club San Miguel. The proposed date is September 4, 2011, with an alternate rain date of September 11, 2011. The event will be held from 1:00 p.m. to 9:00 p.m. The applicant had a temporary use permit approved for an event that was held in June. There were no complaints that staff is aware of and the event went well. If approved, staff recommended six (6) conditions.

Board member May asked if this is a picnic and not a rodeo. Mrs. Franz said there will be some horse riding for kids but they are not having rodeo events. There could be some kid events but there are no adult rodeo events planned. They had Sheriff's Deputies as security, which they are planning on doing again.

**Motion by Deutsche, seconded by May to recommend approval of a temporary use permit request for TU 11-13 Botello with the six (6) recommended staff conditions:**

- 1. There shall be no parking along Pauling Road or on the driveway.**
- 2. The applicant shall ensure that there is adequate access for emergency vehicles to get back to the location of the gathering.**
- 3. The applicant shall obtain all required permits from the Will County Health Department for sale of food and provide portable toilets.**
- 4. The applicant must coordinate with the Will County Sheriff's Office for traffic control and security.**
- 5. The applicant shall obtain a liquor permit from the Will County Liquor Commission.**
- 6. No permanent structures, fill or gravel may be placed in the floodplain.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

### **MAI Appraisals, School Districts**

Eileen Franz presented a resolution for The Determination of the Fair market Value of an Improved Acre Within Each School District in the County of Will. This is something that comes up every year. There was no discussion.

**Motion by May, seconded by Deutsche to recommend approval of the resolution for The Determination of the Fair market Value of an Improved Acre Within Each School District in the County of Will.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

### **Amendments to the Land Use Department Fee Schedule**

Mike Smetana explained this was assigned by the Executive Committee. It is a text amendment to the existing Fee Schedule. It serves two functions. One is that it clarifies that the County Board is the only body that can authorize refunds and fee waivers of applications. With that being said, language is inserted where if the Land Use Department collects fees in error we can refund those erroneously charged fees. In addition to that, the text amendment would adopt a procedure for declaring inactive applications. Under the current existing fee schedule the department could be expected to grant a refund in 2011 on an inactive application as far back as 2002.

**Motion by Argoudelis, seconded by Deutsche to recommend approval of the proposed amendments to the Land Use Department Fee Schedule.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**Six Guns Ranch & Arena**

Mike Smetana explained this request comes before the Land Use Committee every year about this time. It was a condition on the property approved for rodeo events. The applicant is requesting approval to operate the Windy City Rodeo on August 20<sup>th</sup> and 21<sup>st</sup>. The applicant has contacted the Crete Township Fire Protection District, the Crete Township Supervisor and is in the process of filing an application for Temporary Food Events with the Will County Health Department. The Sheriff's Office has been contacted but no yet responded but have not had any problems with this event in the past.

No objectors present and there was no discussion.

**Motion by Deutsche, seconded by Argoudelis to recommend approval of the proposed rodeo/horseshow event dates of August 20, 2011 and August 21, 2011 for the Windy City Rodeo; as proposed by Six Guns Ranch & Arena.**

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

**Zoning Ordinance Text Amendment – Domestic Animals (Discussion Only-Franz)**

Curt Paddock stated that the department working with a sub-committee of Land Use is in the process of preparing a comprehensive re-write of the Zoning Ordinance. This has not been done since 1978. There have been over seventy (70) comprehensive text amendments since its adoption and presently a moratorium has been placed on text amendments. It seems that a recent change in social practices has precipitated a need to further explore the notion of what constitutes the term "pet."

Some people are finding it appropriate to have certain animals as pets that were previously thought to come under the term livestock. Specifically, animals that are known as pygmy or "dwarf" goats and pygmy pigs. Eileen Franz handed out copies of draft language that would allow this type of use in the R-1, R-2, and R-2A zoning districts.

Under Accessory Uses Permitted in these zoning districts, the actual language could be miniature pigs and miniature, dwarf, or pygmy goats, no greater than twenty-four (24) inches in height at the shoulder or more than one hundred and fifty (150) pounds, and not to exceed one (1) animal unit per acre with a minimum lot size of one (1) acre. The minimum lot area for these zoning districts are 60,000 sq. ft. in the R-1 district, one (1) acre in the R-2 district and 30,000 sq. ft. in the R-2A district. Someone would actually need to have a larger R-2A lot which is addressed by saying a minimum lot size of one (1) acre.

Horses and some other animals are allowed in those zoning districts with a special use permit but would have a stricter side yard setback. We may want to increase the side yard setback where these animals are housed to a minimum of fifty (50) feet. The language could say, enclosed structures for the keeping of pot bellied pigs and pygmy goats shall be no closer than fifty (50) feet to any adjoining property line.

Board member Argoudelis referred to the numbering of the various amendments and asked if other numbers talk about dogs and cats. Mrs. Franz answered that the accessory uses talk about a variety of uses and not necessarily dogs and cats. It talks about different accessory uses that might be allowed in a particular zoning district.

Board member Konicki suggested the word Outdoor be added to the beginning of the last sentence that states, "(Outdoor) Enclosed structures for the keeping of pot bellied pigs and pygmy goats shall be no closer than fifty (50) feet to any adjoining property line. Some pot bellied pigs are kept as indoor pets.

Board member May said she got a call from someone who lived in unincorporated Channahon that wanted to have one chicken to get rid of ticks and fleas in his yard. Right now as it stands he couldn't have it in certain zones and an enforcement case would be initiated.

Mr. Paddock said this is an issue that is coming up all over the country. That is not only the keeping of pygmy goats but also rabbits, certainly chickens and a couple of other smaller animals.

Board member Konicki complimented staff on the draft wording that states; "Pets – not for consumption distribution or sale for fur, eggs, etc." It would be helpful to the Committee to add this language. If we explain why we are allowing some animals and not others it would help the public understand.

Chairman Weigel asked if the current issue that was in the paper about the pygmy goat fit into this category. Mr. Paddock responded yes.

Staff concluded that the general policy direction at this time would be to broaden the ordinance to allow for the inclusion of certain species and sub-breeds of those species to be kept as pets and certain other refinements to the language that have been suggested.

### **Reports, Communications, Correspondence**

There were no reports from the Committee Chairman, the Land Use Director or staff.

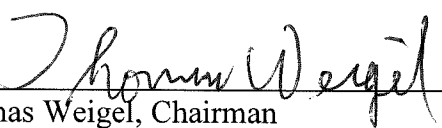
### **Adjournment**

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

**ALL IN FAVOR**

**MOTION CARRIED (6-0)**

The meeting was adjourned at 10:20 a.m.

  
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Thomas Weigel, Chairman  
Will County Land Use and Development Committee

