

MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
February 24, 2009

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Call to Order:

Chairman Weigel called the meeting to order at 10:35 a.m.

Members Present at Roll Call:

Tom Weigel, Debbie Rozak, Sharon May, David Evans, Kathleen Konicki, Kathleen Konicki and Michael Wisniewski.

Members Absent:

Katrina Deutsche.

Staff Present:

David Dubois, Curt Paddock, Michael Smetana, Steve Lazzara, Howard Hamilton, Anita Wesse, and Leigh Kelley.

State's Attorney Present:

Melanie Manning

Others Present:

See sign in sheet.

Approval of Minutes:

PRELIMINARY PLATS AND PLANNED UNIT DEVELOPMENTS (PUD)

FINAL PLATS

TABLED ZONING CASES

REMANDED ZONING CASES

NEW BUSINESS (ZONING CASES)

PREAUTHORIZATION TO FORECLOSE

SUBDIVISION ORDINANCE

Steve Lazzara gave an overview of today's schedule.

David Dubois gave a more in-depth overview. He explained that staff would be looking for two motions today, one adopting the draft text for a public hearing for the subdivision ordinance changes and the second a motion to adopt the language in the draft text for the zoning ordinance for public hearing.

This would all be considered at the public hearing in April along with future changes that will be discussed later in the next steps with regard to the open space ownership and management.

Chairman Weigel suggested moving the Temporary Use Permit for Walsh Construction up on the agenda.

OTHER BUSINESS

1. Temporary Use Permit – Walsh Construction -

David Dubois explained that the purpose was to bring this request forward to the Committee's attention due to the nature and size of the request and to see if the Committee had any concerns that could be addressed through conditions on the temporary use permit.

Under the zoning ordinance this is an authorized temporary use permit that the Department can issue with regard to a yard for construction materials and/or equipment. A letter from Walsh Construction and a site plan was provided to the Committee. It describes the proposed stockpile yard at the northeast corner of Rt. 59 and Theodore. The proposed stockpile yard is a temporary use and is anticipated to be needed for one year. The proposed stockpile yard is approximately 5 acres and is immediately adjacent to Rt. 59. The property is zoned A-1 and is immediately contiguous to the City of Joliet on all sides.

The subject property is subject to a petition for annexation to the City of Joliet that has been tabled several times since October 2008 and was tabled this month to March 17th; which is the anticipated annexation date.

The construction schedule for Rt. 59 requires Walsh Construction to prepare the stockpile yard by the first week of March 2009. Therefore, Walsh Construction is in the process of applying for the temporary use permit to get the process going.

The County notified the City of Joliet and has asked for written comment since it is their residents that surround the site. We also notified road jurisdictions, the fire protection district, the Health Department. Our Staff will review the matter and attach any necessary conditions especially with regard to engineering.

In the temporary use permit application the stockpile is proposed to be for asphalt, topsoil, crushed concrete and broken concrete. Concrete crushing will be done on-site as needed and this material will be reused on Rt. 59

The topsoil stockpile will be on the north end of the site and will provide a buffer between the northerly residences. Staff will condition the temporary use permit so that they seed the topsoil pile to provide some stabilization. The hours of operation will be from 6:30 a.m. to 6:30 p.m. Monday through Saturday with approximately 5 employees on the site. Walsh Construction will apply dust control measures.

Chairman Weigel asked for comments from the Committee.

Mr. Evans asked if staff knew why this item had been tabled so many times and Mr. Dubois answered that he is not sure but possibly due to issues not related to the stockpile yard.

Ms. Konicki asked if this applicant has filed an application and paid the fees and Mr. Dubois answered yes. Ms. Konicki asked if staff would be preparing a staff report and Mr. Dubois explained that this would be an internally issued permit and it was brought to the Committee's attention for informational purposes. The approving authority is vested within the ordinance through our department.

Chairman Weigel instructed staff to proceed with this item.

SUBDIVISION ORDINANCE

Mr. Dubois stated he wanted to go over the main changes and Howard Hamilton would go over the density formula and how it works and compares to the yield plan. He would be using examples of previously approved subdivisions. Staff is looking for two separate motions to approve the draft text language for both the subdivision ordinance and the zoning ordinance with the exception of the language for the ownership and management of open space and the backup funding mechanism. That is the next step after today. That process will begin on March 3rd.

Mr. Dubois went over the current changes to the Will County Subdivision Ordinance Working Draft [02-19-2009] Part 3 – Conservation Design Subdivisions.

Page 51 – Yield Plan is now listed first as the first option for determining the base density. This is the way it has always been done. It is an option that can be used to determine the base number of units on the property. The Yield Formula is listed second.

Page 53 – Lines one and five the word option has been inserted. The title is now Article 30 General Provisions for Conservation Design Option. Line four identifies it as a by-right permitted use option. This would be a third option. A developer could still proceed through the other processes.

Page 55 – Line 13 – the Yield Plan is listed before the Yield Formula.

31-03 the Yield Formula has some modifications that Mr. Hamilton may discuss in greater detail.

Page 56 - 31-03-C. – that part of the formula was modified with certain things removed to make it more equivalent to the yield of the yield plan. The goal of modifying this section was to attempt to get as close as possible to an “apples to apples” yield if you used the yield plan as opposed to the yield formula. If you chose either one you would get essentially the same result.

31-04- Density Bonuses - for further clarification this was made into a separate section. It now clarifies how to get the bonus based upon the base density you would get from utilizing the yield plan or yield formula.

Page 56 - 31-04-A d. - the language was modified for the bonus with regard to use of the historically significant buildings, structures and sites. This section now tells the developer what is necessary to get this bonus. One item removed referred to affordable housing. After reviewing this matter it was determined that there would be extreme difficulty in applying it. This may be revisited in the future and possibly have some alternative language to address this issue.

Page 57 – f. Area Based Density Bonuses - one element of the bonuses was deleted and something else was added. A density bonus associated with the preservation of certain natural features, not to exceed 5%. The weights on the others were modified that all other bonuses cannot exceed 4% with the maximum of 20% density bonus utilizing this option.

Under the yield plan there was some language that dealt with floodplains, wetlands and other features were taken out. This was redundant because these items were already addressed in the yield plan process. These

Minutes

Land Use Planning, Zoning & Development Committee

February 24, 2009

changes were a result of the Committee meeting on February 10th. Mr. Dubois added that Chairman Weigel requested adding two words into the Yield Plan section.

Howard Hamilton gave an overview of the formula process and explained that when the ordinance was developed staff wanted to see how it would effect previously approved conservation design subdivisions. The three subdivisions chosen to use as examples were: Tuscan Hills, The Preserve of Lake Charlevoix and Belle Meade.

Mrs. Rozak asked about the Tuscan Hills subdivision under the proposed changes would the developer have had 96 more lots and Mr. Hamilton answered yes, he could have. That would be the maximum he could get.

Mr. Hamilton stated that through the LRMP we are trying to encourage conservation developments that are really above and beyond.

Chairman Weigel asked about step 2.

Jim Moustis stated we have a PUD process to negotiate the conservation process. The PUD process primarily allows the County and the applicant to discuss amenities versus getting some relief from the ordinance. The staff and the County had the ability to say here is what we would like to see. To Mr. Moustis the proposed changes seem like we are offering something we have always had. He stated that understands there may be some desire to make it clearer for the applicant within the ordinance. Mr. Moustis looks at Conservation design as every one is unique and the more flexibility we have to negotiate what we might want to see in a conservation development ultimately gives us the ability to get a better result. What is being proposed looks like things we already had the ability to do.

Mr. Moustis stated with regard to affordable housing, conservation design should be in a medium price range.

Mr. Paddock asked Mr. Moustis what his question was and Mr. Moustis replied, "Why didn't the old system work?" Mr. Moustis believes that with some tweaking the PUD system works well. Every conservation design subdivision is unique. With a PUD the more flexibility we have, the better off we are as a county and this would produce a better product.

Mr. Paddock answered that the County Boards adopted Land Resource Management Plan states it is beneficial to the County's future growth and development to attempt to remove any barriers or roadblocks to the utilization of conservation design principles. It further states the County will adopt a new ordinance that enables conservation development as a by- right permitted use. This was merely a plan. The suggestion was that moving to by- right, this would give the developer the opportunity to undertake a conservation design subdivision without the time, expense and complications that are associated with the PUD approach.

Mr. Paddock further stated we weren't going to mandate this approach it was merely to provide under an option the ability to do it as a by- right development, while at the same time if a person preferred to go through the time, expense and complications associated with a PUD approach they would be able to take that path as well. They would now have an option that would remove some of the length and costly negotiations associated with the PUD approach to have a much more direct, straight forward and simplified approach to having a by right conservation subdivision consistent with the policy directives and the plan approved by the County Board. This is the path and the mechanism of how to do that has also been the focus of discussions.

Minutes

Land Use Planning, Zoning & Development Committee

February 24, 2009

Mr. Moustis stated that if the purpose is to make it easier and to encourage strong consideration of conservation design what he is hearing from the development community is that what is being proposed is just the opposite. They are not going to embrace it and because of how the ordinance is written they just won't give it any consideration. Mr. Moustis further stated we should adopt a policy that encourages conservation design not discourages it.

Ms. Konicki stated our formula was not well understood. We are giving some more away in terms of density, but in exchange for that we will get some extremely well designed subdivisions that protect the natural areas. By having a formula with some discipline we make sure we don't give away too much, but give away enough to make it worth it.

Mrs. Rozak stated that at the last meeting one of the developers indicated the development community was not as opposed to the proposed changes as they had been in the past and Mr. Lazzara explained that Mr. Gregory is the person who said that. Mr. Gregory advised Mr. Lazzara yesterday that they still prefer the PUD.

Mr. Moustis asked why we would not have the ability within the PUD process to incorporate this in a PUD to say here are bonuses that we can allow within a PUD process, why couldn't we tweak a PUD?

Mr. Evans asked if this is an option why couldn't someone do what Mr. Moustis was suggesting?

Mr. Kevin Hynes explained that the development community had not had adequate time to look at the proposed changes with the new formula. They need to show it to their board. The PUD process provides the developer with the most flexibility and allows them to deal with each situation as it happens. They are not opposed to conservation design, what they have seen to date, the best option is to go through the PUD process.

Mr. Hynes stated they have questions about Mr. Hamilton's calculations, specifically the wetland calculations.

Mr. Evans asked Mr. Hynes how much time would be needed to go over the proposed changes and Mr. Hynes answered that it may take a few weeks.

Sharon May asked Mr. Gregory if he lived in Will County and he answered no.

Tom Bartlett (Southwest Suburban Homeowners Association) – he stated PUD remains their position as of today. The development community embraces all types of design and there have been award winning conservation design subdivisions built in Will County through PUDs. He explained that he would like to see a document with tracked changes and Mr. Lazzara explained that we would not be providing tracked changes. Mr. Bartlett would like to see the PowerPoint presentation on paper.

Mr. Bartlett stated he thinks the PUD guidelines and formulas need to be tweaked. If the formula that Mr. Hamilton presented was put in place of the existing guideline that has been applied to the conservation design districts it is much more simple and easy to adapt in the future. Committee meetings and public hearings would not be necessary.

Mrs. Rozak asked Mr. Bartlett about the PUD process, she thought the PUD process was more time consuming, more expensive and less efficient. When you are talking about a residential development it is open to opinion. Some of the proposed bonuses are miniscule. If you take the formula for the bonuses of the features that you would like to see in a conservation design, put it under the PUD with a guideline. The PUD is the most flexible.

Minutes

Land Use Planning, Zoning & Development Committee

February 24, 2009

Mr. Wisniewski asked staff if under the proposed conservation changes, could the developer still do things now the way they were doing them if we pass all of these ordinances, with the PUD process or do their PUD options now change dramatically? Will they be able to keep doing business the way they were and this is an option or are there more changes to the PUD that would complicate the process.

Mr. Paddock answered yes, they could continue to do the PUD process and can propose a subdivision that integrates conservation design principles through the PUD process if they prefer. This is simply providing an option for a by-right approach, which is faster, easier and not subject to negotiation, which is the nature of the PUD approach. If the option were to be adopted, it is an option. The developer would be entitled to do a conventional-traditional subdivision, a PUD and a conservation design option.

Mr. Wisniewski stated we are not preventing the developer from continuing business as they have been and we are not adding any new changes or conditions to the current PUD process, this is simply just an option to promote different kinds of conservation developments in Will County. Mr. Paddock stated that is correct.

Mr. Paddock stated that although it is recognized the development community would retain the PUD approach there is a concern because we would adopt the approach outlined in the conservation option and some of the standards they are fearful that some of those same standards would be used as the basis for the negotiation with staff on a PUD. That is not what is in the text of the ordinance. The PUD process would go forward as it always has but he believes that there is a concern that by adopting the option and a set of standards and set of principles that are in the third option the development community feels their options may be constrained under the PUD approach.

Mr. Wisniewski asked if the Committee approved the ordinance and the proposed changes today, it would move forward to a formal public hearing and could also have additional changes made and Mr. Paddock answered yes.

Mr. Wisniewski stated that if the Committee were to approve this draft text what would the time frame be for the public hearing and Mr. Paddock asked Mr. Dubois for the dates of the proposed adopted schedule for the public hearings and Mr. Dubois answered that the public hearing is scheduled for April 28th with two meetings for the LUDC in May to digest those comments and then it would go to Executive Committee in June with the anticipated County Board date of June as well.

Mr. Wisniewski asked if that would give the real estate community enough time to get feedback from their members and work with staff on any issues or complaints and Mr. Gregory answered yes.

Mr. Moustis asked the Committee to look at if this is the direction the Committee should go into.

Mr. Moustis asked the Committee and the staff to give other consideration for other ways to put this into the ordinance. If it is an option and no one likes the option why move it forward?

Ms. Konicki stated what is meant by -by-right under conservation design is that the developer can determine a certain density by-right, there is a formula that gives the base density. By-right they can accumulate additional through various steps so they know what their bottom line will be. With the PUD process the developer has to negotiate. If the conservation design option is approved the developer will know by-right the bottom line density.

Minutes

Land Use Planning, Zoning & Development Committee

February 24, 2009

Ms. Konicki stated that what Mr. Moustis is asking for sounds like a melding of the two processes and maybe that is the way to go, possibly getting rid of the PUD process and making it all conservation design.

If you go through the PUD process you have two ways to get your base density with a full-blown preliminary plat, which is very expensive, or you can do a yield plan.

Mr. Moustis stated that he not so focused on density he is focused on a good design.

Mr. Paddock stated many of these issues have been discussed over and over for many years. This is a result of a board approved consulting contract and sustained collaboration over a 3 ½ year period with the Land Use Committee.

Pete Galvin (developer) approached and explained he has developed ten subdivisions in the Green Garden Township. Mr. Galvin gave a list of conservation design subdivisions that have numerous empty lots.

Mr. Galvin stated there needed to be more conservation design subdivisions that are affordable for everyone.

Mr. Galvin stated the conservation design plan is good but could use some tweaking.

Tom Joseph (Three Rivers Association) approached to clarify that there were two formal public hearings early last year. The language that makes conservation design an option was just added. Mr. Joseph stated that the proposed maximum base density 31-01-B, E-1 through R-3 – this seems to be a pretty low standard that is being applied and may be a question that comes up at the public hearing for more formal discussion. 32-01 –B, open space requirements E-1 through R-3 there is a 60 – 40% range and this seems to be pretty high, what is the standard that is being pursued there?

The Illinois Association of Realtors and the Three Rivers Association suggest there should be some language that addresses some sort of affordable housing outline. The market has changed drastically in the last year and housing has changed. Mr. Joseph distributed a letter from the Village of Manhattan to the Committee.

Mrs. Rozak asked why the language on affordable housing was removed and Mr. Dubois explained that staff had reviewed that particular bonus and the practical limitation of it seemed very problematic. Staff felt, rather than codify something that may not work, take it out look at it and deal with it correctly. This topic is not being dismissed but it did not seem to be practical and was a result of trying to address Mr. Joseph's prior concern with regard to affordable housing, it just may not be the right mechanism to do so.

Mr. Harold Liberman approached and explained that conservation design is a value to developers as well as homeowners. Once the deep-rooted grasses are planted in open space and are thriving the acreage looks great as long as the right types of grasses are chosen. Deep-rooted grasses help prevent flooding and maintain the aquifer for the wells. Our wells could run dry in the future and then it is too late. Green Garden Township has a problem with flooding in some areas and in other areas wells have run dry and it can be very expensive to bring water in after they are dry.

Mr. Lazzara stated that today staff has been asked how this has come about. Staff has been having meetings with representatives from the conservation side and that is where some of the push has come from.

Minutes

Land Use Planning, Zoning & Development Committee

February 24, 2009

Mr. Evans stated that he would like to see the strike-outs and changes to date since he is new to the Committee. He thinks this would be very helpful.

Mr. Lazzara stated it would be done.

Mr. Moustis stated this process is difficult with the changing of Committee members. He suggested the newer Committee members might look back at previous minutes to see the history of this topic.

Chairman Weigel asked Mr. Lazzara if the correspondence from the Army Corps. Of Engineers was posted on the website and he answered that staff had been posting the most current versions. No individual letters have been posted. Chairman Weigel suggested posting those letters.

Mr. Ders Anderson the greenways director for Openlands approached and explained how he has worked in Will County for the past twelve years with the Midewin watersheds and private property owners and municipalities along numerous creeks.

Mr. Anderson explained that he was a municipal planner and one constant theme with developers has always been that time is money and it was very important to them to have the guidelines spelled out to them very specifically. He believes that offering the development community three options in Will County will really facilitate the development process.

Mr. Anderson also explained that it is misleading to say that certain conservation developments haven't sold out or still have lots available because we know that there are many regular subdivisions that haven't sold out. It is a challenge to get the wording to a point where everyone is comfortable, but it is really the way to go.

Chairman Weigel thanked Mr. Anderson for his comments.

Ms. Konicki stated that she would like to see the letters from the Army Corps. of Engineers and Lynn Rotunno of the Lower Des Plaines Eco System Partnership posted on the Land Use Department website.

Ms. Konicki went over her proposed changes to the ordinance. See attachment number 1.

Mr. Lazzara stated he had no problem putting the letter from Ms. Rotunno on the website, but with respect to the letter from the Army Corps. of Engineers that was directed to the LUDC and staff was only cc'd, without permission from the LUDC staff was not comfortable posting that. Ms. Konicki advised Mr. Lazzara that the exact wording was not necessary.

Chairman Weigel asked staff to review Ms. Konicki's recommendations.

Chairman Weigel stated he would like to keep this on schedule and post for a public hearing.

Chairman Weigel called for a motion to approve Part 3, Article 30, 31,32, 32-01 – 32-04 the working draft dated 2-19-2009 as a public hearing draft text for those sections of the Will County Subdivision Ordinance.

Sharon May made a motion to approve Part 3, Article 30,31,32, 32-01 – 32-04 the working draft dated 2-19-2009 as a public hearing draft text for those sections of the Will County Subdivision Ordinance.

Minutes
Land Use Planning, Zoning & Development Committee
February 24, 2009

Conversation ensued regarding inserting Ms. Konicki's suggested changes into the motion. Ms. Konicki asked that the motion include her changes.

Mrs. Manning advised that staff would have to amend the draft to include the changes and then approve the amended.

Ms. Konicki advised Mrs. May that if she removed her motion she could amend the motion to include her changes.

Chairman Weigel stated we did not want to amend the ordinance right now the Committee just wants to have the comments for consideration.

Mr. Moustis suggested the Committee step back and look at the ordinance again on March 3rd.

Chairman Weigel asked Mrs. May to withdraw her motion and look at this again next week and Mrs. May stated she wanted to make the motion and if no one wants to second it that is fine.

Ms. Konicki advised Mrs. May if she withdrew her motion Ms. Konicki would make the motion to include her comments.

Mrs. Rozak stated the public hearing is a couple of months away would waiting a week mess that up and Mr. Paddock stated that what is a concern is that the schedule that was adopted by the LUDC. The direction we were headed toward was to adopt language for certain sections strictly for the purpose of having a draft text that would be the basis for public comment at the anticipated public hearing.

Mr. Moustis stated Ms. Konicki's suggested comments should be given consideration wait a week or leave it out.

Ms. Konicki would like to see the comments provided by the conservation community incorporated into our ordinance.

Mr. Moustis stated the Committee members have not had the time to read the suggested changes Ms. Konicki submitted.

Mr. Evans stated he believed postponing today's vote for one week would be fine. Mr. Evans asked Ms. May to remove her motion from the floor.

Mrs. May advised she would remove her motion if it is voted on next week and Mr. Evans answered he would not vote to delay this issue next week.

Ms. Konicki suggested staff take her proposed changes and plug them into the conservation design ordinance and highlight them so that the Committee could see exactly where they would be located.

Mr. Lazzara stated staff would track those changes.

Minutes
Land Use Planning, Zoning & Development Committee
February 24, 2009

ADJOURNMENT

Kathleen Konicki made a motion to adjourn; seconded by Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (7-0)

The meeting recessed at 12:29