

Members Present

Mr. Stauffenberg, Mr. Tripp, Mr. Bertrand, Ms. Hertzberger, Mr. James, Mr. Martin, Mr. Washington, and Mr. Scholl.

Members Absent

Mr. Olthoff.

In Attendance

Mr. Nicholas, Mr. Meents, Mrs. Lee, Mr. Whitten, Mike Lammey, Mike Van Mill, Bob McElroy, Brian Billingsley, and Brenda Gorski.

1. Call to Order

The meeting was called to order by the Chairman, Mr. Stauffenberg at 9:00 a.m. Quorum present.

2. Public Comment

Laurie Cyr from Tyson Engineering was present to discuss ZBA Case #03-19.

3. Approval of Minutes

A motion was made by Mr. Scholl and seconded by Mr. Martin to approve the minutes of January 21, 2004. Motion carried.

4. Building

None.

5. Subdivision

Lola Subdivision – preliminary and final plat

Mr. Billingsley provided an overview of the subdivision.

A motion was made by Mr. James and seconded by Mr. Washington to approve the preliminary and final plat for Lola Subdivision.

Mr. Martin said he took a ride out to the site. He asked if this could eventually be divided again. Mr. Billingsley said it cannot be divided again unless the developer places an internal road. There is not enough frontage for additional driveways.

Mr. Martin said there is a good number of big houses south in that area. Mr. Billingsley said all the existing development has been grandfathered.

Motion carried.

River Crossing Subdivision – rural cross-section variance

Mr. Billingsley provided an overview of the subdivision. This is a discussion on improvements within the subdivision. Dave Tyson represents the developer and is prepared to give a detailed presentation on the variances being requested.

Mr. Tyson provided copies of the subdivision to the members. He said they are asking to be classified as a rural subdivision rather than an urban subdivision. They did meet with Mr. Meents and others on this and they are in favor of it. The township does not have the equipment to maintain and clean storm sewers, which goes along with an urban subdivision. They did have some requirements that they are

concerned with. They will have a culvert table on the preliminary plat and only have 35 foot driveways and the size of the culvert listed so the township does not have to fight with any homeowners. The ditches will not be blocked or covered up.

Mr. Washington said in the letter, the road commissioner did not want streetlights and he asked if there will be regulations in the covenant that determines distance.

Mr. Tyson said yes.

Mr. Martin said historically, we had a big discussion on Bordeaux Estates and we forced the people doing the subdivision to put in streetlights. To be fair with everyone, we should not allow the restriction to be taken out.

Mr. Tyson said the County supported the Village of Bourbonnais with Bourdeaux Estates because the village wanted streetlights.

Mr. Tyson said he has talked to the township in this request and they want it in the covenant for the property owner to put the streetlights in. The request is coming from the township and not the developer.

Mr. Martin said it was decided at that time that property owners would not get it done. If the developer cannot afford to get these things done, then they cannot afford the subdivision.

Mr. James said in regards to streetlights, we should not establish the future lighting of a subdivision. We should not determine how much illumination they should have in a subdivision.

Ms. Hertzberger said the rules are on the books and we cannot change them. The rules are the rules, the developer is willing to do it, and there is no good reason why we do not put in streetlights.

Mr. Meents said he does not have a problem with streetlights if the subdivision wants to pay for them. He is concerned about cost to the township.

Mr. Van Mill said the township would not be asked to install the streetlights. The increase property values created by development will offset the cost of this subdivision.

Mr. Tyson said the variance they are asking for today is to be classified as a rural subdivision so they can proceed with the development.

Mr. Meents said we complain about the State passing down unfunded mandates. The committee is asking the township to pay for it and it is an unfunded mandate for them to pick up the bill.

Mrs. Lee asked if we could take this under advisement and ask the Planning Department to do a study on lights.

A motion was made by Mrs. Lee and seconded by Mr. Martin to take River Crossing Subdivision under advisement and ask the Planning Department to do a study on lights.

Ms. Hertzberger said this is too close to the city limits and the rules state that if it is within 1-1/2 miles, it should be classified as an urban subdivision. They are asking to change the rules.

Mr. Meents said when they sat down with the developer, they asked that the easements would be put on the lots for potential water and sewer lines.

Mr. Martin said that is something important to look at also.

Mrs. Lee said the Planning Department needs to get all the facts about the issues on this case.

Motion carried.

6. Zoning

ZBA Case #03-19

The committee reviewed the continued case of ZBA Case #03-19; request for rezoning from A1- Agriculture District to RE-Rural Estate District, on a parcel generally situated in Section 13 of Sumner Township. The petitioners are Peter P. Rees and Renee Rees-Renzetti, property owners and Paulnita Rees applicant (continued case).

Mr. Billingsley said he provided everyone with the transcripts so that the committee can make their recommendation.

Mr. Van Mill said the committee will need to either concur with the ZBA or make their own findings.

Mr. Stauffenberg said he talked to the mayor of Grant Park and he is in favor of this subdivision; however, he asked that we include a pre-annexation agreement. He feels growth is in that direction in Grant Park and there is no reason not to allow it.

Mr. Martin said in reading through the transcript, one thing that hit him was time after time it was mentioned that the ZBA is trying to find out what the Planning committee's intentions are. He said we are not on the same page with this case.

Mr. Scholl said a meeting is set for March 29 to meet with the ZBA and others.

Mr. Martin said when Mr. Ciaccio wanted to put a subdivision in Limestone Township, we said that he would have to fix the road from Route 17 to the subdivision and he brought it up to standard. We need some conformity and should not make it on an individual basis.

Mr. James said we require some improvement to the road if it is so substandard that it cannot address the load. This road will easily accommodate the subdivision. In the case he is talking about with Ciaccio, the road could hardly handle the load.

Mr. Van Mill said the road has not been upgraded since the Hensley case came before you. The Highway Department determined that there needed to be improvements.

Mr. Martin said the improvements have not been made. Since the Hensley subdivision, he could see no improvements that have been made. The road looked like it was tar and chip.

Mr. Van Mill said on March 29, all three groups will get together and they will have a moderator who will lead the discussion on growth and development for the future. He does not think it would be the appropriate setting to talk about specific cases.

Mr. Stauffenberg asked Mr. Pristach if he felt he as able to make an educated decision on this case because in reading the transcripts there were a lot of things that did not seem to be answered.

Mr. Pristach, ZBA Chairman, said yes he does.

Ms. Hertzberger said she thinks we should send it back to the ZBA to rehash it and answer these questions.

Mr. James said he read the transcript twice and the questions and answers he got are sufficient to approve it.

A motion was made by Mr. James and seconded by Mr. Scholl to approve ZBA Case #03-19.

Mr. Washington said in this meeting we are going to have, we need to discuss how we arrive at decisions on variances and have that consistent.

Mr. Van Mill said they have been going through the process because individuals on the board are one way and others another way. We have a motion to approve and the advice his office and the State's Attorney has given is that if the committee goes against the established findings of the ZBA, the committee is responsible for establishing a record that is opposite of what was established to keep consistent decisions.

Mr. Stauffenberg said that was done last month and was sent back.

Ms. Gorski said if the committee agrees, they can adopt the findings of the ZBA. If the committee disagrees, the committee has to make their own record.

Mr. Stauffenberg asked if the recommendations would be sufficient that came out of this committee last time.

Mr. Scholl suggested that the committee go through each fact and state our position specifically.

Mrs. Lee said we are only dealing with the sworn testimony given at the ZBA hearing. Ms. Gorski said you are dealing with the record of the testimony and materials.

The committee reviewed the ten findings of the ZBA as follows:

Finding #1

Mr. Scholl said in the transcript, it was argued that 17 acres could be farmed and be economically viable. He does not think that is acceptable.

Mr. Martin said a comment was made in the transcript that it is farmable and he can get fifteen farmers that would farm it and do it profitable.

Mr. Stauffenberg said that was one person's opinion.

Mr. Van Mill said to determine whether it can be farmed, you look at soil types, etc.

Mr. Billingsley said the LESA score is a low rating, which is good for the developer.

Mr. VanMill asked how is the proposed rezoning from A1 to RE consistent with the Zoning Ordinance.

Mr. Scholl said it is consistent with the Comprehensive Plan and is designated residential.

Mr. Billingsley said the purpose and intent of an RE district is in areas of large lot development or areas with natural beauty features.

Mr. Scholl said finding #1 is consistent with the Comprehensive Plan.

Finding #2

Mr. Van Mill asked how the proposed zoning is consistent with the Comprehensive Plan.

Mr. Washington said it is consistent because the Comprehensive Plan states it is for future residential development.

Mr. Billingsley said part of the Board believes yes that it is planned, but others felt that it was to far away from a municipality.

Mr. Washington said the consistency is there.

Mr. Van Mill said besides looking at the map, we need to look at policies in the text as part of the basis.

Mr. Washington said it is more than 1-1/2 miles from a municipality.

Mr. Van Mill asked why is this unique.

Mr. Washington said this is sitting within an area that is being developed as a rural residential area. It is adjacent to another subdivision.

Mr. Martin asked about road improvements.

Mr. Van Mill said using that as a basis, we would have to go to the subdivision regulations. If a subdivision abuts a roadway that is substandard, it has to be upgraded.

Mr. Martin said on page 58 of the transcripts that issue is brought up. The nearest collector is County Highway 9. They need to know that they may be improving 1-1/2 miles of road and are they going to do it.

Ms. Hertzberger asked if the other subdivision should not have been approved in the past because we keep comparing this one to it.

Mr. Van Mill said the subdivision is an established fact and is a legislative decision that was made.

Mr. Stauffenberg said we do not agree with #2 findings of the ZBA.

Mr. Scholl said with respect to fire and police protection, snow removal, etc. if you are in a rural estate subdivision, your fire protection is going to be delayed and is reflected in property insurance in that region. It should not be held against granting this request.

Finding #3

Mr. Billingsley read the finding of the ZBA.

Mr. James said it is already established what will happen in the area. We know they will use wells and septic and the County police will serve them.

Mr. Scholl said there are many places in the County where the Sheriff provides police protection. The response will be a little longer. They will have adequate systems.

Ms. Hertzberger asked why we ask this question in the first place. She thought it was an issue within the mile and a half. She said the taxpayers of this County pay for every rural subdivision and that is why we make Comprehensive Plans and ordinances, so we do not place a burden on all the taxpayers in the County.

Mr. Scholl said if you live in that area, you know that is a problem you face. Some people want to live in a rural area and understand it will take longer.

Mr. Stauffenberg said we cannot force everyone to live in a municipality.

Finding #4

Mr. Billingsley read the ZBA finding.

The committee concurred with the ZBA finding.

Finding #5

Mr. Billingsley read the ZBA finding.

Mr. James said this is not a problem and no significant impact on congestion.

Mr. Martin asked why we vary now from previous enforcements.

Mr. Van Mill said during the subdivision process, they would have to show the development plan and we will address it then.

Mr. Martin said originally, they stated 30 trips per day and now they estimate 95.

Finding #6

Mr. Billingsley read the ZBA finding.

Mr. Stauffenberg asked about this one with LESA score of 194.

Mr. Martin said they say the soil types are prime for agriculture.

The committee agreed with the ZBA finding.

Finding #7

Mr. Billingsley read the ZBA finding.

The committee agreed with the ZBA finding.

Finding #8

Mr. Billingsley read the ZBA finding.

Mr. Scholl said there are large lots there and he does not see a negative feature.

Mr. Billingsley said they are letting you know the trend.

Mr. James said the density trend per acre is going residential. We are ending up with more people per acre. The trend is residential.

Mr. Stauffenberg said there is a subdivision next door.

The committee agrees with the ZBA finding subject to removing the word "however."

Finding #9

Mr. Billingsley read the ZBA finding.

The committee agrees with the ZBA finding.

Finding #10

Mr. Billingsley read the ZBA finding.

The committee agrees with the ZBA finding.

Mr. Stauffenberg said he is wondering how this case was voted down.

Motion carried on a roll call vote of 5 ayes and 4 nays.

7. Other

Model Stormwater Management & Erosion Control Ordinance

Mr. Van Mill said there is an RFP to solicit qualified firms to do a model stormwater management and erosion control ordinance. It will be in a format that municipalities can also adopt. The objective is to have everyone on the same page. Our notice of intent was given to the EPA and we will strive to have the regulations in place within a two to three year period. They will be accepting RFP's through the end of February and will then interview firms at the end of March through the RPC. The decision will be brought to the County Board for ratification. They are also starting a Citizens Advisory Committee (STAC) to be involved with the goal to produce a Stormwater Management ordinance. The thought is that they will have technical expertise to form an ordinance into a model that would be acceptable. Individually, everyone would then go back to their municipality to promote the ordinance in its final form. Mr. Billingsley is taking a lead to organize the meeting.

Mr. Billingsley said they will be accepting RFP's through the end of the month and a recommendation from the RPC will come to the Board in April or May.

Mr. Martin asked to be notified when the RPC conducts the interviews so that he can sit in on them.

Consulting Agreement between Kankakee County and Parsons Brinckerhoff

Mr. Van Mill said this is for the METRA Feasibility Study. They are asking for authorization for the Chairman to sign the agreement. IDOT has asked that part of their agreement be added to our agreement and the State's Attorney office came back with no comments. It does not change the substance or scope of services. The agreement is in the final form that all three feel is appropriate at this time.

Mr. Martin asked about the funding for the study. He said he recalls that our share would be \$75,000 and asked if we will pick up the entire cost.

Mr. Van Mill said Will County agreed to pick up \$12,500. The Board agreed to pay the entire amount if needed and budgeted for it.

A motion was made by Mr. Washington and seconded by Mrs. Lee to recommend that the Chairman be authorized to sign the consulting agreement with Parsons Brinckerhoff. Motion carried on a roll call vote of 9 ayes and 0 nays.

Recycling Program

Mr. Van Mill read his documented that was presented to the members dated February 4, 2004 (attached).

A motion was made by Mrs. Lee and seconded by Ms. Hertzberger to authorize the Chairman to enter into a short-term contract with A & J Disposal for \$2,500 per month as presented and direct the Planning office and RPC to initiate a study of the current recycling subsidies and report back in four months with a recommended public policy for a long-term solution.

Mrs. Lee said this is an excellent idea and she has been asked about recycling for the outlining municipalities. She thinks we need to look at all the recycling in the

County. She applauded Mike for doing this along with Donna. She said this will be a good study.

Mr. Martin said he agrees with the thought and we should do the study. He asked what we will pay A & J.

Mr. Van Mill said they would be paid \$2,500 per month.

Mr. Martin asked if we have title to the LaCost building.

Mr. Van Mill said he believes that KCTC has title.

Mr. Meents asked who gets the money for the current service at \$2,500 per month.

Mr. Stauffenberg said we discontinued that vendors service.

Mr. Stauffenberg said A & J has a state of the art facility.

Motion carried on a roll call vote of 9 ayes and 0 nays.

8. Old Business

None.

9. New Business

Mr. Stauffenberg announced that a special board meeting will be held on Wednesday, March 17 at 9:00 a.m. for the siting application.

10. Adjournment

A motion was made by Mr. Martin and seconded by Mrs. Lee to adjourn the meeting at 10:41 a.m. Motion carried.

Jim Stauffenberg, Chairman

Juanita M. Baker
Administrator