

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, Kelly McLaren, Mike Van Mill, Brian Billingsley, John Bevis, Dave Tyson, Mike Lammey, Bob McElroy, Don Pallissard, Vicki and Rob Hensley.

1. Call to Order

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

2. Roll Call

3. Public Comment

None.

4. Approval of Minutes

A motion to approve the minutes from April 26, 2005 was made by Mr. Stauffenberg seconded by Mr. Marcotte. Motion carried.

Mr. Whitten made notation that at the last meeting under "New Business" he had requested that a Metra representative be present at this meeting for an update, but he did not see anything on the Agenda for it today.

Mr. Olthoff assured Mr. Whitten that he would see to it that it would be on the Agenda for the next meeting.

5. Building

• **Update of Building Code & Restructure Fee Schedule**

Mr. Van Mill said that over the last couple of years he have presented to this Committee the progress they are making towards the update of their building code. With the turnover they've had with their management on the building side, they are closer than what they ever been with the amendment to the building code, bringing the building code up to date and to revise their fee schedule for building permits. Those fees have not been reviewed or adjusted for seven (7) and with the changes and times, they are going to have to do that --- everything from the capital expenditures they have today, with their vehicle fleet, to just keeping up with inflation, the fee schedule is necessary to review.

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At this time he was asking the pleasure of the Committee for a motion to pursue the Amendment of the Building Code to the 2003 code and also, revision of the fee structure and that way to get them State authority, to move on that and then go to Public Hearing.

A motion to allow Mr. Van Mill to pursue the Amendment of the Building Code to the 2003 code and revise the fee structure was made by Mr. Washington and seconded by Mr. Marcotte. Motion carried.

6. Transportation

None.

7. Subdivision

- **Prairie Farm, Phase II – Variances**

Mr. Billingsley said that this is a request for seven (7) variances. This is a forty-four (44) lot addition on sixty-one (61) acres of land. The developer is Rob Hensley and the engineers are Dave Tyson and Steve McBurney. This, technically, is called an urban subdivision because it is located one and one-half miles of the Village of Grant Park. The Village and the developer have entered into a pre-annexation agreement. The subdivision is located in Sumner Township on the west side of 11000 East Road, approximately a half mile north of 10000 North Road. There are seven (7) variances requested for this project:

1. To allow individual wells and septic systems in an urban subdivision (consistent with original Prairie Farm Estates). Urban subdivisions require municipal sewer and water systems.
2. To allow a county road cross-section rather than an urban cross-section (consistent with original Prairie Farm Estates).
3. No sidewalks (consistent with original Prairie Farm Estates).
4. Waiver of improvements to 11000 East Road from the entrance of the subdivision to 9000 North Road.
5. To allow 20% of Lot 43 to contain a drainage easement. Subdivision regulations only allow 10%.
6. To allow street light spacing twice the normal distance allowed (Grant Park Subdivision Regulation).
7. To allow a curve radius of 25 miles per hour on subdivision roads. Subdivision regulations call for a 30 mph curve radius.

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The preliminary plat and variance request were sent out for public review and they received a couple of responds.

Dave Tyson was present to give an explanation as to why these variances were requested and answer questions.

Mr. Stauffenberg to Mr. Billingsley: "In reference to the street lights, it sounded like a couple of these were enhancements above and beyond what were required, is that correct? (More than what Grant Park requires)". Mr. Billingsley answered, "what the developers were requesting is that they go twice the distance allowed by Grant Park's ordinance for street lights. They had already sent the developer to the municipality and they have entered into a pre-annexation agreement, so the Village has agreed". Mr. Stauffenberg re-emphasized his question and said, "if it is an enhancement, is it considered a variance". Mr. Billingsley answered, "yes".

Mr. James asked if street lights were going to be installed or just the wiring for it. Mr. Tyson answered that the street lights will be installed. The variances that Grant Park requires are street lights every 350 ft. and the County only requires them only at intersections. They will be putting them in throughout the subdivision at a distance of 700 ft. instead of what is required by Grant Park. At their own meeting, Grant Park approved:

1. The variance to their subdivision
2. The rural cross section without sidewalks
3. The allowance of individual wells and septic

Mr. Scholl asked about variance #5 (allow 20% of lot 43), what would be the impact? Mr. Tyson answered there really is no impact. The size of lot 43 was designed at 43,708 sq. ft. Even if you took out the easement area and consider that unbuildable area, you would still have an area of 32,131 sq. ft. of buildable area. Normal city lots or village lots in Grant Park are 10,000 ft. so the lot size exceeds what is required and even for the area you would need for septic system. The easement area can be considered part of that area also.

Mr. Scholl asked about variance #4 (waiver to improve 11000 East Road), what is a reaction to that? Mr. Tyson said it was actually discussed at the original presentation for Prairie Farms and the road commissioner at that time did not have a problem with it. They did contact him This time and he really did not have an opinion and did not give them a letter one way or another.

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Mr. Tyson addressed the variance for the 25 mph speed limit curve and said, "this is actually a combination between what Grant Park requires and what the County requires. This meets Grant Park's subdivision ordinance (which they're asked to do since they're within the mile and a half, but it causes them to ask for a variance in the County Ordinance, which asks for a 30 mph curve). What they have agreed to do with Jim Piekarczyk at the County Highway Department is the curves, which are these radiances and on the side will be posted and will be marked with the 25 mph signs".

Mr. Martin said that there were seven (7) variances and that is far more than they would usually allow. His concern was with variance #1 (they have been tight in enforcing this especially on the water) and this variance should not be allowed. With variance #4, in the recent past they have very strictly been enforcing that and gave an example of what had taken place with Mr. Ciaccio.

Ms. Hertzberger said she agreed with Mr. Martin on both counts and asked if Aqua Illinois was still scheduled with Grant Park on water because of their arsenic problem. Several answered, "they're on their water". Ms. Hertzberger further said that she felt it should be put on city water, city sewer.

Mr. Tripp questioned the lighting and asked if this was consistent with what they did with Mr. Karlock's subdivision. Mr. Tyson answered that Bourbonnais required to have those street lights put in with Mr. Karlock's subdivision and street lights was shown on the infrastructure plans and those were the plans that were approved by Bourbonnais, but they were not put in at the time of construction and that's why Bourbonnais insisted that they be put in. The lights on this plan were presented to the Village of Grant Park and they even asked in their own board meeting that they approve them.

Mr. James again questioned the lighting situation and said that this is something that they should take out of there and explained that if you take a look at the geographical location of this subdivision and it butts up to some other areas that are rural areas, in the past we never had street lights put in rural subdivisions. He had no qualms with the laying out of the wiring for the lights, but to create a city atmosphere with lights out in the country, it's totally unnecessary. He said he could go along with lighting at the intersections, but he did not feel a need for street lights this

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far out in the country that's going to establish a trend that's not in line with the trend in rural subdivisions.

Motion

A motion to "go with it" was made by Mr. Whitten and seconded by Mr. Bertrand.

Further discussion.

Referencing the water and sewer, Mr. Scholl said that Grant Park had written a letter explaining their position, but no comment is made in that letter with respect to the water and asked if they had any stipulation in the pre-annexation agreement. Mr. Tyson said he did not believe that they did. The same thing was brought up with them that they had no intent of running a main out to that area, but he did not believe it was in the pre-annexation agreement.

Mr. Olthoff asked if the water had been tested in that area. Mr. Tyson said he believed that every home that has been out there has been tested and there are homes that have already been established in the original subdivision and there have not been any problems.

Ms. Hertzberger asked, "tested for what?"

Mr. Tyson said, "per EPA standards. Every new well has to be tested to make sure that it's past the water findings and there are no contaminants".

Ms. Hertzberger asked, "for bacteria and nitrates or for everything"....

Mr. Olthoff asked Mr. Bevis for an explanation to Ms. Hertzberger's inquiry.

Mr. Bevis explained that the wells that get drilled outside of city water, the EPA services typically test for bacteria and nitrates only. They are not tested for any other specific contaminants. There is a test for arsenic, but it is not a routine test that is conducted through the permitting of wells. There are limits that are set for all kinds of chemicals in regards to the public safety in regards to consuming that water. There have been some studies done within the county (he did not know if it related to this particular area or not) in relation to arsenic and other chemical contamination issues, whether the levels are there or whether they are over what could be considered dangerous levels or below levels, there is not enough information for him to answer them.

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Mr. Tyson requested to finish answering Mr. Scholl question. Under Article IV, Paragraph C, it does state at such time individual lots in the subject property comes within 50 ft. of sanitary sewer and water supply and system serving the Village, the owner of each individual lot will be required to hook on to it. So, they did cover it in the pre-annexation agreement.

Mr. Scholl said that he wondered if a motion would be an amendment to the motion would be effective, where they could vote on each of the variances individually whether than collectively.

Mr. Olthoff said it would be in order and asked if he was making that motion.

Amendment to original motion

A motion to vote on each variance individually was made by Mr. Scholl and seconded by Mr. Marcotte. Motion carried.

Mr. McLaren asked if this were to be approved today with all the variances considering the talk of possible arsenic in the water, etc., who would be liable? Would that be the County? If there was an excess level that was very high and there was a problem.

Mr. Bevis said specifically he would not be able to answer any legal questions who would be liable, but he would give the answer that if the variance would be approved, with his understanding of the process now is that the next step would be the septic and well plan will be presented to the Board of Health for approval and at that point the environmental health division would review the septic plan, could potentially not approve the septic plan as presented, would work with the developers to come up with alternative solutions (different type of plans) and ultimately, if they chose not to go those routes, one of the decision could be not to build the subdivision in and go with our recommendations at that point. He could not answer any questions as to who would be liable or not. The Health Department reviews the septic and well plans. If the County chooses to grant variances to not force the developers to hook up to sewer and water as per the County rule, you grant that variance, then the Health Department is forced then to look at the septic and well plan that gets presented for approval. That information goes to the Health Department, they'll look at the type of septic that they are proposing and the type of wells they are proposing and they will work with the developers and come up with a plan and present that to the Board of Health for a vote and if it gets approved, then permits are issued and the systems are installed.

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Mr. Bevis further said that it was great that everyone is concerned about arsenic, but there are thousands and thousands of other chemicals and components out there that can potentially contaminate wells at levels above or below what might be considered dangerous.

Original motion

The original motion by Mr. Whitten and seconded by Mr. Bertrand was ruled "out of order" and was removed.

Mr. Olthoff requested that the Committee review the following four (4) findings/recommendations from the Planning Department before voting on the variances:

- (1) The request is unique to the property in question and not generally applicable to other property in the County.
- (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.
- (4) The granting of the request would not substantially impair the intent and purposes of the subdivision regulations.

Voting on the Variances Individually

- (1) To allow individual wells and septic systems in an urban subdivision (consistent with original Prairie Farm Estates). Urban subdivisions require municipal sewer and water systems.

A motion to approve was made by Mr. James and seconded by Mr. Scholl. Motion carried by a roll call vote of 11 ayes and 2 nays.

- (2) To allow a country road cross-section rather than an urban cross-section (consistent with original Prairie Farm Estates).

A motion to approve was made by Mr. Hess and seconded by Mr. Whitten. Oppose – Ms. Hertzberger. Motion carried.

- (3) No sidewalks (consistent with original Prairie Farm Estates).

A motion to approve was made by Mr. Whitten seconded by Mr. Stauffenberg. Oppose – Ms. Hertzberger. Motion carried.

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- (4) Waiver of improvements to 11000 East Road from the entrance of the subdivision to 9000 North Road.

A motion to approve was made by Mr. Bertrand and seconded by Mr. Stauffenberg. Motion failed by a roll call vote of 6 ayes and 7 nays.

- (5) To allow 20% of Lot 43 to contain a drainage easement. Subdivision regulations only allow 10%.

A motion to approve was made by Mr. Whitten and seconded by Mr. Marcotte. Motion carried.

- (6) To allow street light spacing twice the normal distance allowed (Grant Park Subdivision Regulation).

A motion to approve was made by Mr. Washington and seconded by Mr. Marcotte. Oppose – James. Motion carried.

- (7) To allow a curve radius of 25 miles per hour on subdivision roads. Subdivision regulations call for a 30 mph curve radius.

A motion to approve was made by Mr. Bertrand and seconded by Mr. Marcotte. Motion carried.

A motion to approve variances #1, #2, #3, #5, #6, and #7 was made by Mr. Kruse and seconded by Mr. Washington. Motion carried.

- **Sandbar Re-Subdivision – Preliminary Plat**

Mr. Billingsley said that yesterday the variances were approved for Sandbar Estates re-subdivision. Today, developers were requesting approval of the Preliminary Plat so that he can begin construction of the subdivision.

A motion to approve the Sandbar re-subdivision Preliminary Plat was made by Mr. Washington and seconded by Mr. James. Motion carried.

- **River Bend, 2nd Addition – Preliminary Plat**

Mr. Billingsley said that River Bend's variances were approved at yesterday's County Board Meeting. The developers are asking permission to approve the Preliminary Plat which will give him the "green light" to begin construction and improvements of the subdivision.

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A motion to approve River Bend, 2nd Addition – Preliminary Plat was made by Mr. Stauffenberg and seconded by Mr. James. Motion carried by a roll call vote of 9 ayes and 4 nays.

8. Zoning

None.

8. Solid Waste & Environmental

- Tire Pick-up Day – May 14, 2005 at Health Department
For information purposes, the Illinois EPA and Kankakee County Solid Waste Division will be sponsoring a “Waste Tire Collection Event” at the Kankakee County Health Department parking lot.

10. Planning

None.

11. Other

None.

12. Executive Session – 5 ILCS 140/7 – Pending Litigation

None.

13. Old/New Business

Old Business

Mr. Martin asked Mr. Van Mill if Donna Shehane had the recycling container here. If so, where is the container located? He had a lot of paper recycling that he wanted to bring in. Mr. Van Mill advised that right now, just bring the recycle items to this office. This will be only for a short period of time until they could get the transition with the new contract. As soon as that contract is in place, they will have some recycling binds up.

New Business

Mr. Lammey gave an update on Mr. Whitten’s request concerning Metra. Mr. Lammey advised that the next task force meeting is next Tuesday, May 17, 2005 at 2:30 p.m. It will be held in the Community Center at the Village of Bourbonnais. The final report will be passed out at that time and they will have a fairly spirit discussion on what the next step and process is. They are talking to IDOT right now trying to find out if there is money available for it and he thinks there probably is - it just depends on what that next step is to how much that money is.

13. Adjournment

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A motion to adjourn was made by Mr. Martin and seconded by Mr. Stauffenberg
10:13 a.m. Motion carried.

William Olthoff, Chairman

Chris Richardson
Administrative Assistant

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