

Members Present

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

Members Absent

Ms. Hertzberger

In Attendance

Mr. Kruse, Mr. McLaren, Sarah Billadeau, Donna Shehane, Mike Van Mill, Ed Piatt, Leigh Marcotte, Michelle Sadler, John Bevis, Erik Rayman, Delbert Skimerhorn, Rich Howell, Marc Wilson, Don Pallissard, Greg Deck, Mark Johnson, Jack Pizo, and Ken Nelson

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

Elmira Wilkey spoke regarding ZBA Case 06-06.

3. Approval of Minutes- August 22, 2006

A motion to approve the minutes from August 22, 2006 was made by Mr. Scholl and seconded by Mr. Hess. Motion carried.

4. Zoning

• **ZBA Case #06-10**

Mr. Olthoff stated that this is the rezoning of the property from A-1 Agriculture District to RE- Rural Estate District and Variances to Section 9.04, 9.05, and 9.08 (Lot Size, Lot Width, and Side-yard Setback) on a parcel generally situated in Section 34 of Rockville Township. The petitioner is Conservation Design Developer, property owner and applicant.

Mr. Deck stated that this is something new to Kankakee County. The Comprehensive Plan calls for more subdivisions like this proposed subdivision.

Mr. Mark Johnson, owner of Conservation Design Development stated that he is currently looking to get approximately 244 acres of property rezoned. The average home lot size is .9 acres. Every home backs up to open space, water, park, or wetland.

Jack Pizo gave a presentation on what the subdivision will bring to the area.

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Original Motion

A motion to approve ZBA Case #06-10 was made by Mr. James and seconded by Mr. Washington.

Discussion on the Motion

Mr. Scholl stated that he is very impressed with the concept. This is needed in Kankakee County. His major question is, once the wet lands are established is there something to maintain these wet lands down the road.

Mr. Johnson stated that there is going to be an association within the subdivision. He is going to be the owner of the association until approximately 90% of the subdivision is complete. After that, the association is being turned over to Mr. Pizo, and he will maintain the subdivision on an ongoing basis.

Mr. Scholl stated that if this is established and it is to be maintained, is the developer putting money in this association so that there are funds there to maintain it.

Mr. Johnson stated that in the beginning stages of the association he is actually spending the money out of his own pocket to get it to the point to where he can turn it over to the association so that there is no money needed to get it started. At that point, the homeowners will actually take over the association and with that there will be a small monthly assessment assessed to each homeowner within the development.

Mr. Olthoff stated that the committee needs to review the ten standards which are in the committee members packets.

1. That the proposed rezoning is consistent with the purpose and intent of the Zoning Ordinance.

ZBA Found: That the proposed rezoning is not consistent with the intent of the Zoning Ordinance as it would not preserve prime farmland.

PZA Found: Mr. James stated that this doesn't apply. Anytime land does get developed it changes the total configuration of the land. This committee has approved commercial development. We have allowed Villages to extend their boundaries into prime farm land.

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Mr. Scholl stated the objective of the ordinance is to maintain the flavor of Kankakee County with the natural beauty of Kankakee County. Something of this nature would accomplish that.

Mr. Washington stated that he agrees with Mr. James as well as Mr. Scholl. What the developer appears to be attempting to do is preserve as much of the natural appearance of the land in addition to providing living quarters there. It appears to him to be a beautiful project that would enhance the bringing of people and industry into the County.

Mr. Martin stated that he has not gone out to the site and taken a look at it, but evidently the ZBA did go and take a look at this site. The ZBA decided that recommending the granting of the petition should not be allowed. This committee seems to be in the process of throwing out all of the findings of the ZBA. For him to support something like this doesn't make much sense. The ZBA thinks that this would be better left as farmland.

2. That the proposed rezoning is consistent with the goals, objectives, and policies of the County Comprehensive Plan.

ZBA Found: That the proposed rezoning is not consistent with the goals, objectives and policies of the Comprehensive Plan because it does not preserve prime farmland nor will the development be using municipal sewer or water as required by the plan.

PZA Found: Mr. Martin stated that this is a fact. This subdivision is not going to have Municipal Sewer and Water. It is in violation of the County's own Comprehensive Plan to preserve farm land.

Mr. James stated that again, there is an inconsistency. If we are going to try to preserve prime farm land than this committee is not needed anymore because nothing in the County will get developed.

Mr. Olthoff stated that with the low density in this area, it makes for a better functioning septic and well system.

3. Explain how and if all required utilities, drainage, access to public rights-of way, recreational facilities, educational facilities, and public safety facilities have been and will be provided, and possess adequate capacity or manpower.

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ZBA Found: That all requirements for utilities, drainage and access have not been met as the development should utilize municipal sewer and water. Also, the development's proximity to police and fire protection were not adequately addressed. The dissenting member agrees with the petitioner's finding on this fact as presented.

PZA Found: Mr. Martin stated that we should not throw the ZBA's findings of fact out the window.

Mr. James stated that this is talking about imposing rules and restrictions on people for future use. He is still trying to find out where it is written that no one is allowed to purchase a lot or ground and enjoy what they want on it. This committee should not impose city water and sewer on property owners, they should be allowed to decide that themselves.

Mr. Scholl stated that as far as the drainage issue, it is more than adequate.

Mr. Olthoff asked about the issue of the proximity to police and fire protection.

Mr. Stauffenberg stated that the County Board refused Grand View Estate, which is on Warner Bridge Road, and it ended up in Court and the subdivision won. In that case, one of the issues was the proximity to police and fire. Police and fire is adequately served in that area. Manteno has looked at and had on their drawing board at one time a fire house at Warner Bridge Road and Rt. 102.

4. That the proposed rezoning is compatible with the existing uses of property and the zoning classification of property within the general area.

ZBA Found: That the proposed use will be compatible with properties and zoning classifications in the general area. The dissenting member agrees with the petitioner's finding on this fact as presented.

PZA Found: Mr. Olthoff stated that this is a positive finding.

5. That the permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.

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ZBA Found: That this proposed development will not increase congestion on the public rights-of-way and accepts the petitioner's findings as presented.

PZA Found: Mr. Olthoff stated that this is a positive finding.

6. That the subject property is suitable for the permitted uses under the existing zoning classification.

ZBA Found: That the subject property is not able for the permitted uses under the existing zoning classification. The dissenting member agrees with the petitioner's finding on this fact as presented.

PZA Found: Mr. Olthoff stated that is why they are seeking the rezoning.

7. That the subject property is suitable for the permitted uses under the proposed zoning classification.

ZBA Found: That the subject property is suitable for the permitted uses under the proposed zoning classification.

PZA Found: Mr. Olthoff stated that this is a positive finding.

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?

ZBA Found: That the trend of development in the area is large lot residential development.

PZA Found: Mr. Olthoff stated that this is a positive finding.

9. Is the proposed rezoning/ amendment within one and a half miles of a municipality?

ZBA Found: That the proposed rezoning is not within one and one half mile of any incorporated municipality.

10. Does the LESA report reflect the suitability of the site for the proposed amendment requested and uses allowed therein?

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ZBA Found: That the subject property has a LESA score of 244.2 and is a high rating for agricultural protection.

PZA Found: Mr. Stauffenberg stated that he had a privilege to serve on the Health Board. While serving on that board he discovered that a high LESA score gives the property owner a better chance of having a good septic system.

Mr. Washington stated that he believes that this type of Community is on the cutting edge of what is coming. It is not the first one of this nature that we have seen nor will it be the last. It makes living in the country area a beautiful thing to do.

Mr. Stauffenberg stated that the petitioners won six of the ten findings of facts.

Mr. Scholl asked how many conservation developments are in the County.

Mr. Van Mill stated none.

Mr. Scholl stated that this would give the County the perfect future reference.

Mr. Olthoff stated that he believes that if this were a %cookie cutter+ subdivision it would not have been approved. But because of the nature of this subdivision, the unusual circumstance, that is why the committee is reconsidering.

Mr. Tripp stated that he agrees with Mr. Washington. There are very few times that this committee disagrees with the ZBA. This subdivision sounds like a good idea to him.

Mr. Scholl stated that he agrees with everything that has been said. This committee is not ignoring the findings of the ZBA. This is an honest and open disagreement.

Mr. Washington stated that each time the committee looks at an innovative project it is going to be looking at a conflict with the standards that are set.

Motion to call for the question

A motion to call for the question was made by Mr. Scholl and seconded by Mr. Hess. Motion carried by a roll call vote of 12 ayes and 0 nays.

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Original Motion

Motion carried by a roll call vote of 11 ayes and 1 nay (Mr. Martin).

Mr. Olthoff stated that the variances are going to be referred back to the ZBA because they did not go through them once they denied the rezoning.

A motion to refer the variances back to the ZBA to handle at their next meeting was made by Mr. Stauffenberg and seconded by Mr. Tripp. Motion carried.

• **ZBA Case #06-11**

Mr. Olthoff stated that this is a request for rezoning from A-1 Agriculture District to A-2 Agriculture Estate District, on a parcel generally situated in Section 08 of Salina Township. The petitioners are Raymond J. & Kim S. Nemeth, property owners and applicants.

Mr. Skimerhorn stated that this property consists of 12.9 acres made up of three individual lots. The petitioners intend to combine the two northern lots to make up a 7.09 acre lot and have a single 5 acre lot on the other side of the property.

A motion to accept the recommendations of the ZBA was made by Mr. Scholl and seconded by Mr. Washington. Motion carried.

• **ZBA Case #06-12**

Mr. Olthoff stated that this is a request to rezoning from A-1 Agriculture District to A2- Agriculture Estate District, on a parcel generally situated in Section 21 of Sumner Township. The petitioner is Sharon McBroom, property owner and Mark & Catherine Guimond, applicants.

Mr. Skimerhorn stated that the applicants wish to rezone the property which consists of 10.74 acres of land. The property is 360 feet wide by 1300 feet deep and has an existing home foundation and some out buildings. The applicants wish to build a home on the property utilizing the existing foundation that is on the property. The Zoning Board of Appeals voted 5 ayes to 0 nays to approve.

A motion to approve was made by Mr. Stauffenberg and seconded by Mr. Washington. Motion carried.

• **Rural Base Service Provider; Rodney and JoCarol Emling**

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Mr. Skimerhorn stated that Rodney and JoCarol Emling are requesting a Rural Base Service Provider on a parcel 5 acres in size located at 10726 W. 3000 North Road in Salina Township.

A motion to concur with the ZBA was made by Mr. Whitten and seconded by Mr. Scholl.

Mr. Nelson stated that he needs to address the committee. On November 8th there was a Consent Decree issued by Judge Tungate which required the Emlings to do certain things. There are things that need to be done that have not been done. The Emlings need to show a proper permit for a shed, and fencing. There are two properties involved here. He would request that the committee defer from action today on this matter for 60 days to ascertain what actions need to be taken to comply with the decree of November 8th.

Mr. Whitten withdrew his motion. Mr. Scholl withdrew his second.

A motion to table this matter for 60 days was made by Mr. Bertrand and seconded by Mr. Washington. Motion carried.

5. Subdivision

6. Solid Waste

• Status of Activities

Ms. Shehane stated that for the America Recycles Day on November 15th there will be a %Share your Soles+Shoe Collection. The drive will be held on November 15th from 8:30 to 4:30 in the Kankakee County Administration Building on the 1st Floor. The shoes are washed, cleaned, and donated to impoverished and disaster stricken people around the world.

Ms. Shehane gave the committee an update on the Delegation Agreement.

Mr. Scholl stated that there are rumors that Kankakee County is going to drop the Delegation Agreement. It would be a very unwise step for Kankakee County. It has been very successful.

Mr. Kruse stated that he does have some concerns with the Delegation Agreement. He is not sure how many know that Ms. Shehane and Mr. Greenstreet were both injured in an incident over a month ago. With that in mind, the County is taking on liability for doing the State's job. He has some serious concerns about that along with receiving prompt payment for the services. He received a check from the EPA three weeks ago for the Delegation Agreement for July 05 through March 06. The State is still behind

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from that point on. He has no faith that the State is going to catch up anymore than what they have on payment. He thinks that the County needs to have a talk with the State before the County continues to put its people in jeopardy.

Mr. James asked for a list of the other Counties that have Delegation Agreements with the State.

Mr. Olthoff was wondering why we cannot turn this back over to the State and let them handle it.

Ms. Shehane stated that the State will not handle all the complaints.

7. Planning

- **DCEO Presentation- Ed Piatt- Activities and Programs**

Mr. Piatt gave a brief update on the various projects that DCEO is working on.

Mr. Piatt stated that if the County is having any problems with any State agency the County can contact him.

8. Old/New Business

Rich Howell spoke briefly on River Bend Subdivision. He was unclear as to the direction that the County Board gave at yesterday's County Board Meeting. Can the building permits be issued if erosion control practices are in and appear to be functioning but not completely established.

Mr. Olthoff stated that would be sufficient because there is not enough time to grow a substantial amount of grass. There is also a \$61,000.00 letter of credit still in place. He asked if the committee can receive a report every quarter from Mr. Howell on the erosion situation.

9. Adjournment

A motion to adjourn was made by Mr. Martin and seconded by Mr. Stauffenberg at 10:48 a.m. Motion carried.

William Olthoff,
Chairman

Stephanie Jackson,
Executive Coordinator

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