

Members Present

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

Members Absent

Mr. Marcotte

In Attendance

Mr. Kruse, Mr. McLaren, Ed Smith, Mike Van Mill, Mike Lammey, Sarah Billadeau, Delbert Skimerhorn, Eric Sadler, Rich Howell, Joe Franco, Dave Tyson, Greg Deck, Mary Jo Wells, Andrew Pristach, Laura Dick, Mark Wilson, Don Pallissard, Ken Nelson, Paula Jacobi, and Don St. Germaine

1. Call to Order and Roll Call

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

2. Public Comment

Mr. Greg Deck spoke regarding the Rifle Range. He represents the ISRA. He gave a brief update of the conditions that are being requested.

Ms. Paula Jacobi spoke regarding the Rifle Range. She represents the objectors to the ISRA application for the special use permit. She gave a brief update of the conditions that are being requested.

3. Approval of Minutes- June 14, 2006

The minutes from June 14, 2006 have not been completed. They will be approved at the July 12th PZA meeting.

4. Subdivision

• **Bordeaux Estates- Preliminary Plat- Request for Extension**

Mr. Van Mill stated that at the previous meeting, three months ago, the PZA Committee considered the approval of the preliminary plat for the final phase of Bordeaux Estates Subdivision. At that time, there was some discussion over the sewer service that would be provided to the subdivision and getting approval from the Village of Bourbonnais to do that. At the time of consideration there had not been any approvals. They are beyond the 90 day extension this Committee allowed to have the Developers and the Village meet. However, because of circumstances that were beyond anyone's control they have not reached any kind of solution to that issue. There is a request today to extend the temporary approval for at least 90 to 100 days. There have been some discussions

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between the developer and the Village and some positive progress is being made.

A motion to allow the extension for 120 days was made by Mr. James and seconded by Mr. Whitten. Motion carried by a roll call vote of 10 ayes and 2 nays (Mr. Martin and Mr. Scholl).

Mr. Scholl stated that he doesn't think that the County should provide any extra leverage to the Developers. Bourbonnais should take the lead in this to grant the approval.

Mr. James stated that this is a double edged sword. For the County to allow the Developer more time to negotiate is not costing the County a penny. The County needs to be cooperative.

- **River Bend- Site Visit**

Mr. Olthoff stated that he, Mr. Van Mill, Dave Tyson, and Larry Hinton met at River Bend and looked at the situation. What happened was that there was a retention pond built, it was built in the fall, and had not been seeded. So the ground was loose and with the two large rains the retention pond filled up and washed out where the exit tile was and ended up in a wooded area and then into the field. They walked the field around the retention pond. There was damage to the field, but with that much rain Mr. Olthoff thought that there would have been damage in the field anyway. However, the retention pond probably exacerbated the situation. There were some areas in the waterway of the field where the bedrock was exposed. As it turned out, in talking with the landowner there are other issues with a retention pond that is built further away with River Bend one. The landowner feels that there needs to be some corrections made to make this work.

Mr. Scholl stated that his primary concern is that there is an engineered design and plan for the subdivision. The question that he has is the implementation of the design. Is there a way to have this pond inspected to ensure that the design and plan are being properly followed?

Mr. Stauffenberg asked Mr. Olthoff what kind of crop damage did he see.

Mr. Olthoff stated that the crop damage was minimal. Where the water sat the corn was yellowed. If the issue of the subdivision hadn't been there, the areas that were yellowed were low areas and probably would have been yellowed. There was some washing of dirt, but it was not a lot. He

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could see where the water had gone through the field. There was one area where the bedrock was exposed but did not affect the field. There was one area of about 30 feet where the corn had been washed out. There was probably damage to the yield of the corn. He thought that maybe the developer and the land owner could get together to arrive at a solution to pay for any damages that they agree upon.

A motion to put further development on hold until the Developers can verify to the Planning Department that what is required of them (to file various affidavits and so forth) is done was made by Mr. Scholl and seconded by Mr. Martin.

Mr. Olthoff asked Mr. Scholl if he is requesting that it be red tagged.

Mr. Scholl stated yes, until evidence is presented that the Developers have complied with what needs to be complied with.

Mr. Van Mill stated that the process of the subdivision has not received final plat. The Subdivision is in the construction phase. He would suggest a motion to request that the Developer provide additional information to prove that the improvements do meet the construction plans.

Mr. Scholl withdrew his previous motion.

Mr. Martin withdrew his second to that motion.

A motion to request the Developer to provide additional information to prove that the improvements do meet with the construction plans was made by Mr. Scholl and seconded by Mr. Martin. Motion carried.

- **Fairway Oaks- Concept Plan & Variances**

Mr. Van Mill stated that Fairway Oaks is a proposed 51 lot single family development in the Diverstach Campus area. It is on the south side of the entrance on Diverstach Drive. It is at the intersection of Diverstach Drive and Barnyard Road. It is the wooded and vacant property if you are looking at Diverstach on the south side. The applicant is wishing to look to get preliminary concept approval through this committee for the subdivision and see if the committee is looking favorably at approving two variances. The Subdivision is proposed to have a lot size between 9,000 and 10,000 square feet. There are a couple of things that do come into play that the developer would like to discuss with the Committee. Those are reducing the right-of-way width on the internal road ways from 60 feet

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to 50 feet. That was at the request of the Planning Department because it would like to see deeper lots along Barnyard Road which is a road that carries a lot of traffic at high rates of speed. The other variance that is being requested is setbacks along four lots that are adjacent to Diverstach Drive. Diverstach Drive is a two lane divided road way that is an entrance to the Campus. There is a substantial right-of-way there that goes well beyond the pavement areas, probably 200 feet. The petitioners are requesting to allow them to use a site setback for those lots, which in this case would be 6 feet. There will be a little over three acres set aside for stormwater retention and open space. It is adjacent to the Manteno Golf Course. The Subdivision regulations suggest and encourage open space to be centrally located. The access is in the far southwest corner near a culd-a-sac. The Developer does not own the property yet, but if it appears that the Committee would be looking favorably at this the Developer would be willing to purchase the property.

Ms. Hertzberger stated that this area is already full of subdivisions that are of high density. Those subdivisions are conducive to big problems. To keep allowing subdivisions in this area will cause big problems five to ten years later.

Mr. James stated that he feels that the Committee is talking about this prematurely. What is the Village of Manteno's position on this?

Mr. Van Mill stated that the County will take this to the Village and ask them for their comments.

A motion to delay this matter until the next meeting or until there is more information available on this was made by Mr. Whitten.

Motion dies for a lack of a second.

Mr. Stauffenberg stated that the density issue was approved by this Board sometime ago. Manteno saw it as a favorable thing to do because it gave them competition for the Mobile Home Parks. This would bring an additional tax base to Manteno besides Mobile Home taxes.

Mr. Scholl stated that from the Planning Department's point of view on granting these variances actually would enhance public safety rather than to work as a hindrance to public safety.

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Mr. Van Mill stated that there are some aspects of this that do help the situation.

A motion to approve the concept plan was made by Mr. Stauffenberg and seconded by Mr. Washington. Motion failed by a roll call vote of 6 ayes and 6 nays.

5. Transportation

- **6000 N Interchange Moratorium- Leo Whitten**

Mr. Whitten stated that all he is asking for is now that the 6000 Interchange is being developed he would like to see a moratorium on the land around that area so that no development can be done near there so that the road can be complete.

Mr. Van Mill stated that would be a great idea, however, the whole area where the 6000 Interchange would be is now annexed into the Village of Bourbonnais.

- **SHOWBUS- Purchase of Service Agreement**

Mr. Lammey stated that every year he asks for authorization to enter into a contract with the provider for Rural Transit Service. That provider for the last seven or eight years has been SHOWBUS. He is asking for the approval of that contract. The County will be committing \$40,000.00 of its own money.

A motion to approve the Purchase of Service Agreement for SHOWBUS was made by Mr. James and seconded by Mr. Scholl. Motion carried by a roll call vote of 12 ayes and 0 nays.

6. Solid Waste

- **IEPA- Request for Additional Funds for Delegation Enforcement**

Mr. Van Mill stated that it was brought up at the County Board Meeting that this item be placed on today's agenda.

Mr. Olthoff stated that the discussion was to have the County request additional funds for the Delegation Agreement with the IEPA.

A motion to ask for more funds from the IEPA for the Delegation agreement (80/20 instead of 60/40) was made by Mr. Martin and seconded by Mr. Scholl. Motion carried by a roll call vote of 11 ayes and 0 nays.

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Mr. Martin stated that if the County is going to do so much of the IEPA work he thinks that the County deserves more money from the IEPA than what they are allocating.

7. Zoning

- **ZBA Case #05-05**

Mr. Van Mill stated that this is a request for Special Use by the Illinois State Riffle Association to expand its current operation on 40 acres to an additional and adjacent 40 acres property directly to the east of its current site. The site is situated in the northwest corner of Section 30 in Limestone Township. The site fronts the eastside of County Highway 20, commonly known as Warner Bridge Road. At the November 16, 2005, the Zoning Board of Appeals voted 5 to 1 to recommend the approval of Special Use Expansion with conditions. This recommendation came after several public hearings where both proponents and opponents expressed their views on the application. This committee considered the recommendation from the ZBA at its meeting on January 13, 2006. At that time, PZA members voted to refer the matter back to ZBA for its members to consider the consistency of the actual proposed use with the use listed in the Zoning Ordinance. On April 24, 2006, after deliberation by its members, the ZBA reconfirmed its decision by a vote of 6 to 0. For today's meeting PZA members are provided with the transcripts of the April ZBA meeting, the original application and staff report, and the transcripts of all the hearings.

Mr. Scholl stated that he noticed in the minutes from the ZBA that Brenda Gorski was present but was not asked as to the legal definition. He was wondering if Mr. Smith, since he is here today, could give the committee a legal synopsis, is the consideration in the State's Attorney's opinion that this is within the legal jurisdiction of the Ordinance to grant the Special Use for this Riffle Range/Gun Club and is there a legal distinction between the Riffle Range and Gun Club?

Mr. Smith stated that he was here specifically for agenda item 10 and he is not prepared to address this issue at this time. If the committee would like to refer it to his office for a legal opinion on something specific, then a committee member could do that by a motion, but again, it would delay the action today.

Mr. Scholl stated that he is still frustrated with this for the simple reason that this was sent to the ZBA for consultation with the State's Attorney's Office. The ZBA reaffirmed their vote, but there is still no definition.

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Where are the legal grounds here? He would hate to pass something and then it end up in Court because the County did not have legal jurisdiction.

A motion to refer this matter to the State's Attorney's Office for legal consideration as to the definition of a Riffle Range and a Gun Club under the County Ordinance, and under that Ordinance, is this legal was made by Mr. Scholl and seconded by Mr. Bertrand. Motion carried by a roll call vote of 9 ayes and 3 nays (Mr. James, Mr. Tripp, and Mr. Whitten).

Mr. Martin stated that it seems like this has been going on for months.

Mr. Olthoff asked if this information can be given to the Committee for their next meeting in two weeks.

Mr. Smith stated will do.

- **Policy Concerning Permits when an Apparent Zoning Violation Exists**

Mr. Van Mill asked if this could be deferred.

A motion to table this agenda item was made by Mr. Stauffenberg and seconded by Mr. Hess. Motion carried.

8. Economic Development

- **Organization**

Mr. Van Mill stated that there is no new report today. This item is going to go in front of the Finance Committee on Thursday.

Mr. Martin asked for an update on this matter.

Mr. Van Mill stated that at the last meeting there was a report that was provided to the PZA Committee that came from the Economic ad hoc Committee. That Committee consisted of three members from the County Board and three members of the Economic Development Association. That Committee was a result of a resolution passed at the January County Board Meeting to look at the County's role and involvement in Countywide Economic Development. That Committee has met since January and as that discussion started to develop there was an obvious sense that the County could play a major role in Economic Development. It became clear that the County had resources, staffing, and funding that could help promote and push Economic Development in a positive way. At the last meeting, two weeks ago, there was a recommendation of the findings of

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that Committee and this Committee passed and supported those findings and recommendations.

Mr. Washington stated that the County is trying to bring itself abreast of the times and attempting to make this a unified organization. About four years ago, the Regional Planning Commission began exploring possibilities of Economic Development. This dovetails right into that the County wants to involve every segment of this County so that when the surge begins it spreads throughout the County. This to him is what the County needs to be doing, what it should be doing and what it has to do in order to make this County a competitive place for bringing in new industry and new business.

Mr. Martin stated that this is a wonderful way to get additional industry into the County.

Mr. McLaren stated that participation is coming from all over the County. Ever area of the County is represented. There is a very big road ahead.

**9. Executive Session- 5 ILCS 120/2(c)(3)- Interviews
5 ILCS 120/2(c) (11) - Legal Matters/Litigation**

A motion to go into executive session was made by Mr. Scholl and seconded by Ms. Hertzberger. Motion carried by a roll vote of 12 ayes and 0 nays.

A motion to come out of executive session was made by Mr. Bertrand and seconded by Mr. Hess. Motion carried.

A motion was made to rescind the approval of the application of Mr. St. Germaine by Ms. Hertzberger and seconded by Mr. Bertrand.

An amendment to the motion was made to give Mr. St. Germaine the chance to withdrawal his application by Mr. Whitten and seconded by Mr. James. Amendment carried by a roll call vote of 6 ayes and 3 nays (Mr. Olthoff, Mr. Bertrand, and Ms. Hertzberger).

A motion to allow Mr. St. Germaine to withdraw his application for reappointment to the Zoning Board of Appeals, or the Planning, Zoning, and Agriculture Committee will rescind the approval of the application for reappointment to the Zoning Board of Appeals having Mr. Olthoff communicate said motion to Mr. St. Germaine was made by Ms. Hertzberger and seconded by Mr. Bertrand. Motion carried by a voice vote with Mr. Scholl and Mr. James voting nay.

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10. Old/New Business

None

11. Adjournment

A motion to adjourn was made by Mr. Scholl and seconded by Mr. Hess at 12:20 p.m. Motion carried.

William Olthoff, Chairman

Stephanie Jackson
Executive Coordinator

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