

Members Present

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

Members Absent

Ms. Hertzberger.

In Attendance

Mr. Kruse, Mr. McLaren, Ms. Barber, Mr. Nicholas, Mike Van Mill, Mike Lammey, Brenda Gorski, John Bevis, Rich Howell, Brenda Beckwith and Laura Dick.

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

Brenda Beckwith spoke regarding:

- (1) Diversatech PUD and Zoning
- (2) Proposed development, The Glen

3. Approval of Minutes- October 25, 2005

A motion to approve the minutes from October 25, 2005 was made by Mr. Stauffenberg and seconded by Mr. James. Motion carried.

4. Subdivision

None

5. Zoning

- **ZBA Case #05-11** – Request for a variance to allow the restoration of a non-conforming dwelling in the C2-General Commercial District (Section 16.03.F), on a parcel generally situated in Section 14, Bourbonnais Township. The petitioner is William Francoeur applicant and property owner.

Mr. Van Mill gave an overview and said this is a case that had been before this Committee back in September. At that time, after reviewing the ZBA decision, the Committee referred the matter back to the ZBA in order that they clarify their hardship finding. As stated, the ZBA is recommending that the variance to allow the reconstruction of the home on the property was recommended for approval 6 to 1 and that is what you have in front of you for consideration.

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Mr. Scholl said his contention is that they have to define what the difference is between renovation and demolition. They took this property down to the foundation and from his point of view, this is demolition and we would be opening a Pandora's Box. He believed this very firmly and moved that they deny this case.

Mr. Scholl further explained that what he was contending was that the definition between demolition and reconstruction was not adequately defined. It said that it went down to the foundation and that's demolition. We can find a number of structures throughout the State where the foundation is still there – buildings that were put up in the 1800's and to say that those or anyone can go and build on the foundations, is opening a Pandora's Box.

A motion to deny was made by Mr. Scholl and seconded by Mr. Hess.

Discussion.

Mr. Stauffenberg wondered, if the foundation is still there, why is that demolition? If the original foundation was still there, if it had burned down then would we had not have let them build there either.

Mr. Scholl said in this particular case it's a home that's not in compliance and unless they got it in compliance, if the house burned down, they would be denied a building permit to restructure. The property is not zoned residential. The buildings that were there are grandfathered in and once those buildings are demolished, they lose their grandfather status and subsequently, they would not be able to replace them unless they have the area worked to be re-zoned.

Mr. Olthoff said that when the petitioner came in for the permit, the staff did not see any request or contract for demolition. The petitioner said that was in the packet, but the date on the demolition contract was two (2) days after the permit was issued.

Mr. Van Mill said that there was a permit issued by his office on June 15th, the date before the renovation of the structure. Later, they found the building was taken down to its foundation and they rescinded the building permit. There's seems to be some confusion by the petitioner as to whether that permit was to allow the demolition or not and that was the premise in the Hearing. Mr. Van Mill further said that the suggestion he would give today is if the Board would wish to see that.

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Mr. James shared information about two (2) similar business experiences and said perhaps before they should move on this, we should probably get some legal counsel as to where we're going on this, because there are some confusing cases out there and this thing could go either way.

Mr. Scholl said according to the Comprehensive Plan this was zoned commercial and the variance was given to retain this as a residential area. So, it is not in the Comprehensive Plan to allow a new building to be structured.

Mr. Washington said he was confused about trying to turn this down. He didn't see us rejecting this outright and coming out clean. He felt we were in for a court fight if we don't get some clarification here.

Mr. Howell said, "during the ZBA meeting the question came up as to how far you could take a house down and still call it renovation as opposed to reconstruction. Do you have to leave up an interior wall, or do you have to leave an exterior wall or do you have to leave the floor. We never got an answer. The testimony that came out that day was that this house, because of age, termites and other things, needed new walls, needed new floor choices, and needed a new roof. For those of us who are not mechanical in mind, it appears to me there was no way to rebuild this house without taking it down to the foundation. I also think the testimony from the applicant was not that he presented the contract from the demolition to the Planning Staff, but that they talked about it and he had a sheet of paper about it and it seems to me what the Planning Staff said was they did not remember it. They did not deny that it was presented and they just didn't remember discussing it. What the sworn testimony was, if there was material presented. The only reason I'm speaking today is the Findings of Fact (I think) are the ones I generated for Brian to present to you today".

Mr. Scholl said what bothers him in this particular case is the process. If we're going to put a new residential dwelling on this property, the property needs to be re-zoned. We cannot fall back on the Grandfather Clause. If they want to put a residential there, the process is to get that area re-zoned residential.

Mr. Martin said the original zoning of this particular piece of property was residential and he wasn't sure if the whole property was re-zoned commercial or just the barn where the antique shop was supposed to be. That will have to be ascertained.

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Mr. Van Mill said that there have been two (2) homes on the property for quite a while with the antique barn shop. This variance is requested to reconstruct the home that was torn down. The property is under single ownership and we would not require two (2) driveways.

Mr. Scholl asked the Committee Chairman, Mr. Olthoff, if it would be prudent to table this issue until they could get a legal interpretation. He further said that it may be to our advantage to get a legal ruling. And with that being said, he withdrew his original motion to deny. Mr. Hess withdrew his second,

A motion to table this issue in order to get a legal definition as to the differentiation between demolishing and renovation and does it mean a foundation can be built on it, was made by Mr. Scholl and seconded by Mr. Hess. Motion carried by a roll call vote of 9 ayes and 3 nays (Stauffenberg Washington and Whitten).

Further discussion.

Mr. Washington said, first of all, I think we're flying in the of face of the facts that the ZBA has made a positive recommendation both times. Secondly, I think we're inconveniencing the people too greatly at this lengthy time that we have already taken to put it off to another time prior to making a final decision. So, I think we should go ahead with the vote.

Ms. Gorski said when the motion is made, make it specific so they will know what they are to be researching.

Mr. Van Mill clarified and said it is whether you can take a legal non-conforming use and demolish it and rebuild it.

There was no further discussion.

- **ZBA Case #05-12** – Request for rezoning from A1-Agriculture District to RE-Rural Estate District, on a parcel generally situated in Section 32 of Yellowhead Township. The petitioner is Roland Rosenboom, property owner and applicant.

Mr. Van Mill said that the property is generally situated in the northeast quarter of Section 32 of Yellowhead Township. It is within a mile and a half of the Village of Grant Park. The property owner wishes to re-zone approximately 8.86 acres from A1-Agriculture to RE-Rural Estate for the purposes of having two (2) buildable lots for residential use. The property is situated on Vincennes Trail on the Westside – the roadway approximately

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400 feet north of 6500 North Road. There are mixed findings on #2, #5 and #8 of the findings of fact. The ZBA, after consideration of the findings, voted 4 to 2 to recommend approval of the re-zoning.

Mr. Martin asked what is the property being used for now?

Mr. Van Mill answered currently, the property is vacant farming pasture.

A motion to approve this request for a rezoning from A1-Agriculture District to RE-Rural Estate District was made by Mr. James and seconded by Mr. Washington. Motion carried.

- **ZBA Case #05-13** - Request for a Rezoning from A1-Agriculture District to I1-Light Industrial District, on a parcel generally situated in Section 27 of Yellowhead Township. The petitioners are Michael and Julie Riechers, property owners and applicants.

Mr. Van Mill said that the request is also for R1 zoning and also for a side (transitional) yard variance as well. The property in question is generally located in the northeast corner quarter of Section 27 of Yellowhead Township. The site sits on the north side of Route 17 approximately 2-1/2 miles east of the Village of Grant Park. The site is 1.7 acres in size with a dimension of about 300 feet of road frontage and 250 feet of depth. It currently contains the petitioner's home which is situated on the western portion of the property. The petitioner wishes to re-zone the western portion of the house to R1 residential and the eastern portion would be for a machine shop which he would conduct his business out of. Based upon the findings of fact, the ZBA recommended the re-zoning to R1 and I1-Light Industrial and the variance 6 to 0.

A motion to approve the re-zoning was made by Mr. Stauffenberg and seconded by Mr. Whitten.

Discussion.

Mr. Hess said this happens to be in his District and he had been out there a couple of times with Mr. Riechers. He has his shop there now that he stores his race car in and the building he proposed to build could be to the east of that and there will be a walkway or connection between the two (2) buildings that his shop will go into. Currently, he has a shop in town that he's restricted to for height on his machines. So, I would recommend this to go through.

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Mr. Olthoff said he will point out that it's not consistent with our Land Use Map as you make this decision.

Mr. Scholl asked are we opening up something where we are locating an industry here, etc., at a random movement rather than staying within the boundaries.

Mr. Hess said just west of this property (about a mile) is the old Whites(?) Brothers construction site that's already industrial out there. Also, Mr. Riechers receives one (1) semi a month of aluminum and the only other traffic would be UPS. So, it's not going to affect anything out on Route 17.

Mr. Scholl and Mr. Van Mill said that three (3) votes would be needed. The residential zoning; the industrial zoning and the variance. In light of this, Mr. Stauffenberg withdrew his original motion and Mr. Whitten withdrew his second.

A motion to approve the re-zoning to R1 single family residential and I1-Light Industrial was made by Mr. Stauffenberg and seconded by Mr. Whitten.
Motion carried.

A motion to approve the (transitional) yard setback variance was made by Mr. Washington and seconded by Mr. Marcotte.

7. Solid Waste

None.

8. Planning

None.

9. Transportation

• Showbus

Mr. Van Mill said that they asked Laura Dick to come in today to discuss the Showbus operation. Brian Billingsley was the individual in their office that was the liaison with Showbus operations that occurred during the year and they have shifted some of those responsibilities to Mike Lammey. One of the key issues that has occurred over this year is obviously because of gas prices and other things, the expenses and the operations have gone up drastically. One of the things that has affected the Planning office considerably is the local match. They recently received a local match request of over \$10,000 and it's the first time they've had that. This year the Planning Department has basically covered the local match in the tune of over \$28,000 and that has caused considerable hardship on their budget to the point where they will be

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over this year. Ms. Dick is here today to give an overview of this year's operations and address these local share issues.

Ms. Dick explained that they have four (4) requisitions that go into IDOT throughout the year and this is their 1st quarter requisition and there are several reasons why it's higher. In this requisition there was seven (7) payrolls instead of six (6) and that would drive up their payroll costs a little bit, plus employees are allowed to cash out a certain amount of vacation per year and one (1) of the employees elected to do that. In comparison to requisition 1105 to requisition 1106 their vacation was \$4,800 versus \$1,500. That will not happen again. Another major thing that cannot be controlled is fuel. Fuel went up by \$2,000 since last quarter. The units went up by 8% in comparing 1st quarter of 2005 to 1st quarter of 2006. The ridership went up by 8%; fares went up over 25%. Insurance cost went down in this quarter. The wild card is the fuel. In terms of local match, local matches remain fairly even. In the next quarter Ms. Dick sends out a huge fundraising request to all the townships and villages within Kankakee County. This cannot be done before November 11th because of the blackout periods that have to be observed because of the United Way in various areas and that usually raises quite a bit, so you will see the requisition dropped down.

Ms. Dick further explained that she had received the entire IDOT Grant to Kankakee County and it went from \$138,000 to \$141,000. So, the management part of it went up because IDOT allowed us a larger grant. Their cost again have pretty much remained even; their growth is increasing; they have actually dropped the mileage and increased their units, but it's the fuel that's a wild card. The highest price they have paid for diesel is \$3.79.

Ms. Dick said, "what are the alternatives for cutting costs"? One thing she has already done (they had a supervisor in Kankakee) more and more they have centralized a lot of the administration and they are looking at reducing payroll in that regard by reducing supervisor status to more clerical to save a little money, but not too much. They do have a very large, 1998, 22-passenger bus – Bus #1, that they inherited and they are not able to use it here because most of their routes go to the East and that bus cannot run to the East. One suggestion Ms. Dick had was that the County may wish to consider leasing that bus to the other counties that they serve. In doing this, it would shift the insurance cost of that bus over to the other counties that we serve. That would be one way to reduce your cost.

Ms. Dick advised that she would be meeting on Monday with representatives from the two (2) dialysis units in Kankakee and the one opening up in Manteno and also Riverside. They have become increasingly concerned

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because some of the small transportation providers are going out of business and/or the local providers in Kankakee County has been dropping down from Will County into Kankakee and doing a lot of the Medicaid transportation within the County and they have now announced business to stay in Will. Ms. Dick said she is seeing a lot of concern growing as to what is going to happen to our folks once those people leave. She will be meeting with them on Monday to talk to them about the impact of that loss of service and possibly going to area agency on aging and asking them to again fund rural transportation. Three (3) out of four (4) counties, Ms. Dick receive area agency money and that is used for match. The other suggestion is heavily encouraging other entities such as your local area agency on aging to consider again re-funding rural transportation. That would be another hopeful source of income.

Mr. Olthoff suggested that Ms. Dick come back in ninety (90) days and report on the local match and what the other communities are doing (the issue with Will County).

A motion to refer this local match amount to the Finance Committee for consideration because it is an unbudgeted item was made by Mr. Scholl and seconded by Mr. Washington. Motion carried.

Mr. Martin asked how much is that local match at the present time.

Mr. Van Mill said with the most recent bill for this fiscal year, it's \$28,239 that we pay. This is what we've already paid.

Mr. Scholl clarified that we've already paid this amount and we are requesting the Finance Committee to consider. It is not a budgeted item for the Planning Department. It's not in the budget for next year.

Mr. Van Mill said we're trying to offset what his budget is right now. He was over budget right now.

Mr. Kruse said this is an unknown expense that has hit Mike's budget. So what we're doing is we're going to be amending the budget towards the end of November like we always do with everybody's budget when we have unknown expenses that have come in. This will be declared an emergency expense that was unknown when the budget was prepared and as you have heard, they will be going after other agencies for the local match which has fallen by the wayside in this past year. Again, we won't know what it is next year if the other local agencies do pick up the local match, we will not have to pick it up. What we're asking for now in this motion is to go to Finance to

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readjust Mike's budget for this fiscal year that we're in right now – for the budget that we're in right now, because it was an unknown expense that hit Mike's budget so we have to account for it in the budget process. So, we're asking to send this to Finance and Finance will decide where this money will come from – probably, Contingency and we will move forward.

10. Executive Session – 5 ILCS 140/7 – Potential Litigation

None.

11. Old/New Business

- (1) Mr. Whitten said he would like to have something on the Agenda next meeting for the Diversatech Subdivision so we can help those people out. Mr. Scholl added that we receive an interpretation from the State's Attorney office of what the County's legal response in dealing with Diversatech. The entire ramification of how it affect us. What our authority is in dealing with the problems at Diversatech.
- (2) Mr. Nicholas said the had received a number of phone calls and attended some of the meetings up there and there's a lot of consternation concerning the current development there, but he felt what we can address as a Board probably is the current PUD and there's probably three (3) options that we have with that. The first option is to do nothing and continue to let the chips fall where they may – allowing virtually any type of development to go in there without any type of specific permitting process which isn't done in any other part of Kankakee County. The second one to be rescinding the PUD which he didn't think is the right thing to do right now, because the facts aren't there to support anything like that. The third and probably the sensible thing to do right now is, after looking through the agreement and reading through what is going on and what could potentially happen, Mr. Nicholas concluded that there are limited, if any, safeguards in place. Therefore, he was asking the Committee to put an emergency Moratorium of 90 days on any new development on currently undeveloped property and vacant buildings on Diversatech Campus affected by the PUD. He also liked to see a committee, through Mr. Olthoff and Chairman Kruse, of five (5) County Board Members to work with the Planning Department and local officials in Manteno to bring forward recommendations of an overall use plan for the remainder of the campus. He said he would like to see the recommendations include densities; intensity of use and a more refined approval process for any new development. This will ensure the public oversight, public input and availability of infrastructure and the protection in not only the quality of life in

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that area, but the public health, safety and welfare of all the citizens of Manteno. He said the PUD, twenty (20) years ago, was a bold and aggressive plan to stimulate economic growth in an area that the State of Illinois chose to leave behind and abandoned. The architects of that PUD and local developers should be commended for their vision and creativity, but he also couldn't help but think now, after talking to some of the people and looking at the plans, Manteno is our entry into this County and we need to work to protect that. All he was asking now is an emergency Moratorium on that for 90 days and ask the Chairman to work with themselves and this Committee to put something together.

Mr. Olthoff said this issue will be addressed at the next meeting.

12. Adjournment

A motion to adjourn was made by Mr. Martin and seconded by Mr. Tripp at 10:00a.m. Motion carried.

William Olthoff, Chairman

Chris Richardson
Administrative Assistant

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