

**Members Present**

Mr. Olthoff, Ms. Hertzberger-Schmidt, Mr. Hess, Mr. James, Ms. McBride, Mr. Marcotte, Mr. Scholl, Mr. Tholen, Mr. Tripp, and Mr. Washington

**Members Absent**

Mr. Stauffenberg and Mr. Whitten

**In Attendance**

Delbert Skimerhorn, Eric Sadler, Mike Lammey, Norm Strasma, Rich Howell, Ann Brezinski, Ryan DeYoung, and Leigh Marcotte

**1. Call to Order**

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

**2. Public Comment**

None

**3. Approval of Minutes- May 28, 2008**

A motion to approve the minutes of May 28, 2008 was made by Mr. Washington and seconded by Ms. McBride. Motion carried.

**4. Zoning**

• **ZBA Case #08-02**

Mr. Olthoff asked if this Zoning Case could be postponed until the August 13<sup>th</sup> Planning, Zoning, and Agriculture Committee Meeting.

A motion to postpone ZBA Case #08-02 until August 13<sup>th</sup> was made by Mr. Scholl and seconded by Mr. Marcotte. Motion carried.

• **ZBA Case #08-03**

A motion to go into Executive Session to clarify legal issues that might exist with ZBA Case #08-03 was made by Mr. Scholl and seconded by Mr. James. Motion carried by a roll call vote of 10 ayes and 0 nays.

A motion to come out of Executive Session was made by Mr. Scholl and seconded by Ms. Hertzberger-Schmidt. Motion carried.

Mr. Skimerhorn stated the petitioners are asking for a rezoning from A-1 to RE-Rural Estates on a five acre parcel in Essex Township. In 2004, the Shepleys came in asking for a building permit on the five acre parcel and the building department denied because it did not meet our 20 acre minimum. In August 2004, the Shepleys added another 15 acres to the parcel making it 20 acres which they purchased from D&G Stauffenberg Farms and the permit was issued to build a home after Mr. Shepley signed an affidavit stating that he was going to farm the 20 acres. An occupancy permit was issued December 2, 2004 and on January 5, 2005 the 15 acres were sold back to D&G Stauffenberg Farms. March of 2006 the Shepleys asked for a permit to build an accessory structure. That was denied

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because the zoning was illegal on the parcel. That is what brings us here today. They are asking for the rezoning to bring the parcel into compliance with the zoning board.

Mrs. Schmidt made a motion to deny the request for rezoning and Mr. Scholl seconded it. Motion carried.

Mr. Skimerhorn stated that he needs to let the committee know that the Zoning Board of Appeals voted to approve so if we are going to deny we will have to come up with our own findings of fact.

Establishing facts that are contrary to the Zoning Board of Appeals:

1. The proposed rezoning is consistent with the purpose and intent of the zoning board. The answer is No.
2. The proposed rezoning is consistent with the goals, objectives, and policies of the County's comprehensive plan. The answer is No because we have an ordinance that says in order to build in an ag district you have to have 20 acres to be considered a farm and then you can build. If you don't have 20 acres, you are out of compliance.
3. Explain how and if all required utilities, drainage, access to public right of ways, recreational facilities, educational facilities, and public safety facilities have been or will be provided and possess adequate capacities or manpower. The committee concurs.
4. The proposed rezoning is compatible with the existing uses of property and the zoning classification of property within the general area. The answer is no.
5. The permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way. The answer is no.
6. The subject property suitable for the permitted use under the existing zoning classification. The committee concurs with the zoning board.
7. Is the subject property suitable for the permitted uses under the proposed zoning classification? The committee concurs.
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 answer is no.
9. Is the proposed rezoning/amendment within one and a half miles of a municipality? Yes, but the village of Essex does not have a comprehensive plan so the laws do not apply.
10. Does the LESA report reflect the suitability of the site for the proposed rezoning/amendment requested and uses allowed therein? The committee concurs.

A motion to approve the findings of fact was made by Mr. Scholl and seconded by Mr. Washington. Motion carried.

## 5. Subdivision

- **Mahlum Crossing Subdivision**

A motion to postpone to August 13<sup>th</sup> was made by Mr. Scholl and seconded by Mr. Washington. Motion carried.

## 6. Planning

- **Greenways and Trails Presentation – Community Foundation**

Norm Strasma gave an update on the project for the bike trail. He reviewed the brochure with the committee.

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## **7. Transportation**

- **IDOT Intergovernmental Agreement**

Contract with IDOT - every year since 1983 we have a contract with the State of Illinois to provide for the funding for our transportation planning in this County.

A motion to authorize the County Board Chairman to sign the contract was made by Mr. Scholl and seconded by Mr. Washington. Motion carried.

- **FY 2009 Transportation Improvement Program Presentation**

Mike Lammey gave a presentation to the committee.

- **Transportation Brochure**

Mike Lammey went over the brochure with the committee.

## **8. Old/ New Business**

- **Enterprise Zones**

This will be postponed until the next meeting or the August meeting.

Mr. Scholl stated that at the last meeting the situation with respect to water was brought up. After the meeting he went out to the Joyce Farms and took a look and picked up a copy of the water tests from that operation and put a copy in each of the member's mailboxes.

Mr. James stated that last time we met we were handed out the proposed changes for the subdivision ordinance and he would be interested in knowing how many people are reviewing them.

## **9. Adjournment**

A motion to adjourn the meeting at 10:17 a.m. was made by Mr. Washington and seconded by Mr. Marcotte. Motion carried.

William Olthoff, Chairman

Stephanie Jackson, Executive Coordinator  
Transcribed by Joanne Langlois, Executive Coordinator