

Planning, Zoning, and Agriculture
Committee Meeting
February 27, 2007

Members Present

Mr. Stauffenberg, Mr. Bertrand, Ms. Hertzberger, Mr. James, Ms. McBride, Mr. Scholl, Mr. Washington, and Mr. Whitten

Members Absent

Mr. Olthoff, Mr. Tripp, Mr. Hess, and Mr. Marcotte

In Attendance

Mr. McLaren, Mr. Vickery, Mr. Enz, Mr. Liehr, Ms. Bernard, Sarah Billadeau, Mike Lammey, Mike Van Mill, Erik Rayman, Eric Sadler, Delbert Skimerhorn, John Bevis, Leigh Marcotte, Terry Vaughn, Don Pallissard, Marc Wilson, Donna Shehane, Jim Greenstreet, Jim Piekarczyk, Mark Rogers, Jamie Boyd, Teresa Kubalanza, Brenda Gorski, Mike Gingerich, Bob McElroy, and Rich Schultz

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

None

3. Approval of Minutes- February 14, 2007

A motion to approve the minutes of February 14, 2007 was made by Mr. James and seconded by Mr. Whitten. Motion carried.

4. Zoning

• ZBA Case #06-18

Mr. Skimerhorn stated this case is a request for rezoning from A-1 to R-1 for the purpose of constructing a 30 lot conservation subdivision on a 38 acre parcel located in the southwest quarter of Section 4 of Limestone Township at the intersection of 1000 South Road and 5000 West Road. The proposed subdivision would have municipal water supplied by Aqua Illinois and would have individual septic systems. It is located approximately three-quarters of a mile south of the newly created Village of Limestone. The lots would be 22,000 square feet each, leaving 16.22 acres of open space. On January 22, 2007, the Zoning Board of Appeals considered the petition and voted 5 ayes to 2 nays to deny. The denial was based mainly on the lack of municipal type sewer and the possibility of drainage issues.

Original Motion

A motion to approve the rezoning was made by Mr. James and seconded by Mr. Washington.

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Discussion on the Motion

Mr. Van Mill stated that if this committee is going to go against the Zoning Board of Appeals, the committee should put into the motion or the record those items in which are facts that it believes would support the decision to approve the rezoning.

Mr. James stated that the opposition to the drainage on the property is not apparent.

Mr. Stauffenberg asked how far away the sewer is.

Mr. Gingerich stated that Terry Vaughn agreed that if/when sewer became available in the vicinity the subdivision would hook-up to it.

Ms. Hertzberger stated that this is within three-quarters of a mile from a municipality, it is hooked to city water, it is a conservation subdivision which is what the County wants to promote, and the subdivision will have to hook to city sewer as soon as it is available.

Ms. Hertzberger asked if the developers are required to improve the roads, and what are the drainage problems?

Mr. Skimerhorn stated that the road issue has not been determined yet, that will happen during the subdivision process.

Mr. Van Mill stated that there will be some improvements from the property to Route 17.

Mr. Skimerhorn stated that he does not recall any specific drainage problems that were mentioned at the hearing.

Mr. Scholl stated that one of the things that he is concerned with is the drainage and the size of the drainage tile. Mr. Meents has had a great deal of dealing with that in this area and it gives him concern that he is one of the nay votes of this approval. Secondly, he is curious as to providing fire protection for the subdivision.

Mr. Washington stated that every year, probably two or three times a year, the County gets proposals like this. The committee needs to use some common sense in looking at where these are proposed to be, how it is going to fit into the overall comprehensive plan, and what real affect it is going to have. Looking at

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this rezoning, it appears it fits quite well at this point in time because of those advantages it has.

Mr. Stauffenberg asked Mr. James to incorporate Mr. Washington's and Ms. Hertzberger's comments into his motion.

The committee went through the findings of facts:

1. That the proposed rezoning is consistent with the purpose and intent of the Zoning Ordinance.

The committee finds that this is indeed consistent with the Zoning Ordinance based on the fact that there is other residential zoning near the subject site.

2. That the proposed rezoning is consistent with the goals, objectives, and policies of the County Comprehensive Plan.

The committee finds that this is consistent with the goals, objectives, and policies of the County Comprehensive Plan.

3. Explain how and if all required utilities, drainage, access to public rights-of-way, recreational facilities, educational facilities, and public safety facilities have been or will be provided, and possess adequate capacity or manpower.

The Committee did not answer this question.

4. That the proposed rezoning is compatible with the existing uses of property and the zoning classification of property within the general area.

The committee concurs with the Zoning Board of Appeals findings.

5. That the permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.

The committee concurs with the Zoning Board of Appeals findings.

6. That the subject property is suitable for the permitted uses under the existing zoning classification.

The committee concurs with the Zoning Board of Appeals findings.

7. That the subject property is suitable for the permitted uses under the proposed zoning classification.

The committee finds that the subject site is suitable for the permitted uses under the proposed zoning classification.

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8. What is the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification?

The committee finds that the trend in the area of the subject site is consistent with residential.

9. Is the proposed rezoning/amendment within one and a half miles of a municipality?

The committee concurs with the Zoning Board of Appeals findings. There was no objection given by the Village of Limestone.

10. Does the LESA report reflect the suitability of the site for the proposed amendment requested and uses allowed therein?

The committee concurs with the Zoning Board of Appeals findings.

Vote on Original Motion

Motion carried. Mr. Bertrand abstained because he is related.

Second Motion

A motion to incorporate these findings in the original motion was made by Mr. Scholl and seconded by Ms. Hertzberger. Motion carried. Mr. Bertrand abstained because he is related.

5. Transportation

• Transportation Planning Program- Presentation

Mr. Lammey gave a presentation on the Transportation Planning Program.

There is a copy of his presentation on file with the recording secretary.

6. Solid Waste and Environmental

• Organizational Discussion

Mr. Van Mill stated that it was requested to have this item placed on the agenda by a committee member. This has to do with keeping the Solid Waste and Environmental Division in the Planning Department or making it its own department.

Mr. Scholl stated that he would suggest that the committee support the creation of a Solid Waste Department in and of itself but to see the feasibility of such a department should it be advanced to the Finance Department to determine if this would fit into the County's budget.

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A motion to send this item to the Finance Committee was made by Mr. Scholl and seconded by Mr. Washington. Motion carried by a roll call vote of 8 ayes and 1 nay (Mr. James).

Ms. Hertzberger stated that she does not know if it is feasible for the Finance Department to come up with a budget.

Mr. Vickery stated that the committee can ask Mr. McCarty to work on some numbers. He thinks that he will be able to present something to the Finance Committee in late March.

Mr. McLaren stated that he would urge anyone who is interested in serving on this subcommittee to get either Karl or himself a letter ASAP.

7. Subdivision

• Subdivision Amendments

Mr. Van Mill stated that there are three issues that need to be brought to the Committee's attention. The Subdivision Regulations are the longest standing regulations on the books; they go back to 1959 and in 1996 there was a comprehensive amendment. Obviously, there have been a number of issues with regard to the Subdivision Regulations that the Planning Department wants to address. In particular there are three specific matters that came up in a Department Head meeting that he wanted to bring to the attention of the Committee.

The first matter has to do with Performance Bonds and Insurance Guarantees for growth and development of subdivisions in the County. Currently the County allows as much as a letter of credit as a Performance Guarantee for any development that goes on in the County. Those Performance Guarantees are required when a subdivision is approved by the County Board. The Guarantees are in place in case the developer fails to complete his projects or doesn't have the financial capacity later on to complete the projects. In discussing the Performance Guarantees with the State's Attorney's Office it became clear to the Planning Department that letters of credit are probably not the way that the Planning Department would like to go in the future. Right now the Planning Department allows letters of credit for a year, the Planning Department is proposing to go strictly with Performance Bonds and have them in place for as long as two years or as long as it takes for the development to be approved and accepted by the appropriate entities. Mr. Skimerhorn has been working a lot the last few months on some proposed comprehensive subdivision changes. He asked Mr. Skimerhorn to give the committee an overview of what he is proposing in terms of the changes.

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Mr. Skimerhorn stated that the first item he has is the Planning Department wants to remove the letter of credit and replace it with a construction guarantee in the form of a Performance Bond for 110% of the cost of the improvements. The Bond would be good for two years or until the completion of the subdivision. To sign off on that the Planning Department would require letters of approval and acceptance from all the necessary utilities and highway authorities. Once the subdivision was completed what the Planning Department is proposing to do is to move into a Subdivision Warranty Phase, whereas the guarantee is exchanged for a warranty. The warranty would be for 25% of the cost of improvements and would be good for two years after the final platted subdivision, which would cover any failures or deficiencies that are discovered up to two years after the final plat. Will County currently does the same thing. An inspection section would be added that would list when the inspections need to be performed.

Mr. Scholl asked if there would be any provision for funds to be set aside for the association that would be formed in the respective subdivisions for future problems.

Mr. Skimerhorn stated that he was working on that yesterday. He does plan on putting some language in the regulations for associations. One paragraph of it would allow in the event an association is dissolved or does not get created that the County could impose a special assessment area.

Mr. Van Mill stated that we did talk about these at the Quality Inn. It would be in place in case the subdivision does not take care of its requirements.

Mr. Boyd stated with regards to the letter the credit/ performance bonds, particularly the 25% thereafter, the discovery has been that even after the developer believes they have done everything they are supposed to, the actual improvements, it is in the time frame of the 12 to 18 months thereafter when development actually begins the County is able to discover deficiencies in what has been previously accepted. The purpose of inspections throughout the process is to insure the right things are being done. In the end, once homes are in place it is often discovered that the drainage system is insufficient or the matter in which culverts are being placed for driveways are causing damages to side roads, etc., that is why we want to require additional funds to be available after completion and acceptance. What that does is actually save those people who are actually purchasing homes in that area the problem of having to come back to the County and say, you accepted this and it's faulted therefore you owe a duty to us as homeowners to correct it. The County needs to make sure there is some funding available for corrective measures. Will County has been very

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successful in having this, this isn't unheard of. While it seems like a lot of money the developers should be able to work this out.

Mr. Skimerhorn stated that these are just discussion items currently. He will need to come back to the committee with the specific language.

Mr. Van Mill stated that the only thing he would recommend right now is that the letter of credit allowance be removed and maintained as a performance bond.

A motion to remove the language concerning the letter of credit and have it maintained as a Performance Bond was made by Ms. Hertzberger and seconded by Mr. James. Motion carried.

Mr. Van Mill stated that the other two revisions are for discussion purposes only today. There was a lot of discussion in the internal meetings about what type of roadway standards does the County want in the future in subdivisions. There have been discussions about requiring the subdivisions to meet MFT Standards, which is an urban standard, in any subdivision in Kankakee County. There are some thoughts that are positive with regards to that. There are some townships in Kankakee County that would prefer not to do that. This is a very important issue that needs to be dealt with.

Mr. Piekarczyk briefed the committee on the different types of roadway cross sections that are in the County of Kankakee. The recommendation is to no longer require the two lane rural cross section, but replace it with the urban cross section.

Mr. Scholl stated that he is very much in favor of going with the proposal before the committee today.

Mr. James stated that requiring this type of road system in the rural area is not going to work.

Mr. Van Mill stated that the last thing he would like to mention today is that he would like to determine at what point is the County going to allow final plats and the issuance of building permits during the development of a subdivision. Currently the County allows a developer to submit a final plat even though the improvements are not done as long as they provide the County with some type of assurance, performance bond, or letter of credit for the amount of the work that hasn't been done. The developer is then also allowed to have a final plat approved by the County Board. Once the final plat is approved the developer can start to sell lots to prospective buyers. Once those buyers buy the land the County is allowing building permits to be issued for new homes to be put up

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concurrent with the improvements being done at the same time. There has been some discussion about the timing of allowing building permits and final plat. The County could go a number of ways with this, the County could continue the way it is or the County could put a higher threshold where the County would require the developments to either be complete and the improvements be given over to the proper jurisdiction and then have building permits issued or something in between. He would like to get the feeling of this committee.

Mr. Stauffenberg asked what the villages do now.

Mr. Van Mill stated that Bourbonnais does require all the improvements to be completed before final plat and building permits. That is something that has been going on just recently.

Mr. Skimerhorn stated that Will County is currently doing things very similar to Kankakee County currently.

Mr. Van Mill stated that where the Planning Department finds some issues with that is it is a nightmare administratively. It keeps the Planning Department in a position where it has to always be on top of this.

Mr. Scholl stated that with the problems that the County has run into in the past, he feels very strongly that all the I's should be dotted and the T's should be crossed before any building permits are issues. This needs to be done for everyone and every single case.

8. Other

- **Stormwater Report Presentation of Program and Submittal of Annual Report**

Mr. Schultz gave a brief update on the Stormwater Report Presentation of Program. A final draft of the report is in the committee members' packet.

A motion to approve the annual report was made by Mr. James and seconded by Mr. Washington. Motion carried.

- **Riverhaven Subdivision**

Mr. Liehr stated that there are some serious water problems in Riverhaven that could eventually lead to public safety issues. He would like to have one of the committee members make a motion to request that a three to six member subcommittee be put together to work with the Planning Department, State's Attorney's Office, and Jim Piekarczyk to see what direction the County should be taking in regards to the policy in Riverhaven.

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A motion to request a three to six member subcommittee be formed to deal with serious water problems in Riverhaven was made by Mr. Scholl and seconded by Ms. McBride. Motion carried.

- **3 Openings on the Zoning Board of Appeals in May 2007**

Mr. Van Mill announced that there are three openings on the Zoning Board of Appeals.

9. Old/New Business

Ms. Bernard stated that she is in receipt of some information for the State on charging Impact Fees as far as Compost Facilities are concerned. She is requesting that this item be placed on the next PZA Agenda.

10. Executive Session

- **5 ILCS 120/2(2)(11) – Legal Matters/Litigation**

There was no Executive Session at today's meeting.

11. Adjournment

A motion to adjourn the meeting at 10:53 a.m. was made by Mr. Washington and seconded by Ms. Hertzberger. Motion carried.

William Olthoff,
Chairman

Stephanie Jackson,
Executive Coordinator

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