

MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
June 30, 2009

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Call to Order:

Chairman Weigel called the meeting to order at 10:34 a.m.

Members Present at Roll Call:

Tom Weigel, Katrina Deutsche, Kathleen Konicki, Michael Wisniewski, Sharon May and Brian Smith.

Members Absent:

Debbie Rozak

Staff Present:

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

State's Attorney Present:

Melanie Manning

Others Present:

See sign in sheet.

Approval of Minutes:

Michael Wisniewski made a motion to approve the minutes from May 12, 2009; seconded by Katrina Deutsche.

MOTION CARRIED (5-0-1)

Michael Wisniewski made a motion to approve the minutes from May 26, 2009; seconded by Katrina Deutsche.

MOTION CARRIED (5-0-1)

Michael Wisniewski made a motion to approve the minutes from June 9, 2009; seconded by Kathleen Konicki.

MOTION CARRIED (5-0-1)

FINAL PLATS

TABLED ZONING CASES

REMANDED ZONING CASES

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5832-S Stipanovich

Chairman Weigel stated that this case did not get approved at the last meeting and asked the applicant's attorney to come forward.

The applicant is requesting a Special Use Permit for cargo container storage.

Tim McGrath (Attorney for the applicant) approached and gave an overview. It was decided at the last LUDC meeting to change condition number 13 to read 3 years not 5 and his clients are fine with that and have no objection to any of the other conditions. He explained that it would not be financially feasible for the applicant to build a permanent structure at this time.

Kathleen Konicki suggested that the Land Use Committee and the Land Use Staff make cases regarding cargo containers an administrative variance and not make them go through everything they currently have to go through. Have it be a process that is less expensive and less time consuming. She advised Mr. McGrath that she would be a no vote and explained why.

Mr. Smith stated he agreed with Ms. Konicki but felt three years is a little on the long side. He likes to support the townships and the cities and they are completely against them. He does not agree with the precedence that that the LUDC is setting but he does sympathize with the applicant.

Chairman Weigel asked Mr. Paddock what his thoughts were and Mr. Paddock stated if the LUDC wanted to make an amendment to the existing ordinance it would give staff the latitude to enforce this type of circumstance. What was originally contemplated when the ordinance was adopted for cargo container storage was two different situations: 1. contemplating setting up regulatory framework for true cargo container storage yards with multiple containers being stored empty three stories high, waiting to be reintroduced into railroad use or trans shipment across the Pacific. 2. the recognition of our growing role as an intermodal center for the entire North American continent. It was predictable that more and more of these types of containers would be finding their way onto individual properties for the use that is described in this instance or for animal shelters on individual farms, etc. It was a desire to set up a regulatory framework to deal with those two broad circumstances that led to the language that is currently in effect. If through practice and different points of view and if the County Board comes to the conclusion that these are two very different circumstances that need to be treated in two different ways then his recommendation would be to amend the ordinance to accommodate those two different situations with two different standards applied to each. Until that is done we do not have the administrative latitude to enforce it in an ad hoc way.

Chairman Weigel asked for comments from the Committee.

Mr. Smith stated he believed the ordinance needed to be changed to address the two different circumstances.

Ms. Konicki explained to Mr. Paddock that she felt it important to identify all of the parcels with cargo containers and give each property owner individual notice and perhaps give them three months to come in and enter what would need to be a newly created process such as an administrative variance which would be much less expensive and as long as they met the conditions they would have three years to get the cargo containers off of the property or get a special use permit for their property. This would keep this in-house at the staff level and make it easier for the applicant.

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Mr. Paddock stated these are all excellent ideas and if the Committee wanted to direct the staff to come back with alternative mechanisms that would achieve some of the outcomes that are being described it would be done.

Mr. Weigel stated that would be appropriate.

Mrs. May explained that she agreed with Ms. Konicki's comments and would also like to add a termination year, so at that point there would be no more containers allowed.

Staff is recommending denial of a Special Use Permit for cargo containers based upon the findings of fact. However, if the request is approved, the staff recommends the following twelve (12) conditions to mitigate negative effects of the requested special use: 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 the ownership of the property changes, the cargo containers shall be removed from the parcel. 3. The applicant shall be limited to the three (3) existing cargo containers on site and no additional cargo containers shall be permitted on the subject parcel. 4. The applicant shall not store any chemicals in the cargo containers. 5. Cargo containers cannot be located within a setback. 6. The cargo containers shall be screened from the public right-of-way and adjacent properties. A landscape plan shall be submitted within 60 days of County Board approval. 7. The cargo containers may not be stacked. 8. No signage shall be allowed on the cargo containers. 9. Open dumping and open burning of any waste debris, including off-site generated landscape waste, is strictly prohibited under the Illinois Environmental Protection Act. 10. The cargo containers may not be modified or retrofitted for habitation. Containers shall be prohibited from having windows, heating and cooling, plumbing or multiple entrances. 11. The cargo containers shall be painted a neutral color that blends with the surrounding environment. 12. Applicant must contact the Office of the State Fire Marshall and get approval for any outdoor liquid storage containers, such as gasoline/fuel storage tanks. 13. The Special Use Permit expires three (3) years after the adoption by the County Board with removal of the cargo container(s) by that date.

There were no objectors.

Michael Wisniewski made a motion to approve a Special Use Permit for cargo container storage with the above listed thirteen (13) conditions; seconded by Katrina Deutsche.

**ROLLCALL VOTE: Weigel, Deutsche, May and Wisniewski voted "yes" Konicki and Smith voted "no".
MOTION CARRIED (4-2)**

NEW BUSINESS (ZONING CASES)

5793-S Ritter

Chairman Weigel asked Mr. Smetana to open Case 5793-S. Mr. Smetana explained to the Committee that there were violations from Waste Services on this site for the manner in which material was stored on the property and was also concerns from the Planning Department regarding storage of material in the pipeline easements. Staff recommends approval of the outdoor storage on the property with twenty-three conditions that originate from the Waste Services Department of our division.

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Mr. Smetana also advised the Committee that he conducted a site visit on Monday to monitor the applicant's progress and passed out photos showing the site had been cleaned up dramatically.

Staff recommended approval of outdoor storage on the property with the following twenty-three (23) conditions: 1. Outdoor storage must be located outside of all recorded easements located on the subject property. 2. The applicant shall not cross easements with equipment or material unless written approval is obtained from the easement holders. This written approval must be submitted to the Will County Land Use Department. 3. The applicant shall install a privacy fence that adequately screens the outdoor storage area. This fence shall be in compliance with Section 8.5-7 of the Will County Zoning Ordinance. The constructed fence must be outside of all recorded easements located on the property. 4. A permit to become a registered storage facility for tires on the site has been obtained by the renter from the IEPA. The IEPA permit to become a tire storage facility is to be renewed on a yearly basis. All tires must be contained and covered at all times. 5. All automotive fluids shall be stored in approved bulk containers, and removed from the site regularly. 6. Secondary containment shall be provided for all liquid storage containers. 7. Any spills derived from leaking automotive fluids shall be contained and removed immediately. 8. The Illinois Fire Marshall must approve fuel storage on site. 9. The applicant shall comply with the Will County Stormwater Ordinance and Water Resource Ordinance. 10. Any material stored within a 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. Open burning of waste debris and off-site generated landscape waste is strictly prohibited. 13. Landscape wastes brought to the site shall be stored within roll-off containers or trucks only. Open dumping of any waste debris or off-site generated landscape waste is strictly prohibited. Landscape shall not be stored on the ground. Receipts for proper disposal of landscape waste must be kept and submitted to the Will County Land Use Department, Waste Services Division upon request. All receipts must be from an approved IEPA permitted facility. 14. All bulk organic product or material shall be stored in a manner to prevent contact with runoff and run-on stormwater. Recommended actions for compliance include locating bulk storage areas out of drainage ways, swales, low areas and floodplain. 15. At no time shall vehicle repair and/or stripping of vehicles be conducted outdoors. All repair work and stripping of vehicles must be conducted indoors. 16. All stripped vehicles shall be properly disposed of or recycled through an IEPA permitted facility. At no time may stripped vehicles be stored outside. 17. All recyclables stored on the property must be kept in a roll-off or storage container. At no time shall recyclables be stored on the ground. 18. All fill must meet IEPA regulations; at no time shall painted concrete, painted brick, metal, plastic or any other miscellaneous debris be used as fill on the property. All contaminated fill currently on the property must be removed. 19. The owner shall have any new tenants contact the Will County Land Use Department regarding nature of business in industrial complex. 20. At no time shall waste be brought back to the facility and separated from recyclables. If waste is separated; the facility will be required to go through the proper permitting for a waste transfer facility. 21. All engines dismantled for recycling must be drained of all fluids. All fluids must be properly disposed of through an IEPA permitted facility. Receipts must be submitted to the Will County Land Use Department Waste Services Division regarding proper disposal upon request. At no time shall engines be stored outdoors unless properly contained. 22. 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 or upon premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit. 23. The applicant shall meet all conditions within 90 days of County Board approval. Those conditions originated from the Waste Services Division and the Land Use Department. Mr. Smetana advised the Committee that he conducted a site visit on June 29th and the applicant had dramatically cleaned up the site.

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Chairman Weigel advised the Committee that he spoke with the applicant visited the site and recommended the following changes to conditions 1 & 2.

Condition number 1. Outdoor storage must be located outside of all recorded pipeline easements located on the subject property. Outdoor storage shall be allowed near the building or on the Commonwealth Edison easement.

Condition number 2. The applicant shall not cross Northern Border or Mobil pipeline easements with equipment or material unless written approval is obtained from the easement holders, except for mowing of weeds. This written approval must be submitted to the Will County Land Use Department. Equipment and materials may be moved over the four existing concrete pads on the Wolverine pipeline to get to the Commonwealth Edison easement.

Ms. Konicki stated she did not want to be entangled in protecting the pipeline's interest she did not want to use up the County's resources to do that.

Mr. Derek O'Sullivan (Engineering Division) wanted to go on record and reiterate to the Committee and applicant that the Com Ed and pipeline easements are also known as drainage easements that were platted with the actual subdivision. The Engineering Division is concerned that the location of any improved special use outdoor storage could possibly impact drainage. If this request is approved the applicant would have to provide the Land Use Department with some stormwater calculations indicating that the location of their outdoor storage is not going to be placed in an area where the water becomes concentrated. There is both on-site flow and more importantly off-site flow and we would not want the material to affect that.

Chairman Weigel stated the applicant would have to come before the Engineering Department to get approval and Mr. O'Sullivan answered yes he would need to see engineering calculations from the applicants engineer showing where the off-site and on-site flow becomes concentrated and showing that the location of the outdoor storage is not going to impede any drainage.

Chairman Weigel then asked if it could be approved and then the applicant could provide that information and Mr. O'Sullivan answered yes.

Ms. Konicki stated if this request was granted the Land Use Department would still be able to enforce the drainage easement and Mr. O'Sullivan stated the drainage calculations would further restrict his location for outdoor storage.

Chairman Weigel asked for comments or questions from the Committee.

Mrs. May stated the PZC denied this case and asked why. Mr. Smetana explained that it was because of the storage taking place on the pipeline easements. The material has been removed from the pipelines.

There were no objectors.

Hearing no further discussion, Chairman Weigel called for a motion.

Michael Wisniewski made a motion to approve the amendments to conditions number 1 & 2 as stipulated by Chairman Weigel; seconded by Brian Smith.

MOTION CARRIED (5-1)

**Michael Wisniewski made a motion to approve a Special Use Permit with the above listed twenty-three (23) conditions; seconded by Katrina Deutsche.
ALL IN FAVOR**

MOTION CARRIED (6-0)

5841-SV Schultz, Monee Fire Protection District

Chairman Weigel asked Mr. Smetana to open Case 5841-SV. The applicant is requesting a Special Use Permit for a fire station and a Variance for lot area from 10 acres to 6.35 acres. The applicant has no objection to the zoning request, however, IDOT was notified because of the project's location within the ultimate airport boundary. IDOT responded stating they recommend the fire station be located outside of the airport boundary.

Staff is recommending approval of a Special Use Permit with two (2) conditions: 1. Upon (fourteen) 14 days of written notice to the owner of record at their last known address, Will County Land Use Department and Will County Sheriff's Department employees are hereby granted the right of entry in or upon 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 applicants must comply with the Will County Stormwater Management Ordinance and Water Resource Ordinances. This location will help their response time.

There were no objectors.

Ms. Deutsche stated this is in her district and she supports it especially if it increases the fire department's response time.

**Katrina Deutsche made a motion to approve a Special Use Permit with the above listed two (2) conditions; seconded by Sharon May
ALL IN FAVOR**

MOTION CARRIED (6-0)

FORECLOSURE

Derek O'Sullivan gave an overview of this request. This is the seventh extension request. Some improvements were made and the original letter of credit was reduced. They have been unable to secure additional funding. We are faced with a development that has improvements that need to be done but the current letter of credit that they are asking to extend again is under funded. Staff is asking the Committee to consider another extension of credit. We believe the developer is very close to securing the additional funding.

Ms. Konicki asked if we have some regulatory oversight to make sure they come up with the additional letter of credit and Mr. O'Sullivan stated the ordinance requires the letter of credit to reflect current costs.

The memo is requesting that the Committee approve another ninety-(90) day extension.

Michael Wisniewski made a motion to approve a 90-day extension of the current letter of credit; seconded by Brian Smith.

ALL IN FAVOR

MOTION CARRIED (6-0)

OTHER

1. Lovell Farm Landmark Nomination (Florence Township)

Amy Munro gave an overview of this request. This property is located in Florence Township. This is the first nomination for a property located in Florence Township. The property was nominated under three of the twelve criteria. This property is somewhat unique in that the property has been in this family for five generations.

Staff is recommending approval of this landmark designation.

There were no objectors.

Sharon May made a motion to approve recommendation for landmark status to the Lovell Farm; seconded by Kathleen Konicki.

ALL IN FAVOR

MOTION CARRIED (6-0)

2. Resolution authorizing the County Executive FY09 Certified Local Government Grant Agreement for Historic Preservation Educational Programming

Amy Munro gave an overview of this request. This is a supplemental document to a Certified Local Government Grant application that the County had approved for an educational seminar project that the Historic Preservation Commission hopes to put on in the fall. The grant award total is about \$6,000 and the state match is \$4,200. There is funding available in the Land Use Budget.

Chairman Weigel pointed out a scrivener's error on the resolution and Ms. Munro advised she would make the correction.

Michael Wisniewski made a motion to approve the CLG Grant agreement for Historic Preservation Educational Programming; seconded by Sharon May.

ALL IN FAVOR

MOTION CARRIED (6-0)

3. Resolution determining the Fair Market Value of an improved acre within each school district in the County of Will

Brian Radner stated this is a resolution approving the Fair Market Value of an improved acre within each school district in the County of Will. Mr. Radner asked the Committee to approve to move this to the County Board.

Michael Wisniewski made a motion to approve the Fair Market Value of an improved acre within each school district in the County of Will; seconded by Sharon May.

ALL IN FAVOR

MOTION CARRIED (6-0)

4. 3769-RMSV5 – Munoz – Request for renewal/2009 horse show dates

Mr. Radner explained that this request is for horse show dates and the applicant is required to come before the

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LUDC to get horse show date approvals. They are proposing July 4 & 5, 2009. As part of their original Special Use conditions they are allowed to operate between 1:00 p.m. and 10:00 p.m. They also must require notification of the Township. Mr. Radner indicated that he spoke with Homer Township and they have been notified.

Today they are asking for approval of those two dates only for the horse show event.

Mr. Radner read the eight (8) conditions attached to this request: 1. Security guards must be present during shows. 2. The existing driveway must be expanded from 19 feet to 25 feet. 3. Any loudspeakers must be directed to the center of the subject property. 4. No sound levels higher than 95 decibels at a distance of 400 feet from the arena will be permitted. 5. The applicant must ensure that litter is removed from Gougar Road within one-quarter mile of the site after each show. 6. The hours will be limited to Saturdays and Sundays between 1:00 p.m. and 10:00 p.m., with the use of loudspeaker permitted only prior to 6:30 p.m. 7. The applicant must notify the Township of the planned show dates at the beginning of each year. 8. The applicant appears before the Land Use and Development Committee of the Will County Board each year for renewal of the Special Use Permit.

Chairman Weigel stated he spoke to the Village of New Lenox and they prohibit parking on both sides of Gougar Road and he would like to add it as a condition.

Mrs. May asked what the difference was between a horse show and a rodeo and Mr. Scotty Munoz approached and explained that a horse show is to show the training of the horse.

Conversation ensued regarding the Village of New Lenox and their parking requirements and the addition of another condition.

Mr. Dubois advised the Committee that Mrs. Manning of the State's Attorney's Office recommendation was that the parking condition be placed on the Temporary Use Permit request. It cannot be added to the request for horse show dates.

Michael Wisniewski made a motion to approve a Special Use Permit 3769-RMSV5 horse show dates; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (6-0)

5. Temporary Use Permit for food and alcohol sales – Munoz

This request is to authorize Mr. Raul Munoz to have the ability to conduct food and alcohol sales on the property known as 18220 Gougar Road, Joliet, IL 60432 (PIN 16-05-31-400-010-0000) during horse shows on July 4th and 5th, 2009.

Brian Radner gave an overview of this request. We require the notification of various agencies in order to get approval and the Will County Health Department has conditioned that they have to meet any proper Health Department approvals: they need to get a permit for food service and for portable potties. Lieutenant Dan Schaefflein of the Will County Sheriff's Department met with the applicants this morning and an agreement was worked out with regard to security and crowd control. Mr. Munoz will also be required to have someone directing traffic onto the property as well. The Highway Commissioner stated no parking on Gougar Road and

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the Lockport Fire Protection District issued an operational permit. This request has passed all of the reviews of the Land Use Department and if approved, staff recommends the following conditions be placed upon the temporary use permit: 1. Dates and hours of food and alcohol sales as authorized by the temporary use permit shall be limited to the following: 7/4 and 7/5/09 from 1:00 p.m. to 10:00 p.m. 2. The applicant shall obtain all the appropriate permits from the Will County Liquor Commissioner. 3. The applicant shall obtain all appropriate permits from the Will County Health Department. 4. There shall be no parking on Gougar Road.

Chairman Weigel stated he would like to see an announcement be made one hour prior to the end of the show stating liquor would stop being sold one-half hour prior to the end of the show.

Conversation ensued regarding the hours of the sale of liquor.

Chairman Weigel asked the applicant if he had a problem with stopping the sale of alcohol at 9:30 and Mr. Munoz answered no it would not be a problem.

Michael Wisniewski made a motion to amend condition number 1 to read 7/4 and 7/5/09, from 1:00 to 10:00 p.m. – Last call for alcohol shall be announced no later than 8:30 p.m. and beer sales shall end at 9:30 p.m.; seconded by Kathleen Konicki.

ALL IN FAVOR

MOTION CARRIED (6-0)

Michael Wisniewski made a motion to approve a temporary use permit (09-12T); Horsemen Club Alcohol and Food Sales as amended with the above listed four (4) conditions; seconded by Sharon May.

ALL IN FAVOR

MOTION CARRIED (6-0)

Mr. Wisniewski left the meeting at 11:28 a.m.

6. Digital Billboards

David Dubois gave an overview of this. At the last County Board meeting a moratorium was passed on digital billboards. The zoning code is silent on that technology and Clear Channel has expressed interest in the County of converting existing billboards to digital technology. Staff will be bringing forward draft text for the LUDC's consideration and ultimately to public hearing and then to the County Board for adoption.

REPORTS, COMMUNICATIONS, CORRESPONDENCE

Mr. Paddock advised the Committee of the celebration Wednesday, July 1, 2009 for the passing of the Conservation portion of the Subdivision Ordinance.

ADJOURNMENT

Kathleen Konicki made a motion to adjourn; seconded by Katrina Deutsche.

ALL IN FAVOR

MOTION CARRIED (6-0)

The meeting recessed at 11:30