

**MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
JANUARY 11, 2011**

Call to Order

Chairman Weigel called the meeting to order at 9:35 a.m.

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Members Present at Roll Call

Chairman Weigel welcomed new committee member John Argoudelis.

Five members were present at roll call. Two members arrived after roll call.

Tom Weigel, Kathleen Konicki, Sharon May, and Brian Smith were present at roll call. Debbie Rozak and Katrina Deutsche arrived later.

Staff Present

Brian Radner, Bob Christianson, Colin Duesing, Curt Paddock, David Dubois, Eileen Franz, Mike Smetana, Pat Cline, Ray Semplinski, Steve Lazzara and Thomas Carroll were present.

State's Attorney Present

Melanie Manning was present.

Others Present

See sign-in sheet.

Approval of Minutes

Chairman Weigel asked Committee members if they had any comments or corrections to the minutes of October 28, 2010. Hearing none, he called for a motion.

Motion by Smith, seconded by Konicki to approve the minutes of October 28, 2010, as presented. MOTION CARRIED (4-0-1) May abstained.

Sharon May was not present at that meeting.

Chairman Weigel asked Committee members if they had any comments or corrections to the minutes of November 9, 2010. Hearing none he called for a motion to approve.

**Motion by Smith, seconded by May to approve the minutes of November 9, 2010
ALL IN FAVOR MOTION CARRIED (5-0)**

FINAL PLATS

Castellan Crossing Phase One, Plat of Vacation

Thomas Carroll stated the subdivision was approved January 2009. Due to the downturn of the real estate market and various other reasons the developer of the subdivision wishes to vacate the entire plat of Castellan Crossing. No improvements have been made and no permits have been issued for any of the lots. The right-of-way that was dedicated to the County is not being vacated, thus the County will retain this portion of property as part of it's' roadway system.

Chairman Weigel asked if anyone had any comments or questions. Hearing none he called for a motion.

Motion by Argoudelis, seconded by Smith to approve the Plat of Vacation for Castellan Crossing Phase One. MOTION CARRIED (5-0)

Woodbridge Estates 2nd Addition

Pete Galvin, Woodbridge Development is the developer of this 8.4-acre subdivision located north of Bruns Road and east of 80th Avenue in Green Garden Township/Section 24. The purpose of the request is to create three (3) single family residential lots. Staff is requested the Preliminary Plat requirement be waived and the subdivision processed as a final plat of subdivision.

There were no comments or questions from anyone present. Chairman Weigel called for a motion.

Motion by Smith, seconded by May to approve the Final Plat of Subdivision for Woodbridge Estates 2nd Addition in Green Garden Township. ALL IN FAVOR MOTION CARRIED (5-0)

Board Member Rozak arrived.

5934-S2V4, Emerald Properties

Chairman Weigel stated the petitioner and the residents would like to delay this for a month. He called for a motion to table Case 5934-S2V4 and consider it next month.

Motion by Konicki, seconded by Argoudelis to table Case 5934-S2V4 for one month. ALL IN FAVOR MOTION CARRIED (6-0)

5942-M, Baxter

Eileen Franz stated the applicant is planning to amend the application. Staff requested the case be remanded back to the PZC (Will County Planning & Zoning Commission).

Chairman Weigel asked do we have a motion to remand this back to PZC.

Motion by Konicki, seconded by May to remand Case 5942-M back to PZC.

ALL IN FAVOR

MOTION CARRIED (6-0)

New Business (Zoning Cases)

5948-SV3, Palmer

Chairman Weigel stated the request concerns a special use permit for a foster care facility for animals in Jackson Township. He asked Eileen Franz to present the request.

Eileen Franz gave the Committee a little background on the case. Section 8.12 of the Will County Zoning Ordinance establishes the restrictions for kennels. Specifically, that no person, group or firm shall keep more than five adult dogs or cats, or combination thereof, unless they are kept on a property that is specifically zoned to allow a veterinary clinic, animal hospital, or kennel. The applicants were cited by the Code Enforcement last year for exceeding the amount of animals on the property.

Although they are a foster facility they are still required to meet the separation distance established in the Zoning Ordinance that states no dog kennel or veterinary establishment no nearer than five hundred (500) feet to any zoned residential district or five hundred (500) feet from any existing dwelling other than the dwelling of the owner or lessee of the site, but not less than one hundred (100) feet from any property line of the owner or lessee of the site. A variance is being requested for this separation distance, in addition to a special use permit for the animals.

Two other variances were approved by the Planning and Zoning Commission to bring the lot into compliance and they do not need to be voted on today. Due to the site and neighboring zoning it is impossible for that separation distance to be met. According to the applicant they currently have eight (8) dogs and six (6) cats. They have agreed not to increase the number of dogs on the property from eight (8). Additionally, as dogs pass away they will not replace them until the amount of dogs on the property reaches five (5). They do plan to keep cats in excess of the limit. According to the applicant they will be indoor cats. They foster the animals through a rescue group and they have their state permits for the operation.

Previously, there were ten (10) recommended conditions. Regarding conditions three (3), four (4) and five (5), Eileen Franz stated she checked with the Land Use Department, Waste Services Division and given the number of animals the Palmer's are proposing to have on their property, they believe we can eliminate those conditions because they would pertain to a larger scale operation. Staff requested conditions three (3), four (4) and five (5) be removed. Condition number ten (10) states the special use permit is limited to 15 animals. While the existing eight dogs are alive, there may be no more than seven cats on the property. As the amount of dogs decrease, cats may be added. Ms. Franz pointed out that Jackson Township did vote to approve it. The Will County Planning and Zoning Commission did not vote to approve the special use permit for the foster facility or the variance for the separation distance.

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

Bob Persicketti stated he is the first neighbor to the west of the Palmer's. He stated he retired in July of 2004 after thirty years in law enforcement as a sworn police officer; twenty-four of those as a crime technician. He stated he has dealt with every kind of behavior you can think of from a-z. He said he is not for having a dog kennel next door nor should he be subject to being cussed out as he was at the last meeting by Mrs. Palmer where he had to call a Deputy to be escorted out.

June Persicketti said she also lives west of the Palmer's. In reading the letter that was submitted, she said she does not appreciate being called a liar and being told she fabricated her position on this. She is not retired. She works at Providence Catholic High School. She said she has a great number of allergies. She is not blaming the Palmer's for her allergies. She just stated that dander from this amount of animals does fly. She takes medication for that as she does for the corn she is allergic to. It was said she didn't even bother to attend the second meeting in Elwood. It was because she attended Father John's Man-of-the-Year Award by the Augustinian's. She said all they are asking for is that the County upholds their ordinances.

Rosmarce Peterman said she live two doors west, 19610 W. Manhattan Road. She objects to having a kennel right on a main thoroughfare and the fact that this does affect the value of your property. The neighbor to the east should have noticed after two and a half years their house is still up for sale. She said no one is going to buy a home with small children, regardless if it is six acres with large dogs. They are enclosed in a fence which is insufficient. It's not high enough. That is her objection. They are not operating according to law as the rest of us try to.

Chairman Weigel asked the petitioner if she would like to make a statement.

Carol Palmer introduced herself. She spoke regarding the two variances that were not approved. She stated the reason why there is a zero lot line variance is for commercial usage; which they do not have, never had and never intend to have. They also have to fall under the definition of a kennel or a veterinary clinic is because the County has no statute to address what they do and what they have done. The misinformation of what they intended to do has continually carried forth on the paperwork that first went first to the November 4th Planning Board and even on the paperwork they got off the internet concerning this thing we've done and want to do. There is a difference between a kennel, an animal shelter; a foster care facility and a foster home. They have worked with animal rescue groups for over twenty years. They currently work for Eye on The Sparrow. They have a state certification to be a foster home. This is what a foster home is. You have to be sponsored by a legitimate, licensed animal rescue group and they happen to be sponsored by Eye on The Sparrow out of Yorkville.

They (Eye on the Sparrow) are then allowed to appoint and recommend for affiliation as a foster home other people, of which the Palmer's are one and they currently have a license under their affiliation.

Carol Palmer explained that a foster home is people who will take rescued animals into their home for various reasons. Number one; they get all the spaying, neutering and inoculations done. Number two; they assess the animal's personality; number three; they expose the animal to a home situation with other dogs, cats, kids, people, etc. Number four; they attempt to find the appropriate, permanent home for the animal. They have lived next to the Persicketti's for six years. It will be seven years coming in April. They have never had any issues. They had a neighborly relationship so this complaint has come quite out of the blue because up until that time they had as many as up to fifteen large dogs. She doesn't know why this complaint is coming now.

However, this past summer, there was a huge puppy mill that was shut down that was a breeder of Newfoundland and Mastiff dogs. Many shelters in Illinois and some in Indiana were called upon to take these dogs out of the shelter. She said they agreed to foster Newfoundland's because they have had the breed for thirty-five years. They have always had multiple Newfoundland's and they love and know the breed. Ultimately, they ended up fostering six from this batch and found them homes. In her letter, Mrs. Persicketti indicates a dog got loose; ran out bearing its' teeth. She doesn't know if it was even one of their dogs. If it was it was one of their fosters. Even though they had him neutered before they brought him home, they went immediately to the vet; the hormones still linger and boy dogs like to wander and look for love in all the wrong places. He did in fact get out. They immediately called animal control and went all around looking for him. On Monday when Animal Control was open they found out that Samson had been kept by a woman in Tanglewood and when they went to pick him up her comment was my neighbors and I think this is just a wonderful, beautiful, friendly dog. He is really a nice dog.

She understands the Persicketti's concerns but this was pretty much a one shot deal. She doesn't even know if it was this dog. It took a while for them to find Samson a home because he would not walk on a leash. They put him in the canine obedience school; the two-week sleep away boot camp. He stayed there a month and when they went to pick him up, Shawn the owner said he might get a gentleman C but he won't walk on a leash. So they had to find the right home for him. He lives now on a farm in Wisconsin and he goes everywhere with the owner in his truck or on his tractor. The Persicketti's claim they were getting into their car when this dog ran up to them and this dog loved to go in cars so you can see why he ran up to them. He was not aggressive to people or other dogs. The fence is adequate. Their dogs are not climbers. They repair the fence every year. They replace pieces of the fence every year. They are extremely concerned if their dogs get out because they don't want to find their bodies on the roadside.

Mrs. Palmer said she addressed the original complaint by the Persicketti's in front of Jackson Township. Mr. Persicketti complained his allergies are exacerbated by the cat dander. In an October 13th letter the story changed to her allergies. Carol Palmer said she checked with medical personnel and the fact that the dogs are eighty feet away from them and the prevailing winds blow northwest; in other words towards the Palmer's; and the fact that other family members may have cats and dogs and they are very close to them and see them very often. The cats never go outside. They are all declawed and spayed and never go outside. In the summer, her air conditioner is run constantly. Mrs. Palmer said Mr. Persicketti had a hip replacement and is probably in a lot of pain. He is outside much of the time for one because he likes it out there and two, he can smoke at will. He's a heavy smoker and you know what smoke does to a house. After checking with health care people, it is pretty remote that the cat dander is causing any part of these allergies and remote that

that the dog dander is. She added that for thirty years there was a kennel that backs up to both of their property's which housed up to sixty dogs and apparently dog dander was not a problem with that operation.

Carol Palmer stated all they are asking is to be allowed to keep the eight dogs they have. They are elderly. Most of them have health issues and are unadoptable. They have hip dysplasia and as Bob can relate to is pretty painful. It causes early onset osteoarthritis. The ultimate outcome is that you can do a hip replacement on the dog. The biggest two of her dogs have had ACL surgeries so they can't run. All they are asking for is to be left alone and let the dogs die of natural attrition as they are essentially unadoptable animals and to live in peace and just move on.

Chairman Weigel asked the Committee members if they had any questions for the petitioner. John Argoudelis asked the petitioner if she can live with the conditions the staff has recommended. Mrs. Palmer said she hasn't read them and doesn't know which ones they have crossed off; but the Health Department said if you have garbage service once a week that's fine with them. Committee member Argoudelis stated staff has recommended denial but if approved recommends seven conditions.

Eileen Franz read the seven 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 special use permit is not transferable upon change of property ownership.
Note: Previous conditions 3, 4 and 5 dealing with animal waste have been stricken.
- (3) All dogs must be on record with the Will County Animal Control Department.
- (4) All dogs must be vaccinated. Vaccinations must be kept current.
- (5) 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 point, the special use permit shall only apply to cats.
- (6) The total number of dogs allowed outdoors at one time shall be limited to five.
- (7) The special use permit is limited to 15 animals. While the existing eight dogs are alive, there may be no more than seven cats on the property. As the amount of dogs decrease, cats may be added.

Mrs. Palmer said that was fine with them. They have no objection to any of those things. The fence on the west between the Palmer's and the Persicketti's is eighty feet from the Lot line. The unsold property is to the east. The owner is not in a hurry to sell and is holding out for a price.

Mrs. Palmer said there were people from Timber Creek Subdivision that came to the meeting in Jackson Township claiming they heard dogs barking in the middle of the night. Mrs. Palmer said her dogs are inside from 11:00 o'clock at night to 7:30 in the morning. When they go out they come in at between five and six where they are in between ten and eleven. So her dogs are out ten

out of fourteen hours and never out in the middle of the night. They are kept in their family room addition which is house construction; not a shed or a kennel or anything. So it's not her dogs barking in the middle of the night.

Chairman Weigel asked if any other Committee members had any questions.

Board Member Konicki said our ordinance doesn't do a very good job in addressing some of these types of situations. Frankly, she does not see why we are concerned about cats that stay indoors. To the extent they have whatever licensing they need from the State and they are operating a clean, well-run facility; she doesn't think it's a land use issue. Our Ordinance allows fight dogs. They almost have two and a half acres. Technically, she doesn't find one dog per half acre to be too many dogs. If that were the case, most of the residents in Will County wouldn't be able to have dogs. She appreciates the good work and the good heart that people like this have when they take in animals that don't have any alternative.

Board Member Rozak asked Eileen Franz if the case they recently had was regarding fifteen animals. Eileen Franz stated she thinks that was closer to twenty. Mike Smetana said that was Lisa up in Homer Glen and that was closer to twenty. Board Member Rozak said so if this is passed eventually they will have five dogs and the rest cats up to fifteen.

Board Member Argoudelis asked what the principle concern with the recommendation of denial was. Eileen Franz stated the proximity to neighboring residences and the requirement of that separation distance we have in the ordinance. They were not able to meet that separation distance. Board Member Argoudelis asked if separation distance is measured from the property line or the fence line. Eileen Franz said at the property line. Board Member Argoudelis asked Mrs. Franz what was the adequacy of the fence. Mrs. Franz stated she did not walk the entire property and couldn't comment on the status of the entire fence. What she had observed appeared to be in decent shape. It is a wooden fence.

Board Member May asked if the Jackson Township letter was presented to the Planning and Zoning Commission. Mrs. Franz said yes it was. It came in a couple of days before the meeting but the members were given a copy of everything. Jackson Township Board and Planning Committee both approved it unanimously. Board Member May asked the Palmer's if they find homes for three of the dogs or they pass away; they will keep the number of dogs to five and not add any more dogs. The Palmer's said yes. Mr. Palmer said the fence is adequate and the one time they got out he forgot to latch the gate. He had been cutting the grass and got distracted but he got them back in as soon as he found out they were running loose. These are not aggressive dogs. They are known as the gentle giants of the breeds.

Board Member Rozak said eleven o'clock at night is a little late for them to be out. She asked is it a usual thing. Mr. Palmer said they let them out at about eleven o'clock to do their business. Actually, they come in about five or five-thirty and they let them out about ten thirty or eleven o'clock for about fifteen or twenty minutes and they stay in until the morning. Mrs. Palmer said three of the dogs are kept in because of their age and infirmity and there is a side yard that they use for them.

Board Member Argoudelis asked the objectors if they had an opportunity to speak and express their view points before Jackson Township. The objectors said that they had. Board Member commended staff and said they did a very good job in covering all the important aspects of the case should it get approved.

Motion by Konicki, seconded by Deutsche to recommend approval of a special use permit to operate a foster care facility for up to 10 additional animals with the seven staff conditions, as amended. ROLL CALL VOTE: Weigel, Rozak, Deutsche, Konicki, May, Argoudelis and Smith all voted "yes."
MOTION CARRIED (7-0)

Motion by Konicki, seconded by Deutsche to recommend approval of a variance from Section 7.2-4 (7) (b) separation distance to 0 feet for Case 5948-SV3.
ALL IN FAVOR
MOTION CARRIED (7-0)

Chairman Weigel announced the case would move forward next week to County Board for approval.

5949-SV7, IDNR/FPDWC

Chairman Weigel stated this request is located in Lockport Township and concerns a request by the Forest Preserve District for a special use permit for floodplain development and seven variances from the Stream and Wetland Protection Ordinance.

Michael Smetana stated the Forest Preserve District is requesting a special use permit for floodplain development and seven variances from the Stream and Wetland Protection Ordinance. The purpose of the request is to allow the Forest Preserve District to restore the Prairie Bluff Preserve to a prairie, wetland and savanna community. They will be improving the site with a bicycle and pedestrian walking path, parking lot, picnic area and latrine. It has public access. Staff recommended approval of the special use permit and variances. The special use permit and variances were also approved by the Will County Planning and Zoning Commission. Both staff and the PZC recommended approval of the special use permit with the following condition:
(1) All approved plans must be provided to the City of Crest Hill.

Motion by Argoudelis, seconded by Konicki to recommend approval of a special use permit for floodplain development for Case 5949-SV7 with the condition that all approved plans must be provided to the City of Crest Hill.
ALL IN FAVOR
MOTION CARRIED (7-0)

Motion by Argoudelis, seconded by Konicki to recommend approval of variance no. 1 (04-20-200-001) from the Stream and Wetland Protection Ordinance.
ALL IN FAVOR
MOTION CARRIED (7-0)

Motion by Deutsche, seconded by Rozak to recommend approval of variance no. 2 (04-20-200-002) from the Stream and Wetland Protection Ordinance.
ALL IN FAVOR
MOTION CARRIED (7-0)

Motion by Rozak , seconded by Argoudelis to recommend approval of variance no. 3 (04-20-400-001) from the Stream and Wetland Protection Ordinance.

ALL IN FAVOR MOTION CARRIED (7-0)

Motion by Konicki, seconded by Deutsche to recommend approval of variance no. 4 (04-20-400-001) from the Stream and Wetland Protection Ordinance.

ALL IN FAVOR MOTION CARRIED (7-0)

Motion by Rozak, seconded by Konicki to recommend approval of variance no. 5 (04-21-100-004) from the Stream and Wetland Protection Ordinance.

ALL IN FAVOR MOTION CARRIED (7-0)

Motion by Argoudelis, seconded by Deutsche to recommend approval of variance no. 6 (04-21-100-004) from the Stream and Wetland Protection Ordinance.

ALL IN FAVOR MOTION CARRIED (7-0)

Motion by Konicki, seconded by Rozak to recommend approval of variance no. 7 (04-21-300-001) from the Stream and Wetland Protection Ordinance.

ALL IN FAVOR MOTION CARRIED (7-0)

5950-S, Clifford

Chairman Weigel opened discussion on the request for a special use permit for floodplain development. The property is located in Frankfort Township.

Michael Smetana stated the applicants are requesting a special use permit for floodplain development to build a single family residence on the property. The request was approved by the County Board in May of 2005. The applicant failed to act on that special use permit so it became void in 2006. He is coming back requesting the special use permit so he can hopefully construct the residence in the spring.

Chairman Weigel asked if anyone was opposed to this change. Hearing none he called for a motion to approve.

Motion by Rozak, seconded by Deutsche to recommend approval of a special use permit for floodplain development for Case 5950-S 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.**

ALL IN FAVOR MOTION CARRIED (7-0)

5954-SV, Neetz

Chairman Weigel stated this request is located in Lockport Township and the applicant is requesting a special use permit for a bus terminal.

Michael Smetana stated the applicant is requesting a special use permit for a bus terminal. The property was cited by the Community Development Division for the operation of this bus terminal. It is serving as a satellite terminal for Positive Connections. They have a lease agreement with the property owner. The property owner is requesting the special use permit to come into compliance. Staff did recommend approval of the special use permit. The City of Lockport had no objections to the special use permit. One resident did show up to the Planning and Zoning Commission. Once his questions were answered he did not object to the request. Both staff and PZC recommended approval of the request with seven (7) conditions.

Chairman Weigel asked if anyone was present objecting to this change. Hearing none he called for a motion to approve.

Motion by Smith, seconded by Argoudclis to recommend approval of a special use permit for a bus terminal 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) If more than 50 tires are stored onsite at any time, you must apply with the Illinois EPA as a registered tire storage facility.**
- (3) All automotive fluids shall be stored in approved bulk containers, and removed from the site regularly.**
- (4) Secondary containment shall be provided for all liquid storage containers.**
- (5) All spills derived from leaking automotive fluids shall be contained and removed immediately.**
- (6) The Illinois State Fire Marshall must approve fuel storage on site.**
- (7) The parking of school buses in front of the existing commercial/industrial building is prohibited.**

ALL IN FAVOR

MOTION CARRIED (7-0)

The variance for front yard setback from 50 feet to 14.41 feet was approved by the Planning and Zoning Commission and does not need to move forward.

Board Member Konicki asked the Case is moving forward with the conditions from the City of Lockport isn't it?

Michael Smetana said we included the condition that school buses not be parked in front of the building. We did not include the City of Lockport's condition to increase screening on the south property line. Board Member Konicki said she thinks that is probably a good recommendation and asked what language would accomplish that objective. Smetana said when he conducted his site visit he noticed a tree line that surrounds the property and could not find where increased screening could be placed on the property. That is why the condition was not added.

Board Member said she would speak with the City of Lockport and if they can identify more specifically their concern and language that would address it she will be asking at the caucus on the Board floor to amend and add that.

5955-S, Van Ekeren

Chairman Weigel stated the parcel is located in Manhattan Township. The applicant is requesting a special use permit for a private assembly facility.

Eileen Franz stated the applicant recently purchased a sixty-acre parcel at the northwest corner of Schoolhouse and Manhattan-Monee Road. Ten acres of the property was split off and is under different ownership. Currently, there is a house being constructed on that 10-acre parcel. The remaining fifty acres is improved with a chicken coop and pole barn and she believes there is also a mobile home on the site, as well. The applicant intends to replace the mobile home with a permanent residence sometime in the future. Section 7.1 in the Zoning Ordinance lists the accessory uses in the A-1 Zoning District. Accessory uses must be located on the same lot as the principal use, operated and maintained under the same ownership, and cannot include structures or structural features inconsistent with permitted uses on the property. It also states that accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted or a special use.

The applicant's agent applied for a building permit and stated the use for the structure was to be personal storage. When the build out plan was reviewed storage areas were identified but additional features of the buildings, specifically a lunchroom, amount of bathrooms and mezzanine, were deemed inconsistent with what would commonly be considered an accessory use or personal storage. In addition, the applicant's agents indicated that he plans to have family and friends over for gatherings in the building. The Will County Land Use Department would not issue the building permit for the structure due to the information received both verbally and as evidenced on the plans. The applicant and agents disagreed with the Zoning Administrator's decision and chose to appeal the decision to the Planning and Zoning Commission. At the November 4, 2010, Planning and Zoning Commission hearing, the applicant was directed to apply for a special use permit for the building. So that is why we have a special use permit here today for a private assembly facility not accessory to the principle use.

This was approved at the Planning and Zoning Commission and there were four (4) recommended conditions. There are three (3) conditions listed in the staff report. The fourth (4th) condition that was added was our standard condition that we add to all of our special uses that we can access the property within fourteen (14) days of approval. After the Planning and Zoning Commission meeting the case was also heard before Manhattan Township Plan Commission and the Manhattan Township Board. Additional correspondence was included in the committee member's packets from Manhattan Township. They requested five (5) additional conditions be added and they also requested Will County staff report condition number 3 be removed. Ray Semplinski, Will County Chief Building Official was present to discuss the need for condition number 3 listed in the staff report and why staff feels it should remain as a condition.

Ray Semplinski said currently he knows the Manhattan Township Board had made a suggestion that this; what was called by PZC a "man cave", be allowed certain latitude to have people in or store objects within this particular building. The meeting floor space of this building would be about six times the floor space of the Board room. There is a counter for reception, a wet bar, two commercial bathrooms with urinals. At PZC staff proposed this be judged with the commercial code, which was acceptable at the time. Staff met with the applicant's consultant. The applicant has the means to provide parties and family gatherings to a point where almost two hundred and fifty people could be present by their plans.

Ray Semplinski said typically in a commercial structure you have to separate one use from another. Even in residential firewalls separate your garage from your living space. What staff did was to condition it saying that you have to separate a place of personal assembly from personal storage. The two uses can't occupy the same space at the same time. This is for safety reasons and this is what is spelled out in our building ordinance. The removal of this condition would necessitate the need to construct a wall separating personal storage from person assembly.

Board Member Rozak asked on properties; don't you usually have to build a house first and then the accessory structure. Eileen Franz said yes, that's why they put the mobile home up. Board Member Rozak asked do we know when they plan to build on house on there. Eileen Franz said they were told in a few years possibly when he sells his home in Flossmoor. Board Member Rozak asked if this moves forward today will it move forward with the conditions from Manhattan. Eileen Franz said that's up to you today. If you want to add them we can certainly add them. Board Member Rozak asked about parking availability. Eileen Franz said they had ten spots stripped on the site plan for spaces. They discussed a condition for a temporary parking plan and were advised by the State's Attorney's Office not to do that. For a larger gathering they could park on the grass.

Board Member Argoudelis asked if it was typical to let the conditions of the township to stand on their own rather than include them in staff's report. Eileen Franz said had they come in prior to her preparing the staff report she probably would have included them in the staff report. Chairman Weigel said they would include them in their recommendations.

Board Member Argoudelis asked Ray Semplinski where in staff condition #3 it says ...while any assembly use is conducted; how would assembly use be defined. Ray Semplinski said an assembly use is a gathering of people. There is no distinction made in the Building Ordinance that the County has on file as well as the international building codes. Usually, you are looking at an assembly of people.

Chairman Weigel asked the petitioner if he would like to come down and answer any questions.

Richard Kavanagh said he is an attorney with offices here in Joliet at 111 North Ottawa Street. He represents Fulcrum Properties and Kevin Van Eekeren. He said Grant Kourier, architect for Mr. Van Eekeren is also present. Mr. Kavanagh referred to Board Member Rozak's question regarding parking stating there is a thousand feet or so of gravel drive. If necessary, that could take care of any parking.

Board Member Deutsche asked if the applicant actually lives in the trailer. Mr. Kavanagh said the applicant has a huge house in Flossmoor but will be living here. It is up for sale but hasn't been sold yet. He has a plan to build an 8,000 sq. foot house but won't start building it until he has his house sold. But, yes; he will be living on the site. Board Member Deutsche said it is important that we include Manhattan's conditions that he cannot accept a fee. Mr. Kavanagh said his client has no problem with any of the Manhattan conditions. They appeared before Manhattan. The one they might have a problem with is that it doesn't run with the land. His client runs a not-for-profit that trains police officers but that is not to take place here.

Debbie Rozak asked what about putting up the wall or removing the vehicles. Mr. Kavanagh said he has a problem with that. To say that two people are an assembly is something else again. That's the condition that was put on there and unless they can find something that's rational and makes some sense in the alternative; he doesn't know what else to do. Chairman Weigel asked if we couldn't add a certain number of people like fifty people. Mr. Kavanagh said they would not have a problem with that. Debbie Rozak said like Ray said, one life, fifty lives.

Chairman Weigel asked if there were any questions by the Committee.

Sharon May said if you had fifty people in there and someone was smoking wouldn't you be afraid with the cars in there that maybe something could happen. Mr. Kavanagh said he used to smoke in his garage all the time. There are plenty of exits and he believes it was Mr. Stipan at the Planning and Zoning Commission that called it a "Man Cave" and Mr. Kavanagh said frankly he had never heard that term before. All of a sudden he said he starts watching home and garden T.V. and he sees it coming up all the time. He said he does not see that as a problem.

Board Member stated she has three things. First of all, you mentioned the gravel drive could be used for overflow parking. How wide is the gravel drive and if it was used for overflow parking would it still be wide enough for emergency vehicles? Grant Kourier said there is a paved area south of the structure that accommodates parking but he said he can't tell you the number of spaces off the top of his head. Maybe eight or ten spaces but there is a driveway which goes east-west through the entire fifty acres of a substantial portion of that getting back to another structure and it ranges from fourteen to sixteen feet in width.

Board Member Konicki suggested adding a condition that upon the sale of his residence in Flossmoor, that within a reasonable time, the applicant begin construction of a permanent residence on the subject parcel. Mr. Kavanagh said there is a house there now. It's not a trailer. It's a manufactured home. Mr. Kavanagh said his client isn't here. He can't agree to that. Board Member Konicki suggesting tabling the case. Mr. Kavanagh said he could have an answer for Ms. Konicki before the County Board. Board Member Konicki said she would like that attached as a condition so the applicant follows through on this.

Board Member Konicki said the County should reserve unto itself the right to enter the property to see what type of event is taking place there. This is very common when we grant special use permits to see that our conditions are being met. Eileen Franz said condition number one (added at PZC); upon fourteen (14) days of written notice to the owner of record at their last known address would give them right of entry to the property. Ms. Konicki said if they are holding something

there and it is jam packed with cars we need to be able to go on the property when the people are there to see what's going on. The fourteen day notice is adequate in some cases but not in the condition to see that it is not a fee based event. We need to get on there at the time the event is being held. She asked staff to come up with that kind of wording. Eileen Franz said they would talk to the State's Attorney about that type of wording to see if that is something they can do or not.

Melanie Manning said the whole point of the fourteen (14) days notice is that you need to give someone notice before you go on to inspect the property. Because it is a special use permit they are not entitled to it. It was consent to go on and inspect the property. Fourteen days is a reasonable notice. If the applicants were amenable to putting something on there; but she doesn't know what could trigger that. If the applicant's were amenable to it that is something they could sit down and talk about. Board Member said that is the type of issuing they are trying to address in a sub-committee. Board Member said we don't need to inspect the property; what we need to inspect is the event. If they are collecting money how would we ever be able to crack down on that unless we can go on the property when the event is being held. That is what has been a problem with the rodeos in Homer Township.

Eileen Franz said one possibility and Mr. Kavanagh might want to speak to his client about this is maybe we could just modify the condition we have and just strike out the fourteen (14) days of written notice. Mr. Kavanagh said and again, this is not open to the public and that's the point. He said he doesn't know what Mrs. Konicki's Committee is looking at but he would think that any of the rodeos are open to the public. Board Member May said they call them family events. Board Member Konicki said they have two hundred and fifty cars in the lot and they say it's family and nothing is being charged.

Board Member Argoudelis said obviously we have code enforcement procedures in place where we can enforce our codes and any special uses are part of that code enforcement, is it not? Melanie Manning said if they were violating a special use the possibility of reversion would rest with this Committee, correct? Board Member Argoudelis asked if someone was violating any county code how do we enforce that? Melanie Manning said if they were violating their special use permit she said she thinks that would come before this Committee for reversion rather than going to court for an ordinance violation. Board Member Argoudelis said being a farmer and with his legal background the rights of people to do what they want with their private land is foremost in his mind. Obviously we have codes and restrictions; government has added more restrictions. His position will always be to ensure the American people and the individuals and residents of Will County use their land as they see fit subject of course to all codes and ordinances. He's not in favor of adding a lot of conditions and does not see how we can require someone to build a house. An 8,000 square foot house is a pretty expensive undertaking and he doesn't see how we can require somebody to say okay, build that 8,000 sq. ft. house today. His circumstances may change. If he's not in compliance with codes that's one thing but to require somebody to build a house, he doesn't agree with that.

Debbie Rozak said maybe the difference is not to build a home but to reside on the property. Debbie Rozak asked what is the code. Eileen Franz said she thinks it just says primary residence; it doesn't say you have to live there. She can check the ordinance. It just says you have to have a primary residence on site. Board Member Rozak asked who did the drawing. Mr. Kavanagh said

his client and his friend who bought the ten acres. There are two A-1 parcels; a fifty acre and a ten acre. Board Member Konicki asked staff to explain why our ordinance requires that a private assembly facility be accessory to a principal use. David Dubois said with regard to accessory buildings it does not speak of occupancy necessarily. It speaks of time of construction. No accessory building or structure shall be constructed prior to the start of construction of the principal building to which it is accessory. The rationale for that is as vacant property they don't go build an accessory building without actually occupying the land; which could alter the character of the area if it is predominantly residential. This specific request is very unique. This is an opportunity for the owner of record to go through the process to get sanctioned by the County Board and authorization to do this.

David Dubois stated with regard to the manufactured house; it meets the minimum ordinance requirements as the principle building on the property. That is how we proceeded with regard to this matter.

Board Member Argoudelis asked if, for example, if there is a lot of land that doesn't necessarily have a farmstead on it; it's just the land; does a farmer who wants to put a couple of grain bins or a pole building on his property for storage purposes; would he have to get a special use permit for that? David Dubois said State Law has a provision which provides for agricultural exemptions and the State has chosen to authorize those. Board Member Argoudelis said so that's a totally separate issue. David Dubois responded, yes. David Dubois said the manufactured home meets the minimum requirements of a single family residence. David Dubois said rather there is a manufactured home or an 8,000 sq. ft. residence on the property we would still be addressing this with you today.

Greg Kourier stated Mr. Van Eekeren purchased sixty acres; subdivided 10 acres, A-1 use for a personal friend who has constructed a home on it; probably about an \$850,000.00 investment. The remaining fifty acres is a retreat for him; it's a sanctuary. He is here to preserve it. When they were in Manhattan, the neighbors; the community came out and said we are so happy not to see a subdivision; thank-you. You're doing something that's low impact; something that is going to preserve the nature of that particular area and we appreciate it. He's planted probably two hundred trees on the site since they started construction in the summer of last year. They have constructed a retention pond. He has put a substantial investment into an agricultural use building where he has chickens. He's going to have some other livestock which is permitted on the property. He's endeavored to really make this special and with that comes this accessory use; accessory to the agricultural use where equipment will be stored that also facilitates the use of the preserve or this farm property. Right now we don't know how long he's going to continue farming the portion of the property that hasn't been touched.

Melanie Manning said she just wanted to say the principle structure on a property when you talk about accessory use; she just wants to make it clear that we're talking about the structure being principle to the property and the accessory use has nothing to do with rather or not someone is residing in the structure. They don't have to reside there. We talked about him moving there sometime. He doesn't have to reside there. We're talking about a primary structure with an accessory use. It has nothing to do with it being occupied as a primary residence with someone living there.

ROLL CALL VOTE: Weigel, Rozak, May, Argoudelis and Smith voted “yes.” Konicki voted “no.” Deutsche passed. MOTION CARRIED (5-1-1)

Other Business

Zoning Ordinance Text Amendment – Temporary Use Permits

David Dubois explained the proposed text amendments regarding temporary use permits. The draft document pulls all the listed and identified temporary use permits out of the individual zoning districts and condenses it into one particular section. It identifies within which district those particular temporary use permits will be authorized. It also expands the current pool of authorized temporary use permits to include such things as a batch plant for road construction, a contractor’s office, which is not clear in the current zoning ordinance; a general category for events of public interest, emergency shelters, structures for classrooms and so forth. Within the tables within the text there are particular temporary use permits that require adjoining property owner notification. Some are more intense than others. Some may not require adjoining property owner notification such as a structure for a classroom or a contractor’s office on a construction site.

What was done based upon Committee comments at the last meeting was within the text. Certain applications require adjoining property owner notification and certain governmental body notifications which then have to be administratively determined to ensure the appropriate jurisdiction is notified. The purpose and intent of this is twofold. One; to expand the temporary use permit process to be more encompassing and be more specific to identify what would qualify as a temporary use permit. Secondly, it would provide for joint owner notification or governmental body notification where appropriate. The purpose of the temporary user permit process is to address life safety issues or nuisances but not put it into a full blown public process such as special use permits or variances.

These are quick events; events that may be of short notice that have to be accomplished within certain parameters within the application process. They are not as intense or of a nature that would require a full process or County Board. By nature it is something that needs to have limited oversight by the County and provide adequate notice where necessary; but again, provide an expeditious process to authorize the use as needed. With that being said, if there are any objections received by adjoining property owners or governmental bodies that require notification; it would require the temporary use permit to be considered by the Planning and Zoning Commission with adequate notice and publication. David Dubois asked the Committee for additional feedback on the text presented to the Committee. The next step would be to consult with the State’s Attorney’s Office to get a final review on it and bring it back in February for authorization to take it to public hearing.

Chairman Weigel asked if there were any questions or comments from the Committee.

Debbie Rozak asked if certain health, safety issues such as security or outhouses are considered when these temporary use permits are approved. David Dubois said on an individual basis the text does give the department authorization to condition the temporary use permits where we could require certain things be done. The temporary use permit process does include the Health

Department, the Sheriff's Department and other offices that many times do provide comment and those comments can be incorporated as conditions of the temporary uses.

Chairman Weigel asked if there were any other questions. Then Chairman Weigel noted a correction in the last sentence under Events of Public Interest of the proposed Text Amendment (14.12-9 (K)) should be Will County not Lake County.

Debbie Rozak asked if somebody came in for a temporary permit for a campground by the racetrack would they have to do a special use permit or could they do a temporary use permit if it was for one or two weekends a year? Dubois said he really doesn't have a good answer for that. There are some code issues that might be involved.

Chairman Weigel suggested David Dubois take it to public hearing and have the State's Attorney review it.

Zoning Ordinance Text Amendment – Swimming pool fence/barrier requirements

Chairman Weigel noted staff would like this tabled for a month. He called for a motion.

Motion by Rozak, seconded by May to table the text amendments regarding swimming pool fence/barrier requirements to next month.

ALL IN FAVOR

MOTION CARRIED (5-0)

Zoning Ordinance Text Amendment – Nonconforming uses, damage/destruction

David Dubois presented text amendments regarding the loss of nonconforming status due to damage or destruction pertaining to residential structures. A previous text amendment established a threshold of fifty (50) percent of three (3) times the equalized assessed value (EAV) for which repairs and maintenance of a nonconforming structure could not exceed without compliance with zoning ordinance requirements. Over the past year the Department has encountered several situations when repairs and maintenance due to damage and destruction exceeded the threshold. These situations indicate that perhaps the threshold is too stringent and may place an undue hardship on individuals that suffered damage and destruction from circumstances that were beyond their control.

The draft amendments remove the fifty (50) percent of three (3) times the equalized assessed value (EAV) threshold and authorizes repairs and maintenance of residential nonconforming structures needing repair due to damage and destruction from circumstances out of owner control. This would allow reconstruction within the same footprint. For those structures where it is a voluntary deconstruction or otherwise; they would be required to meet ordinance requirements. Dubois asked the Committee if they had any questions.

Board Member Rozak said she assumes this would help the people who live in an area where it floods down in Wilmington. Dubois said to a certain degree. It would still not exempt them from the Water Resource Ordinance requirements. This is only for zoning. It would deal with setbacks and things of that nature.

Board Member Konicki said Dubois mentioned Kendall County has adopted a similar ordinance. She asked what the other collar counties have done. Dubois said he doesn't have information on all the collar counties but he does know that the original changes to the text as it currently stands were modeled after Lake County, Illinois. They do have a fifty (50) percent threshold of the three times (EAV). In conversations with Kendall they were experiencing the same kind of situations that we were and they removed it. It's a policy decision by the Board. The current text gives you two options. Either you move the structure and reconstruct it within the required setbacks or you go through a zoning process to be entitled to keep it where it's at.

Kathleen Konicki said she believes the fifty (50) percent threshold is mentioned in the State Statutes as something counties might want to adhere to. She asked Melanie Manning to check State law to see what it says. Chairman Weigel asked Dubois if he wanted to check with other counties. Dubois said he would.

Motion by Konicki, seconded by Rozak to table the text amendments regarding nonconforming uses, damage/destruction for one month.

ALL IN FAVOR

MOTION CARRIED (5-0)

Zoning Ordinance Text Amendments – Construction and demolition recycling facilities

Dubois said he is just looking for feedback from the Committee at this time. These amendments will still need to be reviewed by the State's Attorney's Office. This is an issue that has come up due to some changes in State Law. Dean Olson was present to answer any specific questions someone might have. Our ordinance does not address general construction, demolition/recycling facilities. The proposed text amendments as presented would make them special uses within the I-1, 2, and 3 zoning districts and establishes standards for the location, design and operation of general construction and demolition recycling facilities. Our current zoning ordinance does not address this issue at this time.

Dean Olson said this law was passed about a year and a half ago. These facilities have been in place in Cook and DuPage since 1997. Olson said he made sure that we added an I.E.P.A. Permit provision to that law so now any new facilities would have to have an I.E.P.A. Permit, as well. The Special Use Permit, if granted to the applicant is just step one. They must get an I.E.P.A. permit. He mentioned these are high impact facilities; a lot of noise; a lot of odor; runoff; traffic. They are basically transfer stations that are allowed to recycle and that is why they need these kinds of rules or conditions if you want to call them that.

Chairman Weigel said it's a good ordinance and he directed staff to take it to public hearing and send it to the State's Attorney's Office for review.

Zoning Ordinance Text Amendments – Advertising Signs

Brian Radner stated at the December County Board meeting an ordinance that would extend the moratorium on dynamic advertising signs for an additional six months that would take the County until about June 18th, 2011; unless an ordinance is passed regulating those signs prior to that time.

At the November meeting there was some discussion about suggestions that had come about through industry and the Committee had recommended four (4) changes to the code. Those changes have been made. They included dynamic displays can be closer than one mile from each other if the sign faces are facing different directions. Another change was dynamic displays can be closer than one mile from each other if they are on different roads but in no case can they be closer than 660 ft. of each other at intersecting roadway. Another change was that a billboard company can receive a letter of credit for up to two years for sign space they take down. Another provision was made that talked about compliance with night time brightness levels and nits when a sign is adjacent to residential districts. They typed up the language so that would only apply if the sign face was facing parallel to those residential zoning districts; meaning, the sign face was facing a commercial or industrial. If there was residential behind it they wouldn't be able to see the sign face. So that is the reason for that change and the Committee already approved all of those. Those changes are in the draft which is Attachment A. They are bolded and underlined.

Brian Radner said the one thing he was asked to look into and bring back to the Committee in January is in Attachment B and this had to do with dwell time. There was concern about dwell time changing in the future and the Sign Industry was looking for some language that would exempt dwell time from being changed at the desire of the Board. Their concern was that the County Board would approve this ordinance and within 3 months, 6 months, a year or five years; whatever it would be would change the dwell time and make it less. They were concerned they would have to comply with that dwell time. They go into doing a digital conversion with the thought that they have this dwell time for this amount of period so their concern is that it would take that away from them and possibly disrupt their business plan; because they had invested the money in that site and they thought they would recoup it in five or ten years or whatever the time would be. If the dwell time was to be extended it would put them at a disadvantage.

Brian Radner said in Attachment B there is some language that talks about the dwell time and then he read the following section:

13.14(4)(i)[Regulations pertaining to dynamic displays]:

Regulations governing dynamic displays are subject to ongoing monitoring and future modification in the exercise of the county's police powers with the exception of dwell time duration. No vested right is ever created in an existing dynamic display. If regulations governing operational aspects of dynamic displays including transitions, illumination and brightness are modified by the County, advertising sign owners and operators are required to bring dynamic display advertising signs into compliance with all applicable dynamic display regulations. If Regulations governing dwell time of dynamic displays are modified by the Illinois Department of Transportation (IDOT), advertising sign owners and operators are required to bring dynamic display advertising signs into compliance with IDOT's dwell time regulations.

Brian Radner said he thinks that regulation could be further strengthened if there was a provision added by the Committee that states in no case would dwell time be shorter than ten seconds. That would say that if the State decides we want to go with fifteen seconds they could go with fifteen; but if the State decides to go with eight, the County would still stay at ten. Brian Radner asked the Committee for their thoughts on those changes and asked that the Committee vote up or down for the changes.

Chairman Weigel asked if there were any comments by the Committee. Chairman Weigel said he thinks the ten second would be appropriate.

Melanie Manning pointed out if the Committee puts this language; with the exception of dwell time duration. No vested right is ever created in an existing dynamic display. You can't stop a future board or board members from changing this law. Basically, you know you can take old ordinances; amend them; change them; however you see fit. Within your authority that is why you are elected is to make changes to these ordinances. So essentially you can pass this but a year down the road, you want to amend it; it doesn't stop you from amending it. It doesn't stop you from amending the dwell time. This doesn't prevent another board in the future from making another decision. This isn't going to do what you want it to do which is basically saying we're always going to have that ten seconds and you can never change it

Chairman Weigel said that's okay. At least it says what we intend to do with it at this time.

Melanie Manning recommended taking it out because she thinks it is inviting trouble because you don't have the authority to bind future boards.

Debbie Rozak asked Melanie what she would take out, specifically. Melanie said the underlined language, with the exception of dwell time duration

Debbie Rozak asked what about the underlined stuff at the end of the paragraph? Melanie said that's fine.

Brian Radner said there were a couple of opinions from industry. One he believes is that they believe it is a property right. Radner said he believes our legal counsel believes that dwell time is not a property right. The sign industry believes they would be grandfathered at ten seconds and if IDOT changed their regulations any new signs would have to comply but older signs would not have to comply with that. There is a difference of opinion whether or not it is a property right. That is their concern; that once they get approved and they put up a sign at ten seconds; they are concerned that down the road the County will change the code and they think that they would be able to stay at ten seconds because of grandfathering provisions. Brian asked Melanie what she thought about that.

Melanie said she has researched it and she doesn't think it's a property right. Melanie also said it's the dwell time of a message; a right to have a message on a sign, not a property right and would not be grandfathered.

Chairman Weigel said he thinks there shouldn't be any reference to grandfathering in there at all.

Board Member Konicki stated she would like the Committee to reserve the right unto themselves to increase the dwell time in the future in the event that the ten second dwell time appears to be inadequate.

Curt Paddock said as he understands the situation, Melanie's view is that the Board possesses the inherent right at some point in the future to change the dwell time. Consequently, she is of the view

that if you put it in there it really would have no practical effect as binding any future board. So she is advising not to put it in there, at all.

Melanie said you can put it in there if you want but you don't need it. She's not advising against it but if you put it in there you are inviting litigation.

Brian said he was directed to prepare this language by the Committee at the last meeting.

Kathleen Konicki said she wants language that gives the County the right to change the dwell time in the future. She wants language saying that dwell time shall not be grandfathered.

Brian Radner said he believes the language Melanie asked to have scratched will do just that. There was one more item he was asked to consider at a leadership meeting last week on billboards was would the Committee be open to consider a ten year time limit on a dwell time for a sign company for a specific sign that was put up?

Kathleen Konicki said she understands sign companies need to expect a certain amount of return but the Committee also needs to consider public health and safety, too. If that dwell time seems to be causing accidents and loss of life she wants to be able to change it and not wait ten years. Kathleen wants to state that there shall be no vested right in dwell time and that they can increase it.

Radner said he thinks we can do just that by scratching out with the exception of dwell time duration and make no the first letter of the next sentence. No vested right is ever created in an existing dynamic display and then after e.g. we put dwell time back in and that does exactly that. He said he believes the Committee likes the language at the bottom underlined that talks about IDOT so if IDOT goes ahead and changes next year or two years from now; all signs have to come into compliance with that standard.

Kathleen Konicki said the only thing would be that if IDOT goes down and we don't want to go down and we want to go up that final clause causes a problem. Brian Radner said as I suggested earlier that in no case shall dwell time be less than ten seconds. That could immediately follow that.

Kathleen said she thinks that would be a well worded ordinance; **striking the phrase with the exception of dwell time duration; adding the words dwell time back in and adding the sentence Brian proposed at the end; i.e. (In no case shall dwell time be less than ten (10) seconds).** The paragraph would read as follows:

13.14(4)(i) [Regulations pertaining to dynamic display]:

Regulations governing dynamic displays are subject to ongoing monitoring and future modification in the exercise of the county's police powers. No vested right is ever created in an existing dynamic display. If regulations governing operational aspects of dynamic displays (e.g., dwell time, transitions, illumination/brightness, etc.,) are modified by the County, advertising sign owners and operators are required to bring dynamic display advertising signs into compliance with all applicable dynamic display regulations. If Regulations governing dwell time of dynamic displays are modified by the Illinois Department of Transportation (IDOT), advertising sign owners and

operators are required to bring dynamic display advertising signs into compliance with IDOT's dwell time regulations. In no case shall dwell time be less than ten (10) seconds.

Motion by Konicki to make those three changes, seconded by May.

ALL IN FAVOR

MOTION CARRIED (5-0)

Board Member Argoudelis asked Brian Radner if this part of the ordinance pertains only to dynamic displays or does it have to do with other business signs such as Wal-Mart? Radner said this portion of the ordinance only deals with billboards. We do have language prepared to regulate on premise signage but we have not gotten to that. We separated the two in the beginning because of different interest groups and we will definitely be looking at dwell time and nits and everything related to dynamic displays for on premise advertising in the future.

Brian Radner said with this change that wraps up all the changes that were associated with the dynamic display and regular static display billboard ordinance revisions. He said he has one more thing to share with the Committee but asked if there were any other changes or comments the Committee wished to discuss at this time.

Chairman Weigel said he brought up the issue of changing the permit fees if they want to do that in parallel with installing this ordinance. Radner said when they get to dealing with fees they want to separate fees outside of the code and put them onto our regular fee schedule that have for special use permits, map amendments and other zoning actions. That would be on that schedule and in February he would bring back to the Committee some information on fees for annual registration and inspection. We would look at the fees with the Committee and determine in what direction to go, with possibly a public hearing in March which could get us to the County Board in March or April to discuss adjusted fees for the sign ordinance. Chairman Weigel said we need to look at getting some county announcements on digital billboards. Chairman Weigel said that could be part of the sign code change at our next meeting.

Board Member Konicki asked Radner about the meeting with Homer Glen.

Brian Radner stated Chairman Weigel and he met with the Mayor of Homer Glen, their Village Manager and their Community Development Director about a month ago. Homer Glen is still discussing the topic. It's going to be on the agenda at the Village Board meeting. He talked with the Community Development Director earlier today. They want to know the outcome of the meeting today. Radner has had no request to attend an additional meeting as yet but they have definitely been kept in the loop on this whole process and so has the Village of Romeoville.

In November they had submitted a letter with concerns on how the code was worded and he has kept them apprised of everything that's going on currently.

Chairman Weigel spoke about the meeting with Homer Glen. There are two signs along 159th outside the Village. They do not want them to become digital. Kathleen Konicki said there is a particularly vulnerable billboard which would really harm the public if it went digital and that is the one along 159th Street on the south side just west of Cedar Road. That is the billboard that when it was erected it gave rise to what was known at the time as the "Billboard Lady" because it so

severely impacted her property and that definitely is a billboard that we need to protect from going digital. Chairman Weigel said he brought this up at the leadership meeting last week on billboards and the leadership was not amenable to giving Homer Glen control over these billboards. Board Member Konicki said there may only be one or two countywide that need to be protected from going digital.

Chairman Weigel everyone take a five minute break before the Committee resumes business.

Natural Plantings Ordinance

Steve Lazzara said as many of you know, the Will County Land Use Department is in the process of drafting a Natural Plantings Ordinance. We began this endeavor approximately a year ago. There is a nuisance ordinance in place that deals with weeds. Over the summer staff worked to prepare a rough draft that could be brought before the Land Use Committee and the Plan Commission to discuss some of the issues.

A document prepared by one of the legal clinics at a university in Florida was selected as a model ordinance. The ordinance was written in a fashion similar to ordinances drafted by the Will County Board. A draft was presented to the Land Use Committee in the fall and staff was directed to take it to public hearing before the Plan Commission. The public hearing was held November 4th of last year. After the public hearing a public comment period was opened that lasted about fifty days. A draft ordinance and all the written comments submitted during the public comment period have been provided to the Committee members.

Some of the comments are too general and somewhat difficult to address. Lazzara suggested the Committee might want to focus on the comments that are more specific in nature and asked the Committee for direction.

Chairman Weigel said there are some great comments and asked Lazzara to work on including them in our ordinance where appropriate.

Board Member Rozak mentioned that one of the municipalities that she represents had a resident that was using natural plantings. Their neighbors were complaining because basically, it looked like they weren't cutting their grass. She is concerned what people might try to do with this ordinance.

Lazzara said that actually came up in a couple different situations. What staff is hoping this ordinance will do is identify what are true natural plantings and what are invasive obnoxious species. There will be separate regulations that will allow those natural plantings to be put in place. We have a couple of different sources (the Will-South Cook Soil & Water Conservation District and a botanist) that identify true natural plantings and what are considered obnoxious plantings or weeds. Some documents have also been prepared that identify what are native Illinois vegetation.

Board Member Rozak said one of the comments talks about some of the species being highly flammable. Lazzara doesn't know about the species in particular but one of staff's concerns is that natural plantings being a little taller than turf grass and the way that they move water through their

system and back to the aquifers may make them a little susceptible to drying conditions and thus become a little more flammable than turf grass would. Lazzara said they did have some experts on the draft team. Lazzara said he doesn't think it's a matter of any specific planting but more of the fact that natural plantings being somewhat taller make them more susceptible to fire.

Chairman Weigel asked if there was anyone from the public that wanted to comment; which would be different from the written comments that you have already submitted. Chairman Weigel instructed staff to take the written comments and include what we feel we need in those ordinances.

Lazzara said what he would like to do is to put the specific comments in one unified document so the Committee can check what we like and what we don't. Chairman Weigel said that's fine.

Kathleen Konicki asked Steve what were the general comments that he feels are not appropriate to address. Lazzara said those might be ones that are too general and open to interpretation.

Chairman Weigel said he would like to skip down to number 10, a request for a temporary use permit for a music festival.

TU-2010-23, Music Festival, CD and Me

Michael Smetana stated this is a temporary use permit request being made by CD and Me for a music festival to be held July 15, 2011, from 12:00 p.m. to 1:00 a.m., July 16, 2011, from 6:00 p.m. to 1:00 a.m. and July 17, 2011, from 12:00 p.m. to 1:00 a.m.; on the property identified by permanent index number 18-13-06-200-008 and commonly known as 23320 S. LaGrange Road, Frankfort, Illinois.

This is the eighth year that CD and Me have held this festival. There will be twenty employees on site. They expect up to eight hundred people to attend each day. Staff requested a condition be added. The Will County Building Division shall require that this use comply with Section 3130 of the 2006 International Building Code. Staff also requested a condition be added that was made by the Frankfort Fire Protection District. That condition is that the festival must adhere to occupancy load posting.

Chairman Weigel said this has been done in the past. He called for a motion of approval.

Motion by Rozak, seconded by May to recommend approval of a temporary use permit for CD and Me for a music festival to be held July 15th, 16th and 17th, 2011; with two (2) conditions:

- (1) The Will County Building Division shall require that this use comply with Section 3130 of 2006 International Building Code.**
- (2) The festival must adhere to occupancy load posting as requested by the Frankfort Fire Protection District.**

ALL IN FAVOR

MOTION CARRIED (5-0)

TU-2010-24, Temporary Tent, CD and Me

Michael Smetana stated this is a request for a temporary use permit by CD and Me to allow a tent to be erected on the property identified by permanent index number 18-13-06-200-008 and commonly known as 23320 S. LaGrange Road, Frankfort, Illinois from May 4, 2011 through October 31, 2011.

The temporary tent is to be used for wedding receptions and other special events. Nearly all events will take place on weekends; Friday, Saturday and Sunday between the hours of 12:00 p.m. and 1:00 a.m. The number of anticipated occupants will range from 180 to 400 people. This request has been made the past two years and approved. Staff would request that a condition be added. The Will County Building Division shall require that this use comply with Section 3103 of the 2006 International Building Code. A condition has been requested by Frankfort Fire Protection District. That when the tent is erected CD and Me contact the Frankfort Fire Protection District so that the occupancy load can be calculated.

Chairman Weigel asked for a motion to approve with those conditions.

Motion by Konicki, seconded by Rozak to recommend approval of a request for a temporary use permit by CD and Me to erect a temporary tent from May 4, 2011; through October 31, 2011; on PIN 18-13-06-200-008; commonly known as 18-13-06-200-008 with two conditions:

- (1) The Will County Building Division shall require that this use comply with Section 3103 of the 2006 International Building Code.**
- (2) That when the tent is erected CD and Me contact the Frankfort Fire Protection District so that the occupancy load can be calculated.**

ALL IN FAVOR

MOTION CARRIED (5-0)

Land Resource Management Plan Update Draft

Colin Duesing said we are in the final stages of updating the Land Resource Management Plan. Committee members should have received numerous packets one of which should be the changes that are being proposed. Notes in yellow are the original staff changes from 2010. Comments highlighted in blue are suggested changes by the general public. Comments highlighted in green are the proposed changes by the Land Use Committee from last summer.

Four listening sessions were held; in Wilmington, Elwood, Green Garden and Beecher. Comments from the four listening sessions were then incorporated into the draft. Staff then went back to the four sites and asked if what they heard was correct. The answers were overwhelmingly yes and most of the questions came as now how do we implement all this and that's where the plan comes in. The changes that the communities suggested were community pride opportunities; we needed language for that. Also, re-emphasizing that municipal growth should respect existing, neighboring land uses.

It was in there because of their re-emphasizing it. A new one is in there with regard to new commercial sites. There is no open space acquisition plan. If there is a possible key commercial node and it is not imperative that it be part of the open space acquisition; could it please remain commercial for the tax revenue purposes. Also, when there are any railroad/trucking interests; how can we get mitigation measures? Also, proposed changes regarding the leadership role for the South Suburban Airport and also regarding the billboards. In the Forms and Concepts Handbook they added language to pursue additional diversity of housing type and when there are offsite impacts. Not only physical but also economic; particularly property value.

It was indicated that truck traffic should be on designated truck routes or truck lanes. Enhance the natural landscape asset areas such as Midewin National Tallgrass Prairie and the Abraham Lincoln National Cemetery. The map changes from the various forms. One is adding at I-355 since it has been built. In the previous plan it was only allocated and now it is built. Adding the new Crete Intermodal Facility being proposed. Changed the boundaries of the airport from a generic circle to the current boundaries being proposed. Adding in the Joliet Intermodal Facility. Changing Elwood from a town form similar to that of Peotone or Wilmington to an urban community similar to that of Manhattan or Plainfield. There is another intermodal facility on Lorenzo Road being annexed by Wilmington and lastly, a new form for the Kankakee River Corridor. Currently, it is in the rural area. The current density there is approximately one residence per ten acres. Obviously the corridor along the Kankakee River is a little more dense than that and so they decided to put that new form in to help facilitate staff reports.

In the Open Space Element, it was implied and now it has been made more specific to identify schools and community centers as destinations within the Open Space Trail Network. The proposed Vincennes Trail that parallels Illinois Route 1 was inadvertently left off; but has now been added as a major regional trail.

Again, adding Will County in as a major role in development of the Airport Environs. A public hearing was held in December and the PZC (Will County Planning and Zoning Commission) voted to recommend approval to the County Board 6-0 with one absent. Colin Duesing said he would answer any questions the Committee members might have. He would then ask the Committee for a recommendation of approval to send the updated draft LRMP on to the full County Board.

Board Member May asked on what page she might find the major truck routes. Duesing said they are throughout the whole document but mainly in the Policy Gateway.

Chairman Weigel asked for a motion to send it to County Board.

Motion by Rozak, seconded by Weigel to approve the Land Resource Management Plan Update and send it to the County Board.

ALL IN FAVOR

MOTION CARRIED (4-0)

Subdivision Ordinance Text Amendment – Subdivision Guarantees

Thomas Carroll stated the Subdivision Ordinance does provide some basic guidance regarding the foreclosure procedure for letters of credit but does not specifically address some of the issues the

County has dealt with recently. Some of these issues include criteria for determining if a letter of credit may be foreclosed upon, utilization of the foreclosed funds or the disbursement of any funds remaining after the improvements have been completed. Staff has prepared some proposed text amendments for the Committee's review and comment. Ultimately, staff would like to take the text amendments to public hearing to solicit public input.

Thomas Carroll explained that Item Number 1 of the proposed Subdivision Ordinance text amendments spells out the reasons why a letter of credit may be foreclosed upon by the County. Item Number 2 specifies that when the County has decided to foreclose upon a letter of credit; the County shall notify the developer and the bank by registered mail. Item number 3 is if the developer fails to comply with the terms of our notice the County can foreclose on that letter of credit. Those foreclosed funds will be delivered to the County Treasurer. Once the County has those foreclosed funds we can use those funds to complete or maintain the improvements for that development and also all the costs that the County may incur to complete those improvements can be drawn from those funds. Once the subdivision has been completed and the improvements have been installed and maintained for the approved subdivision plans if there are any funds remaining; then the County will return those funds to the developer or the beneficiary of the letter of credit.

Chairman Weigel recognized Board Member Konicki and asked her if she had a question.

Board Member Konicki stated in paragraph 4 it currently reads, 'The Chief Subdivision Engineer shall be authorized to utilize these foreclosed funds to complete and/or maintain the improvements....Board Member Konicki said she would like to strike the three words be authorized to so that it reads The Chief Subdivision Engineer shall utilize these foreclosed funds to complete and/or maintain the improvements...

Motion by Konicki to strike the three words, be authorized in paragraph 4; seconded by May.

ALL IN FAVOR

MOTION CARRIED (4-0)

Chairman Weigel asked do we have a motion to send this out for public hearing.

Motion by Rozak, seconded by May to move the proposed Subdivision Ordinance text amendments as modified to public hearing.

ALL IN FAVOR

MOTION CARRIED (4-0)

Water Resource Ordinance

Thomas Carroll stated back in September of last year the Committee approved revisions to Section 605 Appendix A of the Water Resource Ordinance which dealt with long term funding of stormwater facilities; more specifically, special service areas. In September, the Committee approved that document for public hearing. The public hearing was held in November of last year. No public comments were received. The document was brought back to the Committee for final approval and to be forwarded on to the County Board.

Chairman Weigel asked if there were any questions by the Committee. Hearing none, Chairman Weigel called for a motion to approve.

Motion by May, seconded by Rozak to recommend approval of Section 605 – Funding of Long Term Maintenance of Stormwater Facilities & Appendix A of the Will County Water Resource Ordinance.

ALL IN FAVOR

MOTION CARRIED (4-0)

Adjournment

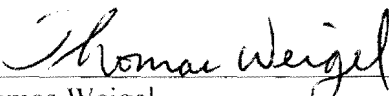
Chairman Weigel did not have any reports. There were no reports by the Committee or staff. Chairman Weigel called for a motion to adjourn.

Motion by Konicki, seconded by May to adjourn the meeting.

ALL IN FAVOR

MOTION CARRIED (4-0)

The meeting was adjourned at 12:40 p.m.



Thomas Weigel
Chairman, Will County Land Use and Development Committee

