

Members Present

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

Members Absent

Mr. Olthoff

In Attendance

Mr. Vickery, Andrew Pristach, Leigh Marcotte, Mike Van Mill, Brian Billingsley, Debbie Woodruff. Alan Smietanski, Ken Nelson, and Joseph Yurgine

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

Larry Blanchette spoke regarding his concerns about the proposed high school property.

3. Approval of Minutes- September 9, 2005 and September 14, 2005

A motion to approve the minutes of September 9, 2005 and September 14, 2005 was made by Mr. Washington and seconded by Mr. Scholl. Motion carried.

4. Subdivision

• **Taylor Subdivision- Final Plat**

Mr. Billingsley stated that Taylor Subdivision is a one lot minor subdivision. The developer is Linda Taylor-Gerretse and the engineer is Bruce Matthews. This is a request for Final Plat approval; the forty-five day review period expired on July 7th. The subdivision is located in Otto Township on the east side of Old River Road approximately 700 feet south of Riverview Drive. The site is zoned R-1 Residential and is within a mile and a half of the City of Kankakee and the Village of Aroma Park. The site contains eight and a half acres of land. The developer is proposing to subdivide 1.78 acres from the parcel. There will be no improvements made to this parcel. The lot will utilize septic and wells. The subdivision has been signed off by the City of Kankakee. There is a 20 foot ingress easement dedicated along the Southern property line of the subdivision plat because there are several land locked parcels located to the East and South sides of this parcel. These parcels use a gravel driveway for the ingress/egress but there is no platted area for ingress/egress; so the developer was asked to dedicate an easement there and they have done that.

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A motion to approve the Final Plat was made by Mr. James and seconded by Mr. Bertrand. Motion carried.

- **Foxborough Oaks 2nd Addition- Variances**

Mr. Billingsley stated that Foxborough Oaks 2nd Addition is a 20 lot country subdivision. The developer is Leo Ciaccio and the engineer is Bruce Matthews. This is a request for preliminary plat with one variance. The forty-five day review period expired on September 25th. The subdivision is located in Limestone Township on the west side of 4000W Road approximately one half mile South of Illinois Route 17. The site is zoned RE- Rural Estate and is not within one and one half miles of a municipality. The lots will be slightly larger than one acre in size. The subdivision will be served with municipal water and each lot will have its own septic system. The streets will have a rural cross section designed with ditches providing the drainage. The variance is for the street intersection of Foxborough Drive and Foxwood Drive. County Code requires that all street intersections be placed at a 90 degree angle. This street intersection was placed at an 81 degree angle.

Mr. Billingsley stated that he spoke to Mark Rodgers from the County Highway Department. A couple months ago there was a one lot addition to Foxborough Oaks that was approved by the committee. The way that the lot was platted there is no way the roads can meet at a 90 degree angle. Mark Rodgers told Mr. Billingsley that this variance would probably not cause any problems.

Mr. Vickery stated that the Highway and Bridge committee had some concerns about filling in ditches. Is there any way to get guarantees that these conditions will not change from the original.

Mr. Billingsley stated that usually those improvements are made by property owners after they purchased the property and built their house and are done working with County Staff. As far as guarantees go, that is an agreement that will have to be made with the property owners.

Mr. Bruce Matthews stated that he has worked with the County Highway Department and their recommendation to put a maximum size culvert in diameter and length. That is on the platted subdivision now and therefore, the County now has a hammer to use against the property owner.

Mr. Stauffenberg asked if that is documented.

Mr. Billingsley stated not that he knows of.

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A motion to approve the variance conditioned upon the receipt of the document in which Mr. Bruce Matthews mentioned was made by Mr. Martin and seconded by Ms. Hertzberger. Motion carried.

5. Zoning

- **ZBA Case 05-09**

Mr. Billingsley stated that this is a request for a variance to allow an accessory building in the front yard of a residential parcel on a parcel of land located in Momence Township on the South side of Illinois Route 114 approximately one quarter mile west of 13250 East Road; approximately three miles east of Momence. The parcel is owned and occupied by Carol Crabb-Martens. The site is zoned A-1 Agriculture and contains a legal nonconforming dwelling. Mr. Walter Marten testified that the dwelling was built many years ago along the rear property line. He and his wife wish to build a two car detached garage on the premises but there is no room on the West and South sides of the home to place the garage. The East side of the home is where the septic field and utility lines are located. He testified that a location in front of the home is the only suitable spot for a new garage. Mr. Marten also provided several photographs for the ZBA which showed how difficult it would be to place the garage behind the front wall of the dwelling. There were no objectors present during public comment; the ZBA received a letter of approval from the property owner most likely to be impacted from the variance. The ZBA agreed with the testimony submitted by Mr. Martens and voted 6 ayes to 0 nays to recommend approval of a front yard accessory structure variance.

A motion to approve ZBA Case 05-09 was made by Mr. Washington and seconded by Mr. Marcotte. Motion carried.

- **ZBA Case 05-10**

Mr. Billingsley stated that this is a request for Special Use Permit to open a Public High School on a parcel of land located in Section 11 of Bourbonnais Township. Bradley Bourbonnais Unit 307 is the applicant and contract purchaser. Property is owned by the Mildred Blanchette Trust and Attorney Alan Smietanski represents the district. The site is zoned A-1 Agriculture and is in agriculture use. The site contains 120 acres of land and is located on the North side of Larry Power Road approximately one and one half miles East of Cardinal Drive. School Superintendent Mike Hogan testified that the school's current enrollment stands at 1900 students; the present school was designed to hold 1500 students. He stated that the district chose the site because it is located in an area where future residential growth is projected. The proposed school would have a capacity of 2500 students. He estimated that the new

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school would probably be built within 5 years. Real Estate Agent Bill Kendziorek testified that he was part of the site selection process. He stated that the proposed special use would have a positive impact on property values in the area. Engineer Dave Tyson testified that a grass waterway, a.k.a. Soldier Creek runs through the site. He acknowledged that a 40 inch storm/sewer tile is located underneath the waterway. He testified that approximately 22 acres of land in the Southwest corner of the site would have to be set aside for storm water detention. He also acknowledged that the district would take great care in assuring that the storm sewer tile will not be disturbed during construction. There were no objectors present during public comment. A small group of residents attended the meeting. One resident, Mr. Larry Blanchette represented a local drainage district and provided a map of the drainage district to the board. He also commented on the drainage district's concerns about the effect the school could have on the drainage in that general area. The ZBA agreed with the testimony and evidence submitted by the school district and voted 6 ayes to 0 nays to recommend approval of the Special Use Permit. In addition, the ZBA also recommends the adoption of the following conditions: hook up to sewer and water, dedication of right-of-way along Larry Power Road, require a landscaping plan, a 100 feet building set back from all property lines, a minimum of 50 feet set back for all buildings and structures from Soldier Creek, improvements to Larry Power Road through an Intergovernmental Agreement with the Village of Bradley and Bourbonnais Township, submission of an access road and parking area plan, and the ability to give County Staff permission to inspect the site whenever they need to make sure that the conditions of the Special Use are being met.

A motion to approve ZBA Case 05-10 was made by Mr. Whitten and seconded by Mr. McLaren. Motion carried. Mr. James and Mr. Bertrand voted nay.

Mr. Billingsley stated that Dave Tyson testified that road improvements would be needed. There are not definitive plans at this time. According to the condition that is in place, it would require an intergovernmental agreement be struck between the developer, the Village of Bradley, and Bourbonnais Township before they can get a building permit to begin construction of the school. That way all entities would be responsible for the road would be involved and have an agreement in place.

Mr. Stauffenberg asked if this would eventually be annexed into the Village of Bradley.

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Mr. Billingsley stated that yes; the district is working on a pre-annexation agreement with the Village right now. He does not know if the Village Board has approved this yet. This will go out of the County's hands once it is annexed into the Village.

Mr. Tripp asked about the potential flooding issue.

Mr. Billingsley stated that would have to be addressed when the building permit is being considered and when the campus is being designed. Dave Tyson testified that he would be willing to share the plans with the drainage district prior to the start of construction for their review.

Mr. Stauffenberg stated that it is obviously an issue, 22 acres is no small retention pond.

Mr. Scholl stated that he is concerned about the drainage issue. If we meet the minimum standards as it exists now, that is one thing. Once there is an increased runoff that is going to be another issue. The drainage district should be more in line not just consulting or feedback, but more input into the engineers plan. The drainage district should have some authority or power to say that the plans are not adequate. He would like to see some type of revision to the recommendation to enhance the opinion of the drainage district.

Mr. James stated that this is on speculation everyone is assuming that there is going to be a high school there. There has been no referendum passed or money appropriated. This decision is being made prematurely.

Mr. Stauffenberg asked if it is normal to come to this committee this far in advance.

Mr. Van Mill stated that there have been proposals in the past that state that they are going to proceed with plans and developments over an 18 or 24 month period, but testimony indicated that plans would be five years out.

Mr. Vickery asked if there is a time frame on the Special Use Permit.

Mr. Van Mill stated that there is a 12 month period to proceed, however the PZA committee can extend that if requested on an on going basis.

Mr. Stauffenberg asked if there was anything in the testimony that told why they came so early?

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Mr. Billingsley stated that they do not want to purchase the land unless they know for sure that they can build a school on the site.

Mr. Stauffenberg stated so it is in the contract to get rezoned otherwise it is not a done deal.

Mr. Billingsley stated with the speculation of growth happening in that area they figured they better get the land now before it all goes into the developers' hands.

Mr. Washington stated that with the ability for the district to come and ask for an extension, it does not preclude other restrictions or other considerations being added at a later date simply because things may surface later than what has been brought forward at this time.

Mr. Van Mill stated that would be the prerogative of the County Board's approval.

Mr. Washington stated taking into consideration the amount of water that is being taken in and the possibility that this would not be a solution, the 22 acre retention pond, I am not saying that we should not approve this, I would still want to know that we have the ability to make changes at a later time if something would surface that would indicate that this would not be a solution.

Mr. Whitten stated that if this committee denies this, and the land gets annexed into the Village of Bradley, it is out of our hands anyway.

Mr. Stauffenberg stated if it were to be annexed by the Village of Bradley they could build a school there.

Mr. Whitten stated that we might as well approve the special use because the Village of Bradley is proposing to annex it right now.

Mr. Martin stated that Mr. Blanchette's comments this morning bother him. There is a whole bunch of water that the drainage district has had a lot of experience with, far more than he. The drainage district has really been thinking about this for a long time. Is this the same creek that the trailer park was disqualified from going in on North Street?

Mr. Billingsley stated yes.

Mr. Martin stated that he wants the high school in the worst way, but just because he wants it doesn't mean that it should be there. The committee

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needs to know a lot more about the water situation because in the long run that is going to be extremely important to everyone out in that area or all the people who have anything to do with that school.

Mr. Van Mill stated that one of the conditions before a permit is issued that they do map the 100 year flood plane and keep any inhabitable building out of the flood plane, if there is one. Similar to what was done in the mobile home proposal, which at that time they were proposing to put trailers in the flood plane. That was the basis for denial. One of the conditions that the Zoning Board put forward is that any inhabitable structures that would be placed on this property be outside that 100 year flood plane as designated.

Mr. Stauffenberg asked if it has been determined if this is in a flood plane.

Mr. Van Mill stated no, it hasn't. The map does not indicate a flood plane on that property. It does show an intermediate waterway.

Mr. Vickery stated that he understands the concern of the school district on the land value. It seems to him that there should be a way to put a clause in the approval and part of the resolution that the County gets to approve the water issues.

Mr. Tripp stated that if this committee approves it now, can they later sue us for making a bad decision? He just does not want this to come back on this committee for making a bad decision.

Mr. Van Mill stated that there are State laws that require you to accept water at the same rate undeveloped and you have to release it at the same rate undeveloped. That is controlled. Engineering wise, they have designed it in order for that to happen.

Mr. James stated that he has been led to believe that the school district already owns the land and now he is finding out that everything is contingent on what this committee says. He does not want to be in this position.

Mr. Scholl stated that the community is going to grow, the demands upon the school are going to grow but he still thinks that this is something that needs an agreement to be made between the engineer and the drainage district. If they can come to an agreement on how to deal with the water, he has no objections to approving this. If it is an acquisition or if they own property is irrelevant, it is important to control the water in the area.

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Mr. Smietanski spoke regarding the drainage problem.

A motion to submit the drainage plans to the drainage district engineer for approval prior to construction was made by Mr. Scholl and seconded by Mr. Tripp. Motion carried by a voice vote, Mr. James and Mr. Bertrand voted nay.

Mr. Blanchette spoke regarding the drainage problem.

- **ZBA Case 05-11**

Mr. Billingsley stated that this is a request for a variance to build a nonconforming dwelling on a commercially zoned parcel of land located in Bourbonnais Township on the South side of Illinois Route 102 approximately one quarter mile east of 2250W Road. The property is owned by William Francoeur and is represented by Attorney Joseph Yurgine. The site was rezoned to commercial in 1989. The site is four acres in size and contains two single family dwellings and a barn used for antique sales. Mr. Francoeur testified that he demolished one of the single family dwellings in June. He testified that the dwelling was over 100 years old and had roof leakage and termite damage. He also testified that his son who has a disability also lives with him. Mr. Francoeur came to the Planning Department to receive a building permit; planning staff issued a permit to rehabilitate the existing home. Mr. Francoeur believed the permit allowed him to tear down the old house and build a new house. The permit was revoked when Planning learned that the dwelling had been demolished and Mr. Francoeur was advised of the variances needed before he could proceed with construction. There were no objectors present at the hearing and the ZBA agreed with the testimony and evidence submitted by Mr. Francoeur and voted 6 ayes to 1 nay to recommend the approval of rebuilding the demolished single family dwelling.

A motion to deny ZBA Case 05-11 was made by Mr. Whitten and seconded by Mr. Scholl.

Mr. Whitten stated that his reason for denial is because this is the same thing as Ms. Conroy when she tried to build a home for her crippled son.

Mr. Scholl stated that maybe the motion should be retracted and have a motion to send this back to ZBA to examine the nature and definition of handicap as a variance.

Mr. Whitten stated that he would repeal his motion. Mr. Scholl would repeal his second.

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A motion to send this item back to the ZBA for reconsideration of the hardship finding was made by Mr. Scholl and seconded by Mr. Whitten. Motion carried.

Attorney Joseph Yurgine gave a brief history of this case.

Mr. Scholl stated that if one receives a permit to renovate there are certain parameters in which one has to operate. Termites, wood rot, there is still a difference between demolishing and renovating. If you demolish you lose your status of being grandfathered.

6. Planning

- **SWA Properties- Revolving Loan Fund Payoff**

Mr. Van Mill stated that on September 2nd he received a phone call from Homestar Bank indicating that SWA Properties who have a loan through the revolving loan fund is wishing to pay off that loan. There was a loan issued to SWA Properties for a purchase of a building and renovation back in January of 2004. Since that time SWA Properties has been current with their payments and on September 2nd it was determined that a payment of \$18,290.81 was required to pay off the loan. A check in that amount has been received, the check is being held until the County Board meets in October in order to satisfy that contingency.

A motion to accept the check and allow SWA Properties to pay the loan off in full was made by Mr. Martin and seconded by Mr. James. Motion carried by a roll call vote of 11 ayes and 0 nays.

- **Impact Fee Intergovernmental Agreement**

Mr. Van Mill stated that in July the County Board passed a resolution to offer the opportunity to impose impact fees in districts in which the districts come to it and ask to impose impact fees. As part of the condition in that ordinance it stipulates that an Intergovernmental Agreement will be passed between the School District and the County Board and there will also be an indemnification/hold harmless clause included in that Intergovernmental Agreement. In the committee members packet is a modified Intergovernmental Agreement between the County and Manteno Unit School District #5 in which we have reviewed and the State's Attorney's Office has suggested modifications to and is here today for consideration at the October County Board Meeting. If this passes, it will be used as a model Intergovernmental Agreement that will be passed along to other districts that are also waiting to see if this gets approved.

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A motion to approve the Impact Fee Intergovernmental Agreement was made by Mr. Marcotte and seconded by Mr. Whitten. Motion carried.

7. Executive Session

There was no executive session at today's meeting.

8. Old/New Business

- **Dates for Calendar**

- Annual Meeting of the planning Commission- September 27, 2005 at 5 p.m.- Quality Inn
- Special PZA Meeting- September 29, 2005 at 9:00 a.m.

10. Adjournment

A motion to adjourn was made by Mr. Tripp and seconded by Mr. Marcotte at 10:02a.m. Motion carried.

Jim Stauffenberg, Vice-Chairman

Stephanie Gresham
Executive Coordinator

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