

MINUTES
WILL COUNTY PLANNING & ZONING COMMISSION
March 24, 2009
6:30 PM

Curt Paddock introduced Mr. Michael Carruthers to the Commission, explained that he was appointed to the Planning & Zoning Commission and then read the Executive Order. Mr. Paddock also read a letter from Mr. Walsh congratulating and welcoming Mr. Michael Carruthers to the PZC Commission and handed Mr. Carruthers the Executive Order from Mr. Walsh.

CALL TO ORDER:

Chairman Vallone called the meeting to order at 6:34 p.m.

PLEDGE OF ALLEGIANCE:

Chairman Vallone led the pledge.

ROLL CALL:

Five members were present at time of roll call.

MEMBERS PRESENT:

Leonard Vallone, Barbara Peterson, Hugh Stipan, Richard Berti and Michael Carruthers

MEMBERS ABSENT:

William Weidling and Scott Lager.

STAFF PRESENT:

Curt Paddock, Brian Radner, Mike Smetana, Eileen Franz, Nicole Roedl and Leigh Kelley.

OTHERS PRESENT:

See sign in sheet.

STATE'S ATTORNEY OFFICE PRESENT:

Melanie Manning.

APPROVAL OF MINUTES:

Hugh Stipan made a motion to approve the minutes of March 3, 2009; seconded by Richard Berti.

ALL IN FAVOR

MOTION CARRIED (5-0)

CLAIMS & COMMUNICATIONS:

Secretary Barbara Peterson announced that all cases with the exception of variance cases, heard to a conclusion would advance to the Land Use & Development Committee meeting held on April 14, 2009 at 10:30 a.m. in the County Board Room. This public hearing is where all testimony is to be given. If a variance case is denied, there is an appeal process. It is the PZC Commission that hears a case to its conclusion it does not advance further.

PUBLIC HEARINGS:

New Zoning Cases

5754-V3 Lincolnway Comm. H.S. Dist. 210

Chairman Vallone asked Michael Smetana to open Case 5754-V3.

Mr. Smetana summarized the facts of the case. This case is for Lincolnway West, the applicant is requesting a Variance to eliminate parking bumpers, a Variance to eliminate 5' pedestrian access strip when more than 12 contiguous parking spaces are provided, and a Variance for lot coverage from 20% to 33.06%.

Photos of the site and surrounding area were displayed in the presentation. Staff is recommending approval of all three Variance requests.

There were no objectors.

Hearing no further discussion, the Chairman called for a motion.

Hugh Stipan made a motion to approve a Variance to eliminate parking bumpers; seconded by Richard Berti.

ALL IN FAVOR

MOTION CARRIED (5-0)

Hugh Stipan made a motion to approve a Variance to eliminate 5' pedestrian access strip when more than 12 contiguous parking spaces are provided; seconded by Richard Berti.

ALL IN FAVOR

MOTION CARRIED (5-0)

Hugh Stipan made a motion to approve a Variance for lot coverage from 20% to 33.06%; seconded by Richard Berti.

ALL IN FAVOR

MOTION CARRIED (5-0)

Richard Berti made a motion to move the request for authorization for parking in the front yard setback to be moved to this part of the meeting; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

AFYP 2009-03

Brian Radner explained that Lincolnway Community High School District 210 is requesting authorization for parking in the front yard setback to within twenty-four (24) feet of the property line along Gougar Road and to within twenty-eight (28) feet of the property line along Spencer Road. Staff is recommending approval of this request.

Hugh Stipan made a motion authorizing parking in the front yard setback to within twenty-four (24) feet of the property line along Gougar Road and to within twenty-eight (28) feet of the property line along Spencer Road on the Parcels known as 21700 South Gougar Road, Joliet, Illinois 60433 and identified by permanent index numbers 15-08-29-100-010-0000 & 15-08-29-100-013-0000; seconded by Richard Berti.

ALL IN FAVOR

MOTION CARRIED (5-0)

5755-V5 Lincolnway Comm. H.S. Dist. 210

Chairman Vallone asked Michael Smetana to open Case 5755-V5.

Michael Smetana summarized the facts of the case. This is Lincolnway North, the applicant is requesting a Variance to eliminate off-street parking screening requirement, a Variance for width and length of off-street parking spaces, a Variance to eliminate parking bumpers, a Variance to eliminate 5' pedestrian access strip when more than 12 contiguous parking spaces are provided and a Variance for lot coverage from 20% to 35%. Mr. Smetana explained that he received a letter from the Highlands of Frankfort Town Home Association objecting to the access drive that serves the property.

Staff is recommending approval of the all five Variance requests.

There was one objector.

Chairman Vallone asked about the length of the parking spaces and whether or not they were adequate for the newer longer pickup trucks and Mr. Smetana answered that in our Zoning Ordinance that an access isle for a parking lot be provided and cannot be less than twelve (12) feet.

Mr. Steven McCleary (Civil Engineer for the applicant) and stated the school went with the industry standards with regard to the distance between the parking spots. Mr. Vallone stated our ordinance is not equal to the industry standards and Mr. McCleary answered that is correct.

Mr. Kevin Fleming (Vice-President of the Highlands of Frankfort Town homes Associations) explained that he objects to the request to eliminate screening of the off street parking. They experience a lot of high-speed traffic and trespassing on their property. Mr. Fleming explained that he has been in contact with the High School requesting a privacy fence be installed to eliminate the trespassing from the students and possibly work as a sound barrier from the traffic noise.

Mr. Smetana stated that he spoke to Mr. Fleming and explained the Variance request for screening is strictly to screen the parking spaces not the access drive. There is no requirement to screen an access drive just the parking spaces. Lincolnway did plant approximately 36 trees in this general area.

Chairman Vallone asked Mr. Fleming what the response was from Lincolnway and Mr. Fleming answered that Lincolnway stated they would pay for a cyclone fence but he did not feel that would provide any privacy. The school stated they would consider putting money toward a privacy fence up to the amount of the purchase price of a cyclone fence would have been and they have another meeting with the school tomorrow.

Hearing no further discussion, Chairman Vallone called for a motion.

Hugh Stipan made a motion to approve a Variance to eliminate off-street parking screening requirement; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

Hugh Stipan made a motion to approve a Variance for width and length of off-street parking spaces; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

Hugh Stipan made a motion to approve a Variance to eliminate parking bumpers; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

Hugh Stipan made a motion to approve a Variance to eliminate 5' pedestrian access strip when more than 12 contiguous parking spaces are provided; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

Hugh Stipan made a motion to approve a Variance for lot coverage from 20% to 35%; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

5818-S Pina

Chairman Vallone asked Mr. Radner to open Case 5818-S

Mr. Radner summarized the facts of the case. The applicant is requesting a Special Use Permit for floodplain development this request is to allow excavation of two (2) shallow areas for water fowl (part floodplain) and possibly two (2) driveways across floodplain.

Mr. Radner explained the applicant is working with the Natural Resources Conservation Service and has developed construction plans for the two ponds and these plans are consistent with the County's Flood Damage Prevention Ordinance and Countywide Stormwater Ordinance. No fill will be placed in the floodplain as a result of construction of the ponds, the ponds will provide some benefit to the watershed by providing limited amounts of stormwater volume capacity and water quality improvements by means of sediment collection. Final plans have not been completed for the driveway crossings.

Staff is recommending approval of the Special Use Permit request for floodplain development provided the plans remain consistent with the County's Flood Damage Protection Ordinance and Stormwater Ordinance, the use should not be detrimental.

Mr. Stipan asked Mrs. Nicole Roedl if there would be a clay bottom and she answered yes.

Chairman Vallone asked about the request for water fowl and being so close to the proposed airport and Mr. Smetana answered that it is a concern when the property is within 2 1/2 miles of an airport. It is outside the area for required notification.

Hearing no further discussion Chairman Vallone called for a motion.

Richard Berti made a motion to approve a Special Use Permit for floodplain development; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

5819- M Condich

Chairman Vallone asked Mr. Smetana to open Case 5819-M.

Michael Smetana summarized the facts of the case. The applicant is requesting a Map Amendment from A1-E-1. The purpose is to divide a ten (10) acre tract in order to build a single-family home with a barn on the north parcel. There is floodplain located on the eastern boundary of this parcel and the applicant has been made aware and it needs to be studied before a driveway is put in on the second lot. If work is performed within the floodplain the applicant would have to come in and apply for a Special Use Permit for floodplain development.

Photos of the site and surrounding area were displayed in the presentation. Mr. Smetana advised the Commission that a fence in one photo is too tall and the applicant was made aware and will be lowering this portion.

Will South Cook Soil & Water Conservation District submitted a letter objecting to the conversion of Prime Agricultural Land to another use when the LESA Score is 200 or more out of a possible 300 points.

Staff is recommending approval of a Map Amendment from A-1 to E-1.

Mr. Peter Condich (the applicant) approached and explained that he had retained an engineering firm and the provided a study that stated he was outside the floodplain by a few feet.

There were no objectors.

Hearing no further discussion Chairman Vallone called for a motion.

Hugh Stipan made a motion to approve a Map Amendment from A-1 to E-1; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

5821-MV3 Moore

Chairman Vallone asked Mr. Radner to open Case 5821-MV3.

Mr. Radner summarized the facts of the case. The applicant is requesting a Map Amendment from A-1 to R-3, a Variance for lot frontage from 90' to 0', a Variance for north side yard setback from 10' to 2.2' and a Variance for front yard setback from 80' to 64.1'. These requests are to correct a violation and allow remodel/expansion to the existing house.

Mr. Radner stated the Will County Health Department did object and indicated a scale drawing must be submitted for their approval indicating the location, nature and extent of all building modifications in relation to the existing well, septic tank and septic field.

Staff is recommending approval of all four requests.

There were no objectors.

Mr. Joshua Moore the applicant approached and explained that last week his septic was dug out and they notified the Health Department.

Hearing no further discussion Chairman Vallone called for a motion.

Richard Berti made a motion to approve a Map Amendment from A-1 to R-3; seconded by Hugh Stipan.

ALL IN FAVOR

MOTION CARRIED (5-0)

Richard Berti made a motion to approve a Variance for lot frontage from 90' to 0'; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

Richard Berti made a motion to approve a Variance for north side setback from 10' to 2.2'; seconded by Hugh Stipan.

ALL IN FAVOR

MOTION CARRIED (5-0)

Richard Berti made a motion to approve a Variance for front yard setback from 80' to 64.1'; seconded by Hugh Stipan.

ALL IN FAVOR

MOTION CARRIED (5-0)

CONTINUED OTHER:

Zoning Ordinance Text Amendment-Sec. 8.22 – Home Occupations

Eileen Franz gave an overview. The main changes are: 1. The list of permitted uses has been removed. 2. Retail sales have been included as an accessory to permitted home occupations. 3. The sentence prohibiting the storage of hazardous substances has been removed to accommodate firearms dealers. Item 16 is no longer stricken and will be included in the Home Occupation text. It is also listed as a permitted special use permit in the residential districts. 4. Applicants will appeal a use that is considered prohibited to the Planning and Zoning Commission rather than the Zoning Administrator. 5. There have been minor changes to the list of prohibited uses.

Mrs. Franz explained that staff had spoken with Code Enforcement inspectors and they advised that they have a hard time enforcing people who are running a business out of a pole building or garage. The ordinance is currently written so that you are allowed two commercial vehicles on a constructed driveway and any other commercial vehicle has to be kept in a garage and it doesn't really limit the amount of commercial vehicles that can be kept in a garage so the change will limit the amount of commercial vehicles to two per residentially zoned property. One vehicle will be allowed outside and one may be kept indoors.

Chairman Vallone asked about line 8 and the wording 'operator of a home' it does not necessarily mean the owner of the home and Barb Peterson recommended leaving the proposed language as it was presented.

Conversation ensued regarding licenses for businesses.

Chairman Vallone asked about lines 71-72, he recommended that the permit does not run with the land and Mrs. Franz explained that conditions could be placed on cases on an individual basis.

Chairman Vallone asked about line 81 g. manufacturing – Mrs. Franz referenced line 17, number 5, she explained that this is currently written so that nothing is allowed in the garage, this would prohibit someone who does repairs on computers or small equipment from doing that in his garage. She has additional text if the Commission wants to allow people to operate a home occupation from an accessory building. Staff has concerns because they want to prohibit something being larger than a home occupation in a pole building on their property. Mrs. Franz advised the Commission that staff could look into making that a little more specific since manufacturing is a really broad term.

Chairman Vallone asked about line 259, number 4 'all permitted or special uses shall be on central sewer and water' most of the cases that come before us are not he stated. Mrs. Franz explained that line 259 is an excerpt (4.4-9, 4.5-9. and 4.6-9) these are all excerpts from our residential district, it is the text where she is adding the provision for the commercial vehicle is has to be R-3, R-4, R-5 or R-6 because that is required for anything above R-2A. It does not apply to A-1 at all.

Conversation ensued regarding lots that are still on well and septic and Mrs. Franz explained that you cannot create anything new.

Mr. Stipan referenced the people who purchased farms twenty-five years ago and put up a building to run a business only to have homes built up all around them and now the County says that they are no longer in

compliance and Mr. Radner explained that there is a nonconforming section in the Zoning Ordinance that would allow those uses to continue. There is no language with this proposed language change that would restrict any prior uses so any prior 'grand fathered' use would be allowed to continue.

Chairman Vallone asked what if someone on well and septic who is zoned R-4 or R-5 wanted to have a home based business, what would they do and Mrs. Franz explained that it would depend on the intensity of the business. If it exceeded the standards of the home occupation requirements they would have to apply for a special use permit. They would appeal the decision of the Zoning Administrator to the PZC to direct staff to accept the special use permit

Mrs. Franz asked if the Commission was comfortable with the language as proposed and the Commission answered that it was fine and she did an excellent job.

**Richard Berti made a motion to approve the proposed text changes to Section 8.22 (Home Occupations), of the Will County Zoning Ordinance; seconded by Hugh Stipan.
ALL IN FAVOR MOTION CARRIED (5-0)**

OTHER:

1. ZAA 2009-03 – Mark & Kathy Vaughan

Mr. Radner explained that this is an appeal of the Zoning Administrators determination. The applicants would like the Planning and Zoning Division to sign-off on the consolidation of two properties and the Planning and Zoning staff does not want to sign-off because one of the properties contains two homes, one manufactured home and several accessory structures. The other property has one home. To combine these properties into one pin would have put three residences on one lot and our Zoning Ordinance does not allow more than one home per lot without seeking some sort of zoning approval. The applicant is requesting a motion to approve to force the Planning and Zoning Division to sign the consolidation of the properties. The Zoning Administrator has made the determination that they cannot sign the Plat of Consolidation for the two lots and therefore the applicant is appealing that decision to the PZC.

Mr. Radner explained that by ordinance definition staff cannot sign the Plat of Consolidation because our ordinance only allows one single-family residence on a property. The only way you can have additional residential uses is if you require some sort of special use to make it some sort of compliant lot. You could destroy the extra homes and only leave one that is an option.

Mr. Radner stated that it has not ok to have more than one home on your parcel since 1947.

There were no objectors.

Mrs. Kathy Vaughn (the applicant approached) she clarified that this was a 20- acre parcel. She stated that the parcel she purchased has two (2) single family homes and one mobile home and the property next door that she wants to purchase has one three bedroom home. She raises harness horses and she would like to purchase the other parcel in order to put the horse- shoe drive back in. When the parcel was split prior to her purchasing it part of the driveway was on her property and part of it is on the neighbors. It is asphalt and someone told her that she would need an easement or grant someone permission. She does not want to do this if she cannot consolidate the two parcels. She has a fence around her entire property and she foals out mares and babies, it is not convenient for her to have to drive down the road to get to the other property.

Mr. Radner explained that any decision by this commission tonight would not make the lot compliant. The request is to give the ok to the Planning and Zoning Division to sign the consolidation it does not make it a compliant lot. Any future expansion of homes, buildings, etc. would not be permitted. The Department would not issue a permit unless they bring this lot into compliance. If the applicant does not want to do any expansion or addition of accessory structure (porches, decks) she can buy the properties and use them the way they are. They are 'grand fathered' and can continue to exist as non-conforming uses.

Chairman Vallone asked about her intention to put the horseshoe drive back on the two lots would that be allowed and Mr. Radner answered that the County does not issue permits for flat work nor fences. She should not put these things in a floodplain or wetland.

Mr. Radner suggested the Commission ask Mrs. Manning about the legality of this matter.

Chairman Vallone asked Mrs. Manning if she had anything to add and she answered that there is no authority to grant the relief that she is asking for. Even if the Commission granted the relief she is asking for Mrs. Manning does not believe that could compel them to sign the plat.

Conversation ensued regarding the installation of the horseshoe drive.

Mrs. Peterson asked what is non-conforming about the five acres that the applicant wants to purchase and Mr. Radner answered it is A-1 and was created after 1978. Mrs. Vaughan added that it only has 270 feet of frontage not 300 feet. Mrs. Peterson stated so she would need to bring that into compliance and Mr. Radner answered she did not need to bring anything into compliance unless there is some sort of expansion being done. It could continue to exist as a 'grand fathered' use.

Mr. Radner stated that the current motion request is to consider them legal non-conformities, which means that they are still non-conforming. If they are still non-conforming you cannot expand unless you get a special use permit.

Conversation ensued regarding how many homes were on the property and the applicant's intentions with the property.

Mrs. Vaughan asked if she could not get the properties consolidated and the bank would agree to that if she wanted to add on to the house does she have to go and appeal again and pay a fee to appeal and Mr. Radner answered that she could apply for a variance for the northern lot for lot area/lot frontage and any other side yard setback, rear yard or front yard that does not meet the requirements or she could apply for a special use permit and bring all of the residences into compliance at one time.

Mrs. Peterson stated she could not in good conscience vote for what the applicant is requesting.

Chairman Vallone asked the applicant if she wanted the Commission to vote or did she want to withdraw her request and she stated she would withdraw her request.

2. TU 2009-05 – Naperville Polo Club/ Ultimate Frisbee Tournament

No action taken.

REPORTS:

Hugh Stipan made a motion to adjourn; seconded by Michael Carruthers.

ALL IN FAVOR

MOTION CARRIED (5-0)

The meeting adjourned at 8:15 p.m.