

Members Present

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

Members Absent

Mr. Olthoff, Mr. James, and Mr. Washington

In Attendance

Mr. Vickery, Mike Van Mill, Dave Tyson, Andrew Pristach, Mike Lammy, Leigh Marcotte, John Bevis, and Brian Billingsley

1. Call to Order

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

2. Public Comment

Ms. Diann O'Connor spoke regarding Steve Benoit's house, the problems that she is having with her well, and the number of airplanes that he has on the property.

3. Approval of Minutes- July 8, 2005

A motion to approve the minutes of June 28, 2005, July 8, 2005, and July 13, 2005 was made by Mr. Tripp and seconded by Mr. Whitten. Motion carried.

4. Building

- BOE Case #05-01; to amending Chapter 5 of the Kankakee County Code, Buildings and Building Regulations. The applicant is Kankakee County Planning Department.

Mr. Van Mill stated that in the committee members' packets are the proposed amendments to Chapter 5 of the Kankakee County Code, Buildings and Buildings Standards.

The eight basis changes in Chapter 5 are as follows:

- Changing all references from the "Code Enforcement Division" to the "Building and Zoning Division".
- The institution of a \$50.00 re-inspection fee once an inspector has made two previous inspections at the site.
- A \$350.00 non-residential plan review fee.
- The institution of a \$200.00 nonrefundable fee at the time of the building permit application for all new residential homes and any addition to an existing residence over 1,200 square feet.

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- The update of technical building codes from the 1996 edition of BOCA to the 2003 International Building Code Series, with modifications to the Energy Code.
- The requirement of a combination smoke/carbon monoxide detector in all new construction.
- Increase in building permit fees of approximately 20%. They have not been increased since 1997.
- Modification to the contractor registration program by requiring landscapers to be registered if they perform work on new construction in a platted subdivision or if they install sprinkler systems.

Mr. Van Mill stated that on July 14th the Board of Examiners and Appeals conducted a public hearing. There were no public comments and no objectors to the amendments were present.

Mr. Van Mill stated that there are a number of minor tweaks, that do not affect the ordinance itself, that the State's Attorney Office has recommended. Mr. Van Mill went over those minor tweaks with the committee.

A motion to approve the new code was made by Mr. Whitten and seconded by Mr. Hess. Motion carried.

5. Zoning

- ZBA Case #05-06

Mr. Billingsley stated that this is a request for rezoning from A1-Agriculture District to RE-Rural Estate District, on a parcel generally situated in Section 30 of Momence Township. The petitioners are by Paul & Jeanne Marcotte, property owners and applicants are David & Diane Marcotte. The site is designated for residential use on the County's Comprehensive Plan. Mr. Marcotte testified at the ZBA Hearing that he would like to subdivide three acres off of the sixty-nine acre farm so that he and his wife could build a home on the farm. Mr. Marcotte testified at the hearing that he is employed by the family farm and wishes to reside near his place of employment. The family stated that the proposed site has the least productive soil on the farm. There were no objectors present during public comment. The ZBA agreed with the testimony and evidence and unanimously approved this request for rezoning.

A motion to approve ZBA Case #05-06 was made by Mr. Tripp and seconded by Mr. Marcotte. Motion carried.

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- ZBA Case #05-07

Mr. Billingsley stated that this is a request for a variance to Section 8.08.A2 (rear yard building setback) of the Kankakee County Zoning Ordinance, on a parcel generally situated in Section 23 of Momence Township on the Eastside of Shadow Lawn Road. The petitioners are Brian and Linda Middaugh, property owners and applicants, who use the site as a vacation home. The site is zoned A-1 Agriculture and is a grandfathered lot. Mrs. Middaugh testified at the ZBA hearing that she and her husband wish to build a room addition to their single family dwelling. The building addition would approach three feet into a six foot building set back area, therefore the petitioners request a three foot variance. Mrs. Middaugh testified at the hearing the property east of the subject site is owned by the Shadow Lawn Homeowners Association and is platted as an outlot. Outlots are not buildible lots, this particular parcel is used as a fishing area for community residences. There were no objectors present during public comment. The ZBA agreed with the testimony and evidence as presented and voted unanimously to recommend the approval of the variance.

Mr. Martin asked if Shadow Lawn Association was notified. Mr. Billingsley stated that they were sent a legal notice through certified mail and no one came to the hearing.

A motion to approve the variance was made by Mr. Marcotte and seconded by Mr. Scholl. Motion carried.

- ZBA Case #05-08

Mr. Billingsley stated that this a request for rezoning from I2-General Industrial District to R1- Single-family Residence District, on a parcel generally situated in Section 26 & 27 of Bourbonnais Township on the Southside of 2000 North Road, a/k/a North Street. The petitioner is Municipal Trust & Savings Bank, as Trustee under Trust No. 3743, a/k/a Municipal Trust #0903 dated December 26, 1984, property owner and applicant. Attorney David Jaffee represents the petitioners of the Trust. The site is designated for residential use on the County's Land Use Plan Map. Mr. Jaffee testified at the ZBA hearing that his clients wish to subdivide 2.24 acres of land from a 224 acre farm so that it can be sold and conform with County Zoning. Mr. Jaffee estimated that the house is 80 years old and also contains several outbuildings associated with the farm operation. The site was designated I-2 zoning in 1967 when the County Board first ratified County Zoning. The current use is considered grandfathered but would lose that status when the farm dwelling is subdivided from the farm parcel. This rezoning would not increase the

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residential density of the parcel; it would only allow continued use of the single family residence. There were no objectors present during public comment and the ZBA agreed with the testimony and evidence submitted by Mr. Jaffe and voted unanimously to recommend the approval of this rezoning.

A motion to approve ZBA Case #05-08 was made by Mr. Whitten and seconded by Ms. Hertzberger. Motion carried.

6. Subdivision

- Prairie Farm Estates, Phase II- Preliminary Plat

Mr. Billingsley stated Prairie Farm Estates is a 59 lot subdivision. The developer is Rob Hensley, engineer is Dave Tyson. This is a request for preliminary plat approval. The subdivision is located in Sumner Township on the Westside of 11000 East Road approximately a mile and a half north of County Highway 9. The site is zoned R-1 Single Family Residential and is within a mile and a half of the Village of Grant Park. The Village holds a pre-annexation agreement with the developer. The lots will be slightly larger than one acre in size. The County Health Board has approved the developer's septic and well plans. The preliminary plat requires this committee's approval and authorizes the developer to begin construction of the improvements within the subdivision. The developer requests that this committee approve the preliminary plat today.

A motion to approve the preliminary plat was made by Mr. Bertrand and seconded by Mr. Whitten. Motion carried. Ms. Hertzberger, and Mr. Martin opposed.

- Foxborough Oaks, 1st Addition Subdivision- Preliminary & Final Plat

Mr. Billingsley stated Foxborough Oaks is a minor subdivision because there is only one lot and no new improvements, no extensions of roads and water lines. The developer is Dale Ciaccio, the engineer is Bruce Matthews. This is a request for preliminary and final plat approval. The subdivision is located in Limestone Township on the Westside of 4000 West Road approximately one half mile South of Illinois Route 17. The site is zoned RE-Rural Estates and is not within a mile and a half of any municipality. The lot will contain slightly over one acre of land; Aqua Illinois will provide water service to the lot, and the property owner will install a septic system. The plat does not require the extension of any new roads or water lines. The final plat requires County Board approval before it can be recorded in the Recorder's Office. The developer requests that this committee recommend approval of the final plat to the County Board.

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A motion to approve the preliminary and final plat was made by Mr. Whitten and seconded by Mr. Marcotte. Motion carried.

7. Planning

- ComEd Planning Grant- Tri-Village Area

Mr. Van Mill stated there is a letter from Commonwealth Edison in the committee members' packets that notifies him that the Planning Department was successful in getting a grant for \$10,000.00 to perform planning work in what they refer to as a Tri-Village Area. The area between Bradley, Bourbonnais, and Manteno, east and west he is talking about an area generally surrounded by Cardinal Drive to the east and Career Center Road to the west.

Mr. Van Mill stated that one of the issues that the Planning Department is under is the time constraint and the use of the funds that Commonwealth Edison is making available. The grant has to be used by December 1 in the year in which the applicant applies for the grant. The Planning Department intends to pursue intergovernmental agreements or support from the municipalities.

Mr. Van Mill stated that he has had preliminary discussions with HNTB, who is the Planning Consultant for the Comprehensive Plan, to perform the additional work that is being talked about in this study area. HNTB came back with an approximate estimate of \$25,000.00, the thought being is that the Commonwealth Edison Grant would cover \$10,000.00 and the \$15,000.00 that is left over would be split equally amongst the municipalities in the County, to do the planning project and the study itself.

Mr. Van Mill wanted to respectfully request a motion to pursue intergovernmental agreements with the municipalities that are affected by this study area and to initiate discussions with HNTB to enter into a new contract.

A motion to pursue intergovernmental agreements with the municipalities that are affected by this study and enter into a new contract with HNTB was made by Ms. Hertzberger and seconded by Mr. Tripp. Motion carried.

Mr. Scholl asked if the other municipalities who are affected by this study do not go along with this, is the County going to have to pick up the tab? Mr. Van Mill stated that his opinion is no. We want to unify development regulations. What the attraction is, by doing this, is that it sets forth a model that the County can follow with other municipalities.

Mr. Martin asked if this is part of the new overpass at 6000 North Road?

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Mr. Van Mill stated that is one of the central themes of this area. Mr. Van Mill stated that what has been completed is an access justification report between the County and the Illinois Department of Transportation and it has gone to the Federal Highway Administration. In September or October the County will find out definitively if the Federal Highway Administration is going to give the County access. If the County does not get that, it can pretty much squash the idea of an interchange at 6000 North.

Mr. Van Mill stated that the interchange and road improvements to Rt. 45 and Rt. 50 will cost about \$45 to \$60 Million.

Mr. Vickery stated that the interest in his district is to move forward on this to get the traffic out of Momence. The East West traffic between I-65 and I-57 Mr. Vickery has estimated at 600 trucks a day. The 6000 Corridor would help relieve some of that traffic.

Mr. Stauffenberg stated that while on his way to Indiana last week he counted 71 trucks from Momence to I-65.

8. Executive Session

- 5 ILCS 140/7 Potential Litigation
There was no executive session today.

10. Old/New Business

Mr. Van Mill stated that there was an article in the Daily Journal about the Solid Waste Plan. The draft of the Solid Waste Plan is expected to be completed sometime in September with public hearings in October and hopefully to the County Board in November. This is about a 90 day extension. IEPA has indicated that there is no problem with the extension.

11. Adjournment

A motion to adjourn was made by Ms. Hertzberger and seconded by Mr. Bertrand at 9:47 a.m. Motion carried.

Jim Stauffenberg, Vice-Chairman

Stephanie Gresham
Executive Coordinator

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