

Planning, Zoning, and Agriculture
Committee Meeting
December 13, 2006

Members Present

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

Members Absent

Mr. Olthoff

In Attendance

Mr. Kruse, Mr. McLaren, Michelle Sadler, Delbert Skimerhorn, Erik Rayman, Mike Lammey, Donna Shehane, Don Pallissard, Marc Wilson, Jerry Shapiro, Greg Deck, Rich Howell, Leigh Marcotte, William Francoeur, Hanley Guy, John Bevis, Ed Piatt, Ann Brezinski, and William Russell

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

Mr. William Francoeur spoke regarding ZBA Case #05-11.

Mr. Greg Deck and Hanley Guy spoke regarding the Enterprise Zone Expansion.

Mr. Jerome Shapiro and William Russell spoke regarding ZBA Case #06-16.

Ms. Ann Brezinski spoke regarding ZBA Case #06-17.

3. Approval of Minutes- November 28, 2006

No minutes were approved at today's meeting.

A motion to move to item number seven on the agenda was made by Mr. Washington and seconded by Mr. James. Motion carried.

4. Zoning

• **ZBA Case #05-11**

Mr. Skimerhorn stated that this is a request for a variance of Section 16.03.F of the Zoning Ordinance to allow the reconstruction of a dwelling on parcel number 08-14-402-010. The parcel is four acres in size with 447.53 feet of frontage along Illinois Route 102 in Bourbonnais Township. The property contains a barn that has been renovated into an antique shop and two single family residences. This property is owned by William Francoeur and was rezoned to C1 Limited Commercial in 1990 by Mr. Francoeur. This act made the two single family homes legal non-

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conforming uses. The applicant received a building permit on June 13, 2005 to renovate one of the homes. Work at the site was stopped and the building permit was revoked when staff from the Planning Department discovered that Mr. Francoeur demolished the structure and was preparing to build a new dwelling on the property. Section 16.03 of the Zoning Ordinance does not allow the reconstruction of a legal non-conforming use unless the entire structure conforms to all regulations of the Ordinance. The Zoning Board of Appeals held a hearing on this matter on September 27, 2005 and voted 4 to 3 for approval of the variance. No objectors were present at the hearing.

A motion to concur with the Zoning Board of Appeals was made by Mr. James and seconded by Mr. Marcotte. Motion carried. Mr. Scholl voted nay.

- **ZBA Case #06-15**

Mr. Skimerhorn stated that this is a request for rezoning from R-1 Residential to I-1 Light Industrial and two variances on parcel number 16-17-07-300-007. The parcel is 660 feet wide by approximately 800 feet deep and consists of 13.15 acres situated on the north side of Hamlyn Road approximately 800 feet west of Kennsington Avenue. The applicants are the Joseph C. Briley Family Trust #129L and Falcon Recycling. The property is owned by the Family Trust. The purpose of the rezoning is to allow Falcon Recycling to establish a shingle grinding operation at the site. Damaged and irregular roof shingles would be received from the IKO plant and ground into a dust suppression product to be used on gravel roadways and parking lots. The applicant is also asking for two variances. One variance would allow for the outdoor storage of materials and the other variance would be relief from the setback requirements for industrial operations when adjoining a residential district boundary line. The Zoning Board of Appeals held a public hearing on this matter on October 23rd, November 6th, and November 17th. There were numerous objectors present and public comments were given. After careful consideration the Zoning Board of Appeals voted 4 ayes to 3 nays to recommend the approval of the rezoning, however they voted 0 ayes to 7 nays to deny the variances.

Mr. Scholl stated that he thought he read that this type of operation by ordinance is to be enclosed rather than outside.

Mr. Skimerhorn stated that on an industrial operation when it is adjacent to a residential district the entire operation must be within an enclosed structure.

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Motion

A motion to deny the rezoning and concur with the ZBA on the denial of the variances was made by Mr. Scholl and seconded by Ms. Hertzberger.

Discussion on the Motion

Mr. Stauffenberg asked what happens when the rezoning is approved but the variances are denied, what is left for them to do with the property?

Mr. James stated that he thought the only variance was to change the setback.

Mr. Skimerhorn stated that there are two variances. One deals with the operation being under an enclosed structure and the other variance deals with the setback.

Vote on Motion

Motion carried by a roll call vote of 7 ayes and 5 nays (Mr. James, Mr. Tripp, Mr. Whitten, Mr. McLaren, and Mr. Stauffenberg).

• **ZBA Case #06-16**

Mr. Skimerhorn stated that this is a request for a variance on parcel number 12-17-15-104-022. The parcel is 85.1 feet wide by 215 feet deep and is located in Oakview Subdivision in Aroma Township. The applicants and owners are William and LaDonna Russell. The purpose of the variance is to allow the Russells to convert a garage to its former use as a single family residence. The garage is built 11.4 feet from the rear property line and the ordinance requires 40 feet. The Zoning Board of Appeals held a public hearing on this matter on November 27th and there were no objectors present. The Zoning Board of Appeals voted 7 ayes to 0 nays to recommend the approval of the variance.

A motion to approve ZBA Case 06-16 was made by Mr. McLaren and seconded by Mr. Washington. Motion carried.

Ms. Hertzberger asked if this is the only structure on this property.

Mr. Skimerhorn stated that is correct.

• **ZBA Case #06-17**

Mr. Skimerhorn stated that this is a request for rezoning from A1-Agriculture to A2-Agriculture Estate on a 5.25 acre parcel being divided from parcel number 08-07-13-400-002. The proposed parcel would be

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250 feet wide by 915 feet deep and is located on the north side of 3000 N Road approximately 2400 feet west of Warner Bridge Road in Salina Township. The applicants are Terry and Linda Meyer and the property is co-owned by them and Christine Meyer, Gerald Meyer, and Randall Meyer. The rezoning of the property would allow for the construction of one single family residence on the property. The Zoning Board of Appeals held a public hearing on the matter on November 27th, there were no objectors present and no public comment was taken. The Zoning Board of Appeals voted 7 ayes to 0 nays to recommend the approval of the rezoning.

A motion to approve was made by Mr. Bertrand and seconded by Mr. Scholl. Motion carried.

5. Solid Waste and Environmental

- **Discussion of Burning Ordinance as it Relates to Fire Districts**

Mr. Scholl stated that he requested this item be placed on the agenda. He was at the meeting with the various fire departments in the area. At that meeting, the fire chiefs expressed concern and frustration with the County Burning Ordinance. The fire departments get reports of various illegal burnings and subsequently it cost the fire departments a substantial amount of money to respond to all of these illegal burning calls. He would like to see some type of action taken where there is clarification on the reimbursement to the fire districts who respond to these illegal burnings. There are volunteers on these departments and every time they make a run it is a substantial cost. What he would like to request is if something can be organized with the Kankakee County Fire Chiefs Association with open dialogue between the Planning Department and Fire Chiefs to iron out some of the difficulties.

Mr. Stauffenberg asked if what Mr. Scholl is looking for is to have something placed in the ordinance to get the fire departments reimbursed for these calls.

Mr. Scholl stated that he is looking for the fire departments to have authority to send out the respective bills. He would just like to sit down with the Fire Chiefs to discuss this.

Mr. Stauffenberg stated that the Manteno Fire Department will send the person a bill and most people turn it in to their homeowners insurance because it is covered. In Manteno we have to call the fire department if a person is going to burn so that they don't respond to a call unnecessarily.

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If a person doesn't call the fire department and the fire department responds to a call, they have the right to charge that person.

Ms. Shehane stated that some fire departments pass their own ordinance that states what the process is and that they will bill persons for those types of calls. That is one way they can get reimbursed.

Mr. Scholl asked Ms. Shehane if she would be willing to set up a meeting or even attend a meeting with the fire chiefs.

Ms. Shehane stated that she would attend a meeting.

Mr. Scholl stated that another concern that came up was the time delay in getting permission to burn down old buildings.

Ms. Shehane stated that the permits in order to do that are issued by the IEPA. It is not a local delay of any kind.

6. Planning

- **Revolving Loan Fund- Alternative Energy Sources, Inc.**

Mr. Stauffenberg stated that the company could not come to today's meeting.

- **Kankakee River Valley Enterprise Zone Expansion Approval**

Mr. Rayman stated that a public hearing was held on December 7th. The Illinois Department of Agriculture has reviewed this site for the potential impact to agriculture land as well as its compliance with Illinois's Farmland Preservation Act. The Planning Department recently received a letter from the Illinois Department of Agriculture stating that they determined the project is consistent with DECO Agriculture Land Preservation Policy and complies with the Illinois Farmland Preservation Act. Based on those findings the Illinois Department of Agriculture does not object to the proposed expansion of the Enterprise Zone. At the public hearing there was support from the various other municipalities as well as other organizations in the Enterprise Zone.

Mr. Rayman briefly explained what the Enterprise Zone is and what the benefits are in the Enterprise Zone.

A motion to expand the Kankakee River Valley Enterprise Zone was made by Mr. Washington and seconded by Mr. Marcotte. Motion carried.

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7. Transportation

- **Growth Options for the 21st Century Resolution**

Mr. Lammey stated Growth Options for the 21st Century is a non-profit organization whose goal is to increase spending on the infrastructure for freight railroads across the Country. They wanted the County to support that. The Planning Department thought that it was appropriate to go through the Regional Planning Commission. It has gone through the Transportation Subcommittee of the Regional Planning Commission and they approved it and sent it on to the full Regional Planning Commission, which has been approved. The resolution is in general comments supporting the increase in funding at the Federal level for freight railroad infrastructure. In the packet there is a list of supports to the resolution.

A motion to support Growth Options for the 21st Century was made by Mr. Whitten and seconded by Mr. Tripp. Motion carried.

8. Old/New Business

Mr. Stauffenberg stated that it has been brought to his attention that ZBA Case #06-15 needs to have finding of facts for the denial.

Mr. Scholl stated that property was originally rezoned residential. He stated that he finds it frustrating because it was such a close vote at ZBA and no dissenting voters made any comments.

Ms. Hertzberger stated that her reasoning for seconding this motion to deny was, for one thing, without the variances the asphalt grinding cannot be done. It is all residential behind the property and the City of Kankakee does not have many areas to expand residentially because they are landlocked in other areas. Looking at it from that prospective she would rather have the subject site stay A-1 Agriculture until there is a permitted use that would go along with the rest of the residential area.

Mr. Scholl stated that the three things that he would like to emphasize are:

- 1) The proposed rezoning is not consistent with the goals and objectives of the Kankakee County.
- 2) The proposed rezoning is not compatible with the existing use of the property and the zoning classification of the property within the general area.
- 3) The subject property is not suitable for the permitted use under the existing zoning classification.

Therefore, he doesn't feel the property should be rezoned.

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9. Adjournment

A motion to adjourn the meeting at 10:06 was made by Mr. Washington and seconded by Mr. Marcotte. Motion carried.

James Stauffenberg,
Vice-Chairman

Stephanie Jackson,
Executive Coordinator

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