

**Members Present**

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

**Members Absent**

None

**In Attendance**

Mr. Kruse, Mrs. Lee, Mr. Whitten, Brian Billingsley, Mike Van Mill, Mike Lammey, Donna Shehane, Gregory Deck, David Bergdahl and David Tyson

**1. Call to Order**

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

**2. Public Comment**

Keith Runyon spoke regarding impact fees and the Solid Waste Management Plan. William Hillis, Phillip Russo, Jr., Sharon Jensen, Bob O'Loughlin, Louis Stephens, Paul Nicholson and Gregory Deck all spoke regarding the asphalt.

**3. Approval of Minutes**

A motion was made by Mr. Olthoff and seconded by Mr. James to approve the minutes of the August 8, 2004 meeting. Motion carried.

**4. Zoning**

ZBA Case # 03-27

Mr. Billingsley stated that it is a request for rezoning from A1-Agriculture District to R-1 Single Family Residence District, on a parcel generally situated in Section 32 of Otto Township. The site is 1 ½ miles south of the City of Kankakee and the subdivision will meet City and County subdivision standards. The petitioner is Merlin Karlock, property owner and applicant. City sewer and water would be extended to the subdivision.

A motion to concur with Zoning Board of Appeals was made by Mr. Martin and seconded by Mr. James. Roll call vote of 5 ayes and 5 nays.

Mr. Bertrand stated that it was suggested at the last meeting that the County put a moratorium on this type of development until we get impact fees in place. Mr. Bertrand also stated that he favors it 100%. Mr. Bertrand thinks that the rezoning should be delayed until we get impact fees in place. Mr. Bertrand feels that we are opening up a can of worms.

Mr. Scholl stated that he agrees with Mr. Bertrand 100%. Mr. Scholl stated that we need a comprehensive study or implementation of impact fees before we go along and build more subdivisions.

Mr. Stauffenberg wanted to know how far along we were in that discussion.

Mr. Van Mill stated that currently we have done some initial interviews of other Counties and we have done some research of periodicals and books that we have. Mr. Van Mill stated that we are not much further along than that.

Mr. Olthoff wanted to know if other Counties approve development subject to impact fees that might come later.

Mr. Van Mill said that one of the things that we have to be cautious on is changing the rules in the middle of the game.

Mr. Billingsley stated that this is a request for rezoning and not for the ability to build a subdivision.

Mr. Van Mill stated that the decision today is to decide whether this property is appropriate for rezoning to R1-residential.

Ms. Hertzberger thinks that this body would have to be prepared to vote on the moratorium today.

Mr. Martin stated that he is for impact fees but he doesn't think that we should deny this rezoning because it is going to allow for development in that area. Mr. Martin stated that we should put a moratorium on all new buildings.

Mr. Stauffenberg wants to know how many subdivision issues are on the agenda in the future.

Mr. Billingsley stated that there are a lot of subdivision issues on the agenda in the future.

Mr. Van Mill stated that we do have impact fees. The County requires developers to improve the roadways, sewer and water lines. The only impact fee that everyone keeps discussing right now is school impact fees. Every other fee is pretty much covered by County regulations or the city's regulations.

Mrs. Lee agrees that this is a rezoning issue. Mrs. Lee disagrees with Mr. Bertrand in the fact that this is not prime farmland.

Mr. Martin wants to see the repercussion of the impact fees and would like us to go forward on this matter. Mr. Martin would like to withdrawal the motion and put this matter on the next agenda so that we can do study on the impact fees. Mr. James does not want to withdrawal his second to the motion.

Mr. Tyson stated that the City of Kankakee has agreed with Chebanse that if there is any concern with impact fees that they will honor that. Mr. Tyson stated that Mr. Karlock is just looking for the rezoning at this time.

Mr. Martin wanted to know if we can maintain impact fees on the lots in the subdivision. Mr. Van Mill stated that if impact fees are imposed before the subdivision sketches are in then the subdivision would be subject to impact fees however, if the sketches are in after impact fees are imposed then the subdivision would not be subject to the impact fees.

A motion to table this matter until the next PZA meeting was made by Mr. Martin and seconded by Mr. Washington. Motion carried.

ZBA Case #04-02

Mr. Billingsley stated that this is a request for Rezoning from A-1 Agriculture District to I2-General Industrial District and a Special Use Permit 11.13(asphalt & concrete plants), on a parcel generally situated in Section 20 of Manteno Township. The site is in agricultural use and is adjacent to a quarry. The petitioners are North Central Materials, Prairie Group LLC, property owner, and Interstate Asphalt LLC, applicant. Attorneys Greg Deck and Dennis Baron represent the petitioners. Four parties filed an appearance to object to the rezoning and special use permit.

Mr. Billingsley stated that the Village of Manteno adopted a resolution opposing the rezoning and special use permits, a copy of which has been filed in the County Clerk's Office.

Mr. Scholl stated that in reading through the transcripts it seems that this area is a logical place to put such a facility but he still has a concern with the asphalt plant. Mr. Scholl wanted to know if anyone has gone to a facility similar to this plant to see how it operates and look at the surrounding area.

Mr. Van Mill stated that no one has done so.

Mr. Scholl would propose that we table this so that he can go to the plant to study the plant and the surrounding areas.

A motion to table this case and check with the State's Attorney to see if the committee can visit the plant was made by Mr. Scholl and seconded by Mr. James. Motion carried.

Mr. Stauffenberg stated that we are going to need to refer this matter to the State's Attorney's Office to see if anyone can tour the plant.

Mr. Olthoff wants to know if there is a plant closer to our area that is an exact replica of the proposed plant. Mr. Deck stated that the answer is no, Cocomo is the closest.

Mr. Stauffenberg stated that he has some opposition to this because Manteno is opposed to the plant. This is going to be Manteno's problem down the road and not the Kankakee County Board.

Mr. Olthoff wants to know if there is connection between North Central and Iroquois Paving as far as ownership.

Mr. Billingsley stated no, it will be set up as a lease.

**5. Subdivision**

River Haven, 3<sup>rd</sup> Addition Subdivision- Preliminary Plat

Mr. Billingsley stated that this is the third addition to River Haven Subdivision Preliminary Plat. It is a 26 lot subdivision in Bourbonnais Township. This is the last phase to be developed in the subdivision. The subdivision has Bourbonnais Sewer

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and Aqua Illinois Water. The subdivision also has a pre-annexation agreement with the Village of Bourbonnais.

Mrs. Lee stated that there are a number of issues that were brought up by the County Highway Department and she was wondering if these issues have been taken care of.

Laurie from Tyson Engineer stated that all the comments have been addressed. The only concern that is left to be taken care of is the posting of a sharp curve sign within the subdivision.

A motion to approve the third addition to River Haven Subdivision and post the speed limit at the curve per the County Highway Department's recommendation was made by Mr. James and seconded by Mr. Washington. Motion carried.

Cobblestone of Bourbonnais, 1<sup>st</sup> Addition Subdivision- Preliminary and Final Plat

Mr. Billingsley stated that this is the preliminary and final plat for the first addition for the Cobblestone subdivision. It is a 15 lot subdivision in Bourbonnais Township. There will be 5 single family lots and 10 duplex lots planned within this phase. This is the second phase of six total phases in this subdivision. The subdivision has Bourbonnais sewer and Aqua Illinois water. The subdivision has a pre-annexation agreement with the Village of Bourbonnais.

Mr. Billingsley stated that the Village of Bourbonnais wanted to provide comments but for some reasons the plans got lost within the Village Administration Department and their engineers never had a chance to review the preliminary or final plat of the subdivision.

Mr. Billingsley wants to know if David Tyson, who represents the Village of Bourbonnais, can have his review completed by the 1<sup>st</sup> of September. Mr. Tyson stated that yes he can.

A motion to table this matter until the next PZA meeting was made by Mr. Olthoff and seconded by Mr. Washington. Motion carried.

River Crossing Subdivision- Final Plat

Mr. Billingsley stated that this is the final plat for River Crossing. As you may recall it's a 52 lot subdivision located in Limestone Township. The subdivision received preliminary plat approval in June with variances for sewer and urban roads. Water service will be extended to the subdivision by Aqua Illinois. The developers submitted an infrastructure improvement estimate of \$457,948.00. The developers have submitted a Letter of Credit from Municipal Bank which covers 110 percent or \$503,742.80. By recommending approval of this plat by the County Board it would give developers the approval to sell lots within the subdivision and the County would have a financial guarantee to make sure that the improvements within the subdivision would be completed if the developer does not choose to do so.

A motion to approve the Final Plat for River Crossing Subdivision was made by Mr. James and seconded by Mr. Washington. Motion carried.

Mr. Scholl wanted to know if since this is the final plat for the subdivision, if impact fees are implemented, this subdivision would not be effected. Mr. Billingsley said that Mr. Scholl is correct.

**6. Planning**

None

**7. Solid Waste & Environmental**

Kankakee County Solid Waste Management Plan

Ms. Shehane stated that this proposed amendment would require a Host Fee be paid to the County for any pollution control facility cited within the County including the municipalities.

Ms. Shehane stated that under State law the Solid Waste Planning and Recycling Act reads, Counties are the entities tasked with adopting and implementing these plans. We have jurisdiction over the entire County as far as implementing Recycling Programs and these host fees, or at least a portion of them, would be used to fund these programs.

Mr. Martin would like to reinstall the prohibition of out of County waste like the County had before.

Mr. Scholl stated that it is his understanding is that we don't have the authority to ban out of County garbage.

Mr. Martin stated that Will County has a ban on out of County waste which has been in effect for many years.

Ms. Shehane stated that Will County did not wish to have a restriction on Waste. The restriction was put into effect by the Federal government.

Mrs. Lee stated that there have been 4 landfill hearings and if we try to shut this now, we are too late.

Mr. Stauffenberg thinks that this is a different issue than at hand right now.

A motion to approve the amended Kankakee County Solid Waste Management Plan was made by Mr. Washington and seconded by Mr. School. Motion carried.

**8. Other**

Mike Lammey stated that 6000 Road is nowhere near being completed. Mr. Lammey wanted to let the committee know that we are stepping back into a process that we should not be involved in. At the same time that the study was completing itself, we lost all the people at IDOT who were working on this project. Mr. Lammey stated that he will report back to the committee with updates.

Mr. Olthoff wanted to know if we are securing any assistance from our representatives and senators. Mr. Lammey stated that we are from our State Representatives.

**9. Old/New Business**

Mr. Scholl thinks that we need to take a definitive stand on this moratorium on new buildings and subdivisions until a study is done on the impact fees. Mr. Stauffenberg stated that it is on the agenda for next month's meeting.

Ms. Hertzberger stated that Mr. James brought up an issue some time ago about an opinion from the State's Attorney about having the plat act attached to every deed when we sold property. Mr. Stauffenberg stated that we can get an opinion on that for next month. Ms. Hertzberger would also like the State's Attorney Office to give us a legal opinion on whether or not we can do a moratorium on out of County garbage.

**10. Adjournment**

A motion was made by Mr. Olthoff and seconded by Mr. Washington to adjourn the meeting at 10:30 a.m. Motion carried.

James Stauffenberg, Chairman

Stephanie Gresham  
Executive Coordinator