

MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
September 29, 2009

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Call to Order:

Chairman Weigel called the meeting to order at 10:30 a.m.

Members Present at Roll Call:

Tom Weigel, Debbie Rozak, Katrina Deutsche, Sharon May and Brian Smith. Kathleen Konicki arrived at 10:32.

Members Absent:

Michael Wisniewski

Staff Present:

David Dubois, Curt Paddock, Brian Radner, Eileen Franz, Mike Smetana, Karl Palmquist, Derek O'Sullivan and Leigh Kelley.

State's Attorney Present:

Melanie Manning

Others Present:

See sign in sheet.

Approval of Minutes:

Debbie Rozak made a motion to approve the minutes from July 14, 2009; seconded by Katrina Deutsche.
ALL IN FAVOR **MOTION CARRIED (5-0)**

Debbie Rozak made a motion to approve the minutes from September 8, 2009; seconded by Katrina Deutsche.
ALL IN FAVOR **MOTION CARRIED (5-0)**

FINAL PLATS

1. Lang Subdivision – FR

No Action Taken. Will be put on agenda in October.

TABLED ZONING CASES

REMANDED ZONING CASES

NEW BUSINESS (ZONING CASES)

1. **5842-SV Diaz**

Chairman Weigel asked Mr. Palmquist to open Case 5842-SV. The applicant is requesting a Special Use Permit for horses and a Variance for accessory structures for the stabling of horses from 1800 sq. ft. to 2807.01.

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Mr. Palmquist advised the Committee that three new conditions were added at the September 15, 2009 PZC meeting.

Staff is recommending denial of a Special Use Permit for horses based upon the findings of fact. However, if the request is approved staff recommends the following fourteen (14) 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. A six (6) foot high fence shall be constructed around the perimeter of the stable used for the horses. 3. The applicants shall comply with the current Will County Building Ordinance and Codes (Resolution #01-442) with the exception that a concrete floor will not be required on the proposed accessory structure. 4. The boarding of the horses is strictly for private use only. 5. The applicant shall not apply or stockpile manure within 150 feet from any well in accordance with Illinois Department of Agriculture regulations. 6. Manure may not be spread or stockpiled in the floodplain. 7. The applicant must submit a manure management plan since property is at a higher elevation than western property. The plan must show how the manure will be managed in regards to runoff. 8. The applicant shall not open dump manure on the property to allow odor nuisances. 9. Manure may not be accumulated over a 6 month time period. If manure is to be accumulated for 6 months the owner of the property shall erect a three- sided structure to store manure. 10. Proper disposal of manure shall take place through a licensed Waste Hauler or land applied at agronomic rates to farm field. 11. There shall be no more than five (5) total animal units on this parcel. 12. The special use permit is only for horses and ponies. 13. The stable shall be no less than 225 feet from the northwest corner of the home to the east. 14. When the horses are outside of the stable building they shall be kept on the north side of that building.

Staff is also recommending denial of the Variance request.

Mrs. May asked if both attorneys agreed to the fourteen conditions and Mr. Palmquist answered yes.

There were no objectors.

Mrs. Rozak asked the attorneys to come forward and speak.

Mr. Dystrup and Mr. Osterberger approached.

Mr. Osterberger advised the Committee that he had asked that this case be remanded to the PZC in order to change the legal description. It was not able to be changed, however, the applicant and objectors talked and at the PZC three conditions were added. The applicant and objectors have agreed to amend condition number nine to read "Manure may not be accumulated over a 2 month time period. If manure is to be accumulated for 2 months the owner of the property shall erect a three- sided structure to store manure. Mr. Osterberger also stated that his client has agreed to locate the required three-sided containment area for the manure on the west side of the stable and with these changes the two parties have reached an agreement.

Mr. Dystrup stated that he concurred with Mr. Osterberger's statement.

Kathleen Konicki made a motion to amend condition number 9 to read "Manure may not be accumulated over a 2 month time period. If manure is to be accumulated for 2 months the owner of the property shall erect a three-sided structure to store manure"; seconded by Debbie Rozak.

ALL IN FAVOR

MOTION CARRIED (6-0)

DR made a motion to amend condition number 7 to read “ The applicant must submit a manure management plan since property is at a higher elevation than the western property. The plan must show how the manure will be managed in regards to runoff. The three-sided containment area for manure will be located on the west side of the stable”; seconded by Sharon May.

ALL IN FAVOR

MOTION CARRIED (6-0)

KK made a motion to approve a Special Use Permit for horses based upon the findings of fact and the fourteen (14) amended conditions as listed above; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (6-0)

Debbie Rozak made a motion to approve a Variance for accessory structure square footage from 1800 sq. ft. to 2807.01 sq. ft. based upon the findings of fact; seconded by Kathleen Konicki.

ALL IN FAVOR

MOTION CARRIED (6-0)

5861-S Riner

Chairman Weigel asked Mr. Smetana to open Case 5861-S. The applicant is requesting a Special Use Permit for outdoor storage of materials and equipment. The purpose is to allow outdoor storage of materials and equipment for Twin Lakes Landscape Business.

Staff is recommending approval of a Special Use Permit for outdoor storage with the following twelve (12) 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 Illinois State Fire Marshall must approve fuel storage on site. 3. The applicant shall comply with the Will County Stormwater Ordinance and Water Resource ordinance. 4. If off-site generated landscape waste is to be brought back to the site, it shall not be removed from the vehicle at any time. Open dumping of any waste debris or off-site generated landscape waste is strictly prohibited. Landscape waste shall not be stored on the ground. This condition does not apply to woody wastes to be ground for mulch, cut for firewood, or to be used for some other manner. 5. Open burning of waste debris and off-site generated landscape waste is strictly prohibited. 6. All landscape waste must be taken to an IEPA permitted facility. 7. All other waste generated at the site must be stored in containers and hauled by licensed hauler to an IEPA permitted facility. 8. All bulk organic material shall be stored in a manner to prevent contact with runoff and run-on storm water. Recommended actions for compliance include locating bulk storage areas out of drainage ways, swales and low areas. 9. Any mulch, rock and gravel must be stored in a three-sided structure. 10. Any materials stored within bulk storage bin shall not be allowed to exceed seven (7) feet. 11. Any items stored on pallets shall not be allowed to exceed seven (7) feet. 12. The applicant is required to install appropriate screening on all sides of the area that will be utilized for outdoor storage in conformance with section 6.1-9 (6) of the Will County Zoning Ordinance. A site plan depicting this appropriate screening must be submitted to the Will County Land Use Department within 90-days of County Board approval. This site plan shall also depict a reduction in lot coverage to an amount not to exceed 50%.

There were no objectors.

Debbie Rozak made a motion to approve a Special Use Permit for outdoor storage of landscape materials and equipment with the above listed twelve (12) conditions; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (6-0)

5863-MS Wandless

Chairman Weigel asked Mr. Palmquist to open Case 5863-MS. The applicant is requesting a Map Amendment from A-1 to R-1. The purpose is to bring combined parcel into compliance with the Will County Zoning Ordinances.

Staff is recommending approval of a Map Amendment from A-1 to R-1.

There were no objectors.

**Sharon May made a motion to approve a Map Amendment from A-1 to R-1; seconded by Debbie Rozak.
ALL IN FAVOR MOTION CARRIED (6-0)**

5864-MV2 Delaney

Chairman Weigel asked Mr. Palmquist to open Case 5864-MV2. The applicant is requesting a Map Amendment from A-1 to R-1. The purpose is to bring the property into compliance.

Staff is recommending approval of a Map Amendment from A-1 to R-1.

There were no objectors.

**Sharon May made a motion to approve a Map Amendment from A-1 to R-1; seconded by Katrina Deutsche.
ALL IN FAVOR MOTION CARRIED (6-0)**

5866-SV2 Next Door Storage, LLC

Chairman Weigel asked Mrs. Franz to open Case 5866-SV2. The applicant is requesting a Special Use Permit for outdoor storage for PIN #s 01-07-400-010 & 01-07-400-017 and a Variance for transition yard setback from 30 ft. to 10 ft. on the east property line.

Mrs. Franz explained that the County Board had previously approved a Special Use Permit on the property to allow a self-storage facility. Currently there are self-storage buildings on one of the PIN numbers and on the second PIN number there are storage buildings under construction. The County Board also approved a Special Use Permit for outdoor storage in 2004 with a condition that had the outdoor storage expire after a certain time period. The applicant is requesting a Special Use Permit for outdoor storage so the use can continue on the property and can be expanded onto the parcel where the building is under construction. The Variance for the transition yard is a little different than a normal Variance setback that we have when an industrial property is adjacent to a residentially zoned property there is a 30 foot transition yard that is required, so they are requesting a Variance to 10 feet. The residential property that this is adjacent to is currently vacant and is between this parcel and an industrial park.

This request is to allow outdoor storage of boats, personal watercraft, RV's, trailers and commercial vehicles. To allow construction of a self-storage building and bring the property into compliance with the site and structure requirements.

Staff is recommending approval of a Special Use Permit for outdoor storage based upon the findings of fact with the three (3) conditions: 1. Upon (fourteen) 14 days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in and upon the premises for the purpose of inspecting the premises and uses

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thereon for compliance with the terms and conditions of the special use permit. 2. Hours of operation will be restricted from 7 a.m. to 7 p.m. 3. Outdoor storage shall be screened with a 6-foot PVC fence.

There were no objectors.

Debbie Rozak made a motion to approve a Special Use Permit for outdoor storage for PIN #s 01-07-400-010 & 01-07-400-017 with the above listed three (3) conditions; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (6-0)

Debbie Rozak made a motion to approve a Variance for transition side yard setback from 30 ft. to 10 ft.; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (6-0)

5867-SV Schmidt/Jeffers

Chairman Weigel asked Mr. Palmquist to open Case 5867-SV. The applicant is requesting a Special Use Permit to remain A-1 zoning (R-2A site and structure requirements) and a Variance for accessory structure from 1,800 sq. ft. to 3,820 sq. ft. The purpose is to allow the owner to sell 2.51 acres containing the residence and accessory structures.

Staff is recommending approval of a Special Use Permit to remain A-1 based upon the findings of fact with the following two (2) conditions: 1. The subject parcel shall comply with the R-2A (4.2A) site and structure requirements. 2. The subject parcel shall comply with E-2 (4.A.2) permitted uses.

Staff is also recommending approval of a Variance for accessory structure from 1,800 sq. ft. to 3,820 sq. ft.

Mrs. Rozak asked if the applicant would be farming the property and Bill Francis (attorney for the applicant) answered that the applicant is the farm landlord.

Debbie Rozak made motion to approve a Special Use Permit to remain A-1 with the above listed two (2) conditions; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (6-0)

Katrina Deutsche made a motion to approve a Variance for accessory structure from 1,800 sq. ft. to 3,820 sq. ft.; seconded by Debbie Rozak.

ALL IN FAVOR

MOTION CARRIED (6-0)

5869-V3 Crowley

Chairman Weigel asked Mr. Smetana to open Case 5869-V3. The applicant is requesting a Variance for existing swimming pool in front yard setback from 30 ft. to 16 ft. on Old Coach Trail and a Variance for existing privacy fence within the front yard setback on Old Coach Trail. The purpose is to allow existing swimming pool and fence to remain on property.

Mr. Smetana advised the Commission the applicant hired a contractor to install the pool. The contractor applied for a building permit, the pool was located meeting the setbacks but the location was adjusted after J.U.L.I.E. marked the utilities and the contractor did not contact the County regarding the new location.

Mr. Smetana explained that this is a corner lot so this lot has two front yard setbacks.

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Mr. Smetana advised the Committee that the privacy fence was on the property when the applicant purchased it and therefore they inherited the non-conforming fence and the fence must be up for safety reasons with the pool. There are concerns with privacy fences in the front yard setback for motorist and pedestrian vision

Mr. Smetana showed photos taken (with his vehicle in the neighbors driveway) from the driver's window and a photo showing the position of his vehicle (from where the picture was taken). He felt that there was enough vision provided to see down the sidewalk and to the oncoming traffic when someone was backing out of the neighboring driveway.

Ms. Konicki asked about a case in Joliet where someone wanted a six-foot fence and Mr. Smetana explained that the Joliet case was for new construction. In this request the previous owner installed this fence.

Conversation ensued regarding fence heights and who votes on them.

Staff is recommending approval of both requests.

Brian Smith made a motion to approve a Variance for existing swimming pool in front yard setback from 30 ft. to 16 ft. on Old Coach trail; seconded by Debbie Rozak.

ALL IN FAVOR

MOTION CARRIED (6-0)

Debbie Rozak made a motion to approve a Variance for existing privacy fence within the front yard setback on Old Coach Trail; seconded by Katrina Deutsche.

MOTION CARRIED (5-0-1)

PREAUTHORIZATION TO FORECLOSE

OTHER

1. Request for Resolution Supporting CMAP's Use of American Recovery & Reinvestment Act Funds for Hickory Creek Watershed Planning

Mr. Derek O'Sullivan gave an overview of this request. Approximately one year ago the group applied for a 319(h) and were denied. The group is using funding awarded to CMAP by the IEPA under Clean Water Act Section 604(b) and the American Recovery and Reinvestment Act of 2009 to develop a watershed plan for Hickory Creek. They are requesting the stakeholders, primarily the governmental agencies within the watershed to pass a resolution showing support of the project.

Katrina Deutsche made a motion to show support of the Chicago Metropolitan Agency for Planning's use of American Recovery and Reinvestment Act Funds for Hickory Creek Watershed Planning; seconded by Debbie Rozak

ALL IN FAVOR

MOTION CARRIED (6-0)

REPORTS, COMMUNICATIONS, CORRESPONDENCE

David Dubois advised the Committee that HPC is coordinating a historic landscape workshop to be held on October 23, 2009 and is free of charge.

Mr. Dubois updated the Committee with regard to the text review of cargo containers and staff anticipates having some information in November.

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Staff's primary focus has been on the sign section of the Zoning Ordinance due to the moratorium that the County Board implemented on digital technology- digital signs for billboards. That moratorium expires in December and staff hopes to have that part of the Zoning Ordinance finalized to meet moratorium deadlines and if the deadline cannot be met staff may come forward and recommend an extension. Digital technology is commonly known as dynamic displays with billboards and it also extends to off-site advertising signs. Duncan and Associates has been retained because they have expertise in codification for sign regulations. Draft text for all of Section 13 will be available by the end of November. Staff is currently pulling out the "dynamic" part of the section and working on it first and hope to have a second draft to bring forward soon along with a recommended timeframe. Staff will be working on the text for the entire sign section of the ordinance and have the draft text by the end of November.

Kathleen Konicki asked Mr. Paddock about New Hope and he gave an explanation.

Conversation ensued regarding this topic.

ADJOURNMENT

Brian Smith made a motion to adjourn; seconded by Debbie Rozak.

ALL IN FAVOR

MOTION CARRIED (6-0)

The meeting recessed at 11:08