

**Members Present**

Mr. Olthoff, Mr. Stauffenberg, Mr. Tripp, Mr. Bertrand, Ms. Hertzberger, Mr. James, Mr. Martin, Mr. Washington, Mr. Scholl, Mr. Whitten, Mr. Marcotte, and Mr. Hess.

**Members Absent**

None

**In Attendance**

Mr. Kruse, Mr. Bossert, Mike Van Mill, John Bevis, Dave Tyson, Mike Lammey, Tina Olton, Leigh Marcotte, Arlene Szidik, Sandy Girard, Brenda Gorski, Laura Dick, and Bob McElroy

**1. Call to Order**

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

**2. Public Comment**

Arlene Szidik spoke regarding the rezoning of her property.

**3. Approval of Minutes**

A motion to approve the minutes from April 13, 2005 was made by Mr. Martin and seconded by Mr. Marcotte. Motion carried.

**4. Building**

- **Contractor Licensing Intergovernmental Agreement**

Mr. Van Mill stated that at this time there has been no further discussion regarding this topic so there is no report on this matter today

A motion to table was made by Mr. Tripp and seconded by Mr. James. Motion carried.

**5. Transportation**

- **IL Department of Transportation Contract**

Mr. Van Mill stated that the Kankakee County Planning Department, since the early 80's has been the administration arm for the Metropolitan Planning Organization (MPO). The MPO is the County along with the urban municipalities of Kankakee, Bradley, Bourbonnais, and Aroma Park. As a group they evaluate the transportation needs and the transportation improvements that are necessary in the urban area of Kankakee. On an annual basis the County is required to sign an agreement with the State for grant funds to do this program.

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Mr. Whitten asked if the County needs to match this grant. Mr. Van Mill stated that it is in his budget every year for a 20% match.

A motion to allow authorization to sign the grant was made by Mr. Whitten and seconded by Mr. James. Motion carried by a roll call vote of 11 ayes and 0 nays. Motion carried.

## 6. Subdivision

- **River Bend Subdivision, 2<sup>nd</sup> Addition- Variances**

Mr. Billingsley stated that this is a request for seven variances in River Bend Subdivision. There are 100 lots in the subdivision that is proposed. The developer is Azzarelli Development Corporation and the engineers are Dave Tyson and Lance Beigh. This is classified as an urban subdivision because it is within a mile and a half of the Village of Bourbonnais. It is located in Limestone Township on the Westside of Pipeline Road approximately one quarter mile south of Illinois Route 113.

Mr. Billingsley stated that the Village Bourbonnais waives their right to any involvement with the development of the subdivision.

Mr. Billingsley stated that an urban subdivision requires roads to be 30 feet with curb and gutter, sewer and municipal water services, and sidewalks. The developer requests to install a rural road cross section that has ditches, individual septic systems and wells, and no sidewalks.

Mr. Billingsley stated that this would be consistent with the features of the original River Bend Subdivision that was passed in the early to mid 1990's. The developers struck an agreement with Limestone Township Road Commissioner on the paving of Pipeline Road from the subdivision down to Tower Road.

Mr. Dave Tyson stated that River Bend West Subdivision was established in the early to mid 90's. This is the last phase of the property that is owned by Azzarelli Development Corporation.

Mr. Tyson stated that the subdivision is going to stay as the original 106 lots that were proposed but in an agreement that was made from the Health Department he combined three of the lots into only being buildable as one lot.

Mr. Tyson stated that the first variance is due to the cul-de-sac. The Subdivision Ordinance calls at the end of a cul-de-sac that it is only supposed to have a two percent grade. Mr. Tyson stated that the two

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percent grade is normally at the end of the bulb of the cul-de-sac, that is so that as you are driving down the hill if you are pushing snow that you basically hit a level area to turn around in. The end of the bulb will have a two percent grade at the end of the cul-de-sac, the grade fall is 643 down to 608. That is a pretty major grade fall in that area, the ground is not conducive to a two percent grade for the whole road.

Mr. Tyson stated that the length of the cul-de-sac does exceed 500 feet. The only reason this was done was so that the two westerly lots are not really oversized lots. Each of the four lots on the cul-de-sac will be two and a half acre lots.

Mr. Tyson stated that they are looking for a rural cross section so that it is consistent with River Bend, and River Bend 1<sup>st</sup>. Mr. Tyson stated that they did meet with Glen Kramer, who is the Township Road Supervisor, he does not really want an urban cross section within his area. He doesn't have the equipment to maintain storm sewers and he doesn't have the equipment to jet them. Mr. Kramer's wishes were that it does remain a rural section.

Mr. Tyson stated that he did strike a deal with Mr. Kramer as far as overlaying Pipeline Road from Tower Road to Illinois Route 113.

Mr. Tyson stated that one of the variances that he is asking for is a positive variances for the County. The County requires a 3 to 1 side slopes on the ditches, Mr. Tyson is recommending the ditch be 4 to 1, it is easier to mow and maintain and it is safer.

Mr. Tyson stated the Village of Bourbonnais sent a letter to the County saying "that they are in receipt of the plans for the second addition to River Bend Subdivision located in Limestone Township. While this area is within a mile and a half planning jurisdiction for the Village of Bourbonnais it is located south of the Kankakee River and outside of their facility planning area for Bourbonnais, and as such we would be unable to extend sanitary sewer service to this development. "

Mr. Tyson stated that this has been consistent with everything that Bourbonnais has done in this area that lies south of the Kankakee River. It is not within Bourbonnais's facility planning area, they do not have capacity to handle anything that is south of the river, they would have to purchase more capacity from Karma, and they would have to petition IEPA to be able to bring this into their facility area.

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Mr. Tyson stated that the Health Board approved the wells contrary to Mr. Bevis's letter.

Mr. Tyson stated that this is the last addition and is consistent with what the Board has passed in the previous years.

Mr. Martin asked if there are any ZBA opinions. Mr. Van Mill stated that this property has been zoned residential since 1967 so there would be no ZBA opinions.

A motion to approve River Bend Subdivision, 2<sup>nd</sup> Addition, variances was made by Mr. James and seconded by Mr. Tripp. Motion carried by a roll call vote of 8 ayes, 4 nays, and 1 present.

Mr. Olthoff would remind the committee to look at page 5 of the Staff Report which gives the four criteria used to consider the variances to this subdivision.

Mr. Van Mill stated that they are suggested findings; the decisions of this committee need to be based upon a set of criteria or facts so that there is some basis and rational behind whatever decision is made.

Ms. Hertzberger asked if there is a letter from the school district. Mr. Van Mill stated no, but they were notified.

Mr. Bevis stated, "In regards to the review that the Health Department performed on the subdivision plans. The Health Department does have some historical data of some Nitrate contamination that exists on that side of the river within that area of where the subdivision is proposed."

Mr. Scholl is concerned about the safety of the drinking water.

Mr. Scholl asked if there was consideration given to a community well so that if the opportunity to hook up on water presents itself that this could be done.

Mr. Tyson stated that it was considered, but it is very costly to do that. His concern with the community well is that it is basically going to the aquifer that is coming from the same location as the other ones. If there would be a Nitrate problem or a contamination problem in a community well, a hundred homes would have to be shut down.

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Mr. James stated that if city water was to be run to River Bend Subdivision the water line now comes within 200 feet of several subdivisions and it would never be able to meet the capacity to supply the water for them.

Mr. Washington stated that if this committee continues to reject subdivisions of this kind, it is going to push the developers farther and farther away from the area in which the committee should encourage growth.

Mr. Scholl stated that it narrows down to criteria two and three on page six of the Staff Report. Criteria two and three of the Staff Report reads as follows: "... 2. The granting of the variance would not endanger the public health or safety or be a detriment to the public welfare. 3. The benefit of the variance substantially outweighs any detriment..."

- **River Grove Subdivision- Final Plat**

Mr. Billingsley stated that River Grove Subdivision is a minor subdivision located in Aroma Township. It is a two lot subdivision, the property owners are Pat and Lorie Gilmore and the engineer is Dave Tyson.

Mr. Billingsley stated that this is approval for final plat. The site is located on the Westside of Waldron Road and it is within a mile and a half of the City of Kankakee and the Village of Aroma Park. Both municipalities did not offer a reply during the review period.

Mr. Billingsley stated that the lots will each contain slightly over 2 acres of land. Aqua Illinois will provide water service to the lots and individual septs will be utilized. The plat dedicates forty feet of right way to the center line of Waldron Road.

A motion to approve the final plat for River Grove Subdivision was made by Mr. James and seconded by Mr. Hess. Motion carried.

- **Kankakee County Subdivision Regulations- RFQ**

Mr. Van Mill stated that in the committees' packets there is a copy of a draft RFQ that the Planning Department is requesting to publish in order to solicit firms to update the County's Subdivision Regulations.

Mr. Van Mill stated that the Planning Department is in the process of updating the Comprehensive Plan and there are a number of items that it is recommending and one of them is update the Subdivision Regulations and put certain things into the Subdivision Regulations to meet the development that the Planning Department foresees in the future.

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A motion to allow the Planning Department to send the RFQ to the State's Attorney's Office for approval was Mr. Washington and seconded by Mr. Stauffenberg. Motion carried.

- **Kankakee County Subdivision Amendments- Proposed**

Mr. Olthoff stated that the Subdivision Amendments have not been prepared yet by the legal department.

A motion to table this was made by Mr. James and seconded by Mr. Marcotte. Motion carried.

- **Impact Fees- Status Report**

Ms. Hertzberger, Mr. Martin, Mr. Whitten, and Ms. Gorski each gave a brief status of the workings of the subcommittee regarding Impact Fees.

## 7. Zoning

- **ZBA Case #05-03**

Mr. Billingsley stated that this a request for rezoning of a rural estate on a parcel of land located in Yellowhead Township. It is on the Eastside of 1600 East Road and on the Southside of 12000 North Road, which is the Will County Line. The applicants are John and Arlene Szidik and their attorney is Tina Olton.

Mr. Billingsley stated that they presented their request to the Zoning Board of Appeals on March 21<sup>st</sup>. The site is currently zoned A-1 Agriculture and the comprehensive plan calls for agriculture uses in the general area.

Mr. Billingsley stated that Ms. Szidik provided testimony and she stated that she wants to subdivide her five acre home site to allow her daughters family to build a home on site. The home would be built on the eastern half of the parcel and have access to 12000 North Road. The eastern portion of the parcel is current in agriculture use. The Szidiks utilize approximately three acres of land for their dwelling and they wish to give approximately an acre and a half to their daughter's family if the rezoning is successful.

Mr. Billingsley stated that there were no objectors present during public comment at the ZBA hearing. The ZBA boards' opinion was split. The board members who did not support the rezoning felt the request is not consistent with the purpose and intent of County's Zoning Ordinance and the County's Comprehensive Plan is not compatible with the zoning of the property in the general area and may start a trend in development towards smaller parcels in the area. Those members who supported the rezoning agreed with the testimony given by the petitioner. After hearing the

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testimony and reviewing the evidence presented at the hearing, the ZBA voted 4 ayes to 2 nays to recommend the denial of this rezoning of a rural estate.

Mr. Olthoff asked if these parcels were grandfathered in before the 5 acre plat act was enacted. Mr. Billingsley stated correct, the parcels were put in before the 1996 Zoning Ordinance which requires 20 acres per parcel in the Agriculture District.

Mr. Scholl stated, "It is part of the history of Kankakee County, we have a homestead and a family wants to build together. The request for an acre and a half to place an additional dwelling is consistent with what we have done historically. I know that it does not meet the comprehensive plan but there are a number of houses in this area. The minority opinion would support the granting permission to build here, and he cannot see any logic other than we are actually saving farm ground. This is a reasonable request from my point of view and I would have to agree with the minority opinion."

Mr. James stated that this a programmed sighting of land, in all sections being equal. He thought that what he is looking at in his opinion is a five acre parcel subdivided parcel ground. Anything after that is re-subdividing. He stated that the trend is five acre parcels.

Mr. Stauffenberg disagrees that the trend is five acre parcels; it was the law, the way to get through the process without having to coming before rezoning. None of those people wanted five acres, that's what they had to take. He stated that the piece of ground is not going to be farmed, it is silly to think that this committee has to preserve agriculture right there in between a bunch of houses. He would agree with Mr. Scholl.

A motion to approve ZBA Case 05 03 was made by Mr. Scholl and seconded by Mr. Washington. Motion carried by a roll call vote of 8 ayes and 4 nays.

## 8. Solid Waste & Environmental

## 9. Planning

- **SHOWBUS- Section 5311 Operating Assistance Grant**

Mr. Billingsley stated that for the committees' consideration today he has a grant application from the Illinois Department of Transportation for what is called 5311 Non-Metro Public Transportation. It is for rural transportation service that is operated by SHOWBUS. This is a grant that the Planning Department file with the State on a yearly basis. In fiscal year 2006 the

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Planning Department is eligible for approximately \$144,000.00 in Federal Funding. By approving the resolution to the County Board, the committee would be recommending that the Chairman sign the grant application and subsequent contract with the Illinois Department of Transportation for fiscal year 2006.

Ms. Laura Dick stated that SHOWBUS saw a slight increase in rider ship last year and in the first part of this year there has been a 15% increase. A lot of that is attributable to routes that have begun in Manteno and increased service into Pembroke. SHOWBUS has been running since 1979 in various Counties. SHOWBUS has been in Kankakee since 1999. Right now it is maintaining a fleet of five in Kankakee County and then they borrow buses from other Counties as the need grows.

Ms. Dick does project a good solid 15% increase in the next year in rider ship. SHOWBUS has recently done a survey; the question sometimes comes up on service to University Park or service outside of the County. There are two groups that ask SHOWBUS to look at expanding service outside of the County. One is related to senior citizens wishing to go to Will County for medical services and the other one is to University Park.

There was a survey done just recently on University Park, for SHOWBUS to run it, Ms. Dick thinks that it would be extremely expensive. SHOWBUS would have to maintain two shifts of drivers which would really drive up the budget way beyond what they are approved for.

However, PACE does maintain a fleet that is heavily subsidized by the Federal Government for commuters. SHOWBUS would mainly advertise and solicit the program, but the riders would pay the fees to PACE and PACE would maintain the vans.

Ms. Dick stated that the cost would be minimal to the County.

A motion to pursue the busing from here to University Park through PACE and apply for the grant was made by Mr. James and seconded Mr. Martin. Motion carried by a roll call vote of 10 ayes and 0 nays.

- **Com Ed Grant Application**

Mr. Van Mill stated that the Planning Department has discovered that Commonwealth Edison has grant monies available for planning purposes. Through the Comprehensive Plan Process an area between Bradley, Bourbonnais and Manteno has a focus area in which some additional planning efforts are necessary because of the intense demand and pressures of growth and development in that area. The Planning

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Department has over a period of time had a number of significant discussions with all of those municipalities in terms of how they would envision the growth and development to occur. The Planning Department has identified a lot of the things that all the communities can agree upon. Things such as land use, the need for consistent approach to signage, what types of roads are needed, where residential and industrial should go, and etc. At the present time we see that all the municipalities are in line to participate in an effort with the County to do those types of growth and development regulations.

Mr. Van Mill stated that the municipalities have agreed to sit down and attempt to put together a unified growth strategy for the area.

Mr. Van Mill stated that they have sent a grant application to Commonwealth Edison requesting certain funds in order to do this project. If the Planning Department was successful in getting any monies, they would come to the committee and let you know.

#### **10. Other**

None

#### **11. Executive Session**

There was no executive session at today's meeting.

#### **12. Old/New Business**

Mr. Whitten would like to have Metro bus come to the next meeting to find out what it would cost or need to be done to shuttle people from the parking lots that are not used to the Courthouse rather than build a parking lot.

Mr. Van Mill stated that he could ask them to do a feasibility study.

Mr. James asked, "How do we go about opening up the ways some rules are put in place in the Planning and Zoning Department?"

Mr. James stated, "I am down there in the Planning and Zoning Department and a fellow is applying to make an improvement on his property. He is being told that if he makes the improvement and he does it himself it will cost \$3000.00 that they submit a cost factor of \$6000.00 for the Assessors purpose. We do things to encourage people to maintain their property and improve their property. How do these types of things get put in place and how do we correct it."

Mr. Van Mill stated that he thinks that Mr. James is talking about a policy in his office and if Mr. James wants to micro-manage then he should come

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down and talk to the Building Department. What the department is trying to achieve is consistency.

Ms. Gorski stated that there was a decision in Grant Park Partners and that was a good decision.

**13. Adjournment**

A motion to adjourn was made by Mr. Hess and seconded by Mr. Stauffenberg 10:46 a.m. Motion carried.

William Olthoff, Chairman

Stephanie Gresham  
Executive Coordinator

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