

**MINUTES**  
**WILL COUNTY PLANNING & ZONING COMMISSION**  
**April 21, 2009**  
**6:30 PM**

**CALL TO ORDER:**

Chairman Leonard Vallone called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

Chairman Vallone led the pledge.

**ROLL CALL:**

Seven members were present at time of roll call.

**MEMBERS PRESENT:**

Richard Berti, Michael Carruthers, Leonard Vallone, Barbara Peterson, Hugh Stipan, Scott Lager and William Weidling.

**MEMBERS ABSENT:**

**STAFF PRESENT:**

Curt Paddock, Brian Radner, Karl Palmquist, Michael Smetana and Leigh Kelley.

**OTHERS PRESENT:**

See sign in sheet.

**STATE'S ATTORNEY OFFICE PRESENT:**

Melanie Manning.

**APPROVAL OF MINUTES:**

**Richard Berti made a motion to approve the minutes of April 9, 2009; seconded by Hugh Stipan.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**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 May 12, 2009 at 11:30 a.m. in the Community 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**

Mr. Paddock advised the Commission that cases heard tonight requesting Special Use Permits may have additional conditions added by the staff and gave an explanation as to why. Mrs. Manning also gave her explanation of the added condition, which gives the County permission to enter property.

Chairman Vallone asked if there is a mechanism within the ordinance to handle this situation and Mrs. Manning answered no there is not.

Mrs. Manning explained that municipalities that have passed ordinances saying if you have a violation on your property you consent to a search and those broad ordinances have been found unconstitutional, you cannot force someone to consent that way. If you refuse to consent to a search because you have a violation you would get fined and courts have struck that down as being unconstitutional as well. There is no way to really address it in the ordinance in a very wide basis and she believes the only way this would be enforceable is to attach a condition to a specific Special Use Permit for a specific condition.

Chairman Vallone stated there is actually no tool for compliance and Mrs. Manning answered absent consent or search warrant. This is a way to go about getting consent instead of having to go through the search warrant process. Written notice will be given that in 14 days there would be an inspection of the property to check for compliance of Special Use conditions.

Mr. Paddock explained from this evening on that this type of condition would be a part of staff recommendations for every Special Use. Staff feels that they will find it difficult if not impossible to get the kind of enforcement or determination of whether compliance has been obtained absent the inclusion of such a condition.

Chairman Vallone asked if the LUDC had been notified of this topic and Mr. Paddock answered no this had not yet been discussed with them.

Conversation ensued regarding this topic.

Mrs. Manning explained that all this condition does is remove the step of staff having to get a search warrant to get on the property.

**5825-MS2V8 Ritchie Grain Elevator, Inc.**

Chairman Vallone asked Mr. Smetana to open Case 5825-MS2V8. He explained that this is a compliance case and the applicant was cited for building without a building permit. It was determined that the use of the grain elevator on the property was a legal non-conforming use. Anytime there is expansion of a legal non-conforming use it has to be brought into compliance.

Mr. Smetana summarized the facts of the case. The applicant is requesting: a Map Amendment from A-1 and I-1 to I-1 on Parcel 2, a Special Use Permit for an agribusiness that includes the storage of grain, fertilizer and outdoor storage of related equipment on Parcel 1 and Parcel 2, a Special Use Permit for overnight parking of trucks on Parcel 1, a Variance for front yard setback from 100' to 40' on Parcel 1, a Variance for side yard setback from 50' to 5.7' on Parcel 1, a Variance for lot coverage from 20% to 37% on Parcel 1, a Variance from Section 8.10 of the Will County Zoning Ordinance on Parcel 1, a Variance for front yard setback from 80' to 11' on Parcel 2, a Variance lot frontage from 60' to 0' on Parcel 2, a Variance for lot coverage from 50% to 71% on Parcel 2, a Variance from Section 8.10 of the Will County Zoning Ordinance on Parcel 2.

Photos of the site and surrounding area were displayed in the presentation. Staff if recommending approval of the Map Amendment from A-1 & I-1 to I-1 (Parcel 2).

Staff is recommending approval of the Special Use Permit for agribusiness which includes the storage of grain, fertilizer, and outdoor storage of related equipment (Parcel 1, Parcel 2) with the following three (3)

conditions: 1. On a weekly basis, the yard and surrounding exterior areas of the truck terminal and bulk storage areas, including but not limited to loading areas, parking areas, and drainage ways, shall be inspected and cleaned to prevent the accumulation of rotting grain and grain dust to prevent odor generation. A written record of the weekly inspections and cleaning activities conducted, if needed, shall be maintained within the business office on the site and made available to County Inspectors upon request. 2. Store uncontained bulk materials out of drainage ways, swales, or depressions to prevent contact with stormwater runoff. Redirect stormwater runoff around and/or away from uncontained bulk materials. 3. Upon 14 days of written notice to the owner of record at their last known address County of Will employees and officials are hereby granted the right of entry in or upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the Special Use Permit and County ordinances.

Staff is recommending approval of a Special Use Permit for overnight parking of trucks (Parcel 1) with the following six (6) conditions: 1. If more than 50 tires are stored onsite at any time, you must apply with the Illinois EPA as a registered tire storage facility. 2. All automotive fluids shall be stored in approved bulk containers, and removed from the site regularly. 3. Secondary containment shall be provided for all liquid storage containers. 4. All spills derived from leaking automotive fluids shall be contained and removed immediately. 5. The Illinois State Fire Marshall must approve fuel storage on site. 6. Upon 14 days of written notice to the owner of record at their last known address County of Will employees and officials are hereby granted the right of entry in or upon the premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the Special Use Permit and County ordinances.

Staff is recommending approval of all of the applicant's Variance requests.

Mr. Smetana explained the Variance from Section 8.10 permits the applicant not to screen the outdoor storage areas where the trucks are parked and equipment is on the property.

Chairman Vallone asked about a sentence in the staff report regarding the reduction of total impervious surface area and Mr. Smetana explained that to him.

There were no objectors.

Mr. Jeff Fisher (attorney for the applicant) was present and available to answer any questions, there were none.

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

**William Weidling made a motion to approve a Map Amendment from A-1 and I-1to I-1(Parcel 2); seconded by Scott Lager.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Special Use Permit for agribusiness, which includes the storage of grain, fertilizer and outdoor storage of related equipment (Parcel 1, Parcel 2) with the above listed three (3) conditions; seconded by Scott Lager.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Special Use Permit for overnight parking of trucks (Parcel 1) with the above listed six (6) conditions; seconded by Scott Lager.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance for front yard setback from 100' to 40' (Parcel 1); seconded by Scott Lager.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance for side yard setback from 50' to 5.7' based upon the finding of facts; seconded by Scott Lager.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance for lot coverage from 20% to 37% (Parcel 1); seconded by Scott Lager.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance from Section 8.10 of the Will County Zoning Ordinance (Parcel 1); seconded by Scott Lager.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance for front yard setback from 80' to 11' (Parcel 2); seconded by Scott Lager.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance for lot coverage from 60' to 0' (Parcel 2); seconded by Scott Lager.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance for lot coverage from 50% to 71% (Parcel 2); seconded by Scott Lager.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance from Section 8.10 of the Will County Zoning Ordinance (Parcel 2); seconded by Scott Lager.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**5827-SV3 Crete Twp. Fire Prot. Dist.**

Chairman Vallone asked Michael Smetana to open Case 5827-SV3.

Mr. Smetana gave an overview of letter that he passed out to the Commission. Crete Township reviewed this case and recommended approval.

Mr. Smetana summarized the facts of the case. This is a compliance request. The applicant would like to construct an addition. The fire station was a legal non-conforming use and they want to expand and bring their property into compliance. The applicant is requesting a Special Use Permit for a fire station, a Variance for lot width from 300' to 162.5', a Variance for lot area from 2.5 acres to 1.497 acres and a Variance for lot coverage from 20% to 50%. Photos of the site and surrounding area were displayed in the presentation.

In a letter submitted by the Will County Department of Highways it references a Plat of vacation. Mr. Smetana showed the old right-of-way for Burville Road on the overhead. The applicants are working on vacating that road so that they can build an addition.

Staff is recommending approval of a Special Use Permit for a fire station with the following one (1) condition: 1. Upon 14 days of written notice to the owner of record at their last known address, County of Will employees and officials are hereby granted the right of entry in or upon premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the Special Use Permit and County ordinances.

Staff is also recommending approval of all three Variance requests.

Chairman Vallone asked if there was anyone present for the Frankfort Fire Protection District Case 5828-M2. He explained that this case was being continued and that he should have announced it earlier in the meeting.

William Stefek was present to represent the Crete Township Fire Protection District and stated he had nothing to add, staff did a good job.

Chairman Vallone asked Mr. Stefek if he was okay with the one condition that was added tonight and he answered yes.

**William Weidling made a motion to approve Special Use Permit for a fire station with the one (1) condition as listed above; seconded by Scott Lager.**  
**ALL IN FAVOR** **MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance for lot width from 300' to 162.5' based upon the finding of facts; seconded by Scott Lager.**  
**ALL IN FAVOR** **MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance for lot area from 2.5 acres to 1.497 acres based upon the finding of facts; seconded by Scott Lager.**  
**ALL IN FAVOR** **MOTION CARRIED (7-0)**

**William Weidling made a motion to approve a Variance for lot coverage from 20% to 50% based upon the finding of facts; seconded by Scott Lager.**  
**ALL IN FAVOR** **MOTION CARRIED (7-0)**

**AFYP 2009-02 Crete Twp. Fire Protection District.** –Authorization for parking in the front yard setback.

Brian Radner gave an overview of this request. This request is for authorization for parking in the front yard setback to within seven (7) feet of the property line along Klemme Road and to within ten (10) feet of the property line along Exchange Street.

**William Weidling made a motion authorizing parking in the front yard setback to within seven (7) feet of the property line along Klemme Road and to within ten (10) feet of the property line along Exchange Street on the parcels known as 25048 South Klemme Road, Crete, Illinois 60417 and identified by permanent index numbers 23-16-18-100-033-0000 and 23-16-18-100-024-0000; seconded by Scott Lager.**  
**ALL IN FAVOR** **MOTION CARRIED (7-0)**

**5828-M2 Frankfort Fire Prot. Dist.**

Chairman Vallone advised this case was being tabled until May 5, 2009.

Hearing no further discussion Vice Chairman Berti called for a motion.

**Hugh Stipan made a motion to table Case 5828-M2 until May 5, 2009; seconded by Richard Berti.  
ALL IN FAVOR MOTION CARRIED (7-0)**

**5829-S Green Field Campground, Inc. Fritz/Tordai**

Chairman Vallone asked Mr. Palmquist to open Case 5829-S.

Karl Palmquist summarized the facts of the case. The applicant is requesting a Special Use Permit for to expand campground area for overnight camping in A-1 zoning district. This will allow expansion of area used for campground that is used in conjunction with racetrack events. Photos of the site and surrounding area were displayed in the presentation.

The Will County Health Department submitted a letter stating if food were to be available during camping activities, they must inspect the facilities and a permit must be obtained and at no time must any existing private sewage disposal system be subject to vehicular traffic (recreational vehicles) or stockpiling of supplies or materials.

The Will-South Cook County Soil and Water Conservation District submitted a letter stating: disrupting existing tile drainage will have adverse impacts onsite, upstream, and downstream of the property. Changed land use and associated potential pollutants will affect water quality entering the open drainage ways along the Wauponsee Glacial Trail (to the east). Further, in light of the Land Evaluation and Site Assessment (LESA) for the parcel (Overall LESA Score: 214) the Soil and Water Conservation board does not feel that this land use application change should be approved.

The City of Joliet had no objection to the proposed special use permit for a campground as long as the activities on site are done in a safe and sanitary manner with minimal impact to adjoining properties.

The Forest Preserve District of Will County suggested the owner install fencing along the mutual boundary and install no motor vehicle signage on the fence.

Staff is recommending approval of a Special Use Permit to expand campground area for overnight camping based upon the finding of facts with the following twelve (12) conditions: 1. The total number of operation periods shall not exceed twelve (12) during one calendar year. A period of operation may be associated with a single event or multiple consecutive events occurring at the speedway. A period of operation shall not begin more than two (2) days before the commencement of, nor transpire more than two (2) days before a single event or multiple consecutive events. 2. Access to the campground/parking lot shall be a minimum of twenty-four (24) feet in width with sufficient turning radius or turnarounds to accommodate emergency vehicles. Access must be provided to all proposed campground/parking lot spaces and kept clear at all times. 3. The applicant shall provide for emergency evacuation, including posting emergency services numbers and fire safety information. This information shall be posted in a minimum of two (2) clearly marked locations on the property during any scheduled event. There shall be a minimum of three (3) fire extinguishers per five (5) acres having a minimum rating of 2A:20B:C and shall be installed in accordance with NFPA 10 A-1-6.7. 4. All portable toilet facilities and trash disposal containers associated with the special use permit shall be removed within three (3) calendar days of the last date of campground/parking lot operation for each special event. 5. No use associated with the special use permit shall encroach upon the septic system. 6. The sale and advertising of goods or products including alcoholic beverages, shall not be allowed on the subject property unless specifically permitted by the Will County Zoning Ordinance. 7. The applicant shall meet all applicable State of

Illinois statutes and requirements pertaining to campgrounds. 8. The special use permit request of this applicant shall be null and void upon change of ownership of the subject property. 9. The applicant shall install fencing along the mutual boundary with the Will County Forest Preserve and install no motor vehicle signage on the fence. 10. The owners of record shall provide the Will County Land Use Department notice of each operation period a minimum of forty-five (45) days prior to the commencement of each operating period. 11. Upon 14 days written notice to the owner of record at his last known address, County of Will employees and officials are hereby granted the right of entry in or upon premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit and County ordinances. 12. The applicants shall comply with the current Will County Building Ordinance and Codes (Resolution #01-442).

Chairman Vallone questioned the Forest Preserves recommendation for the applicant to install a fence and signage. Mr. Palmquist stated he spoke with someone from the Forest Preserve and their request was for safety and precautionary reasons. Mr. Vallone did not think the property owner should be responsible for the expense of those items.

Mrs. Peterson stated her concerns about the wording of condition 11 [County of Will employees and officials], she felt it was too broad. Mr. Paddock explained that the language before the Commission was approved by the State's Attorney's office.

Chairman Vallone suggested limiting the number of inspections and Mrs. Manning explained that she drafted the language more broadly because sometimes when you execute a search warrant or go on an inspection circumstances may arise that may require outside expertise to ensure compliance or there may be a need to take a Sheriff's deputy to accompany the employee onto the property. By drafting it this way it would take care of unforeseen situations where you might need outside expertise and this ensures that it is lawful for a Sheriff's deputy to accompany someone.

Mrs. Peterson stated she believed it needed to be defined more clearly.

Mr. Weidling asked if the twelve conditions in the staff report were the same conditions that applied to the other parcel when they first did this and Mr. Palmquist answered a majority of the conditions are the same. Mrs. Peterson asked if there were new ones and Mr. Palmquist answered yes. The fence request, the one granting right of entry and the one referring to the current Building Codes were new.

Mr. Radner explained sometimes specific conditions have to be placed on each parcel to address a particular concern. There can be a general set of conditions but each property is unique and may require different conditions.

There were no objectors.

Mr. Bill Francis (attorney for the applicant) approached and gave an overview of this request. Mr. Francis explained that he would like clarification of the condition granting the right of entry.

Chairman Vallone asked Mr. Francis if he would be in favor of a one-time visit around the anniversary date of the approval of the special use permit and he answered yes.

Mr. Weidling stated there needed to be one set of rules for every Special Use Permit from hereafter.

Mr. Radner explained that many special use permits go with the land, we are not just worried about what happens in one year we are worried about ten years or more. Are they complying with their Special Use

conditions? Just because it is twenty years later they still have to comply with those conditions and we want to make sure they are complying with them.

Mr. Radner stated that with regard to the added condition for this campground we want to make sure all of the building codes are being complied with and not only is it our office that would come out every year the IDPH and Will County Health Department have to inspect their property every year. Mr. Radner explained that the Land Use Department needs to inspect the property because we administer different codes than the IDPH and Will County Health Department does. They are performing their inspections on an annual basis we need to perform our inspections on an annual basis as well. Mrs. Peterson stated that should be clarified.

Mr. Francis advised the Commission that according to Mr. Fritz all of the conditions required would be put into place prior to the race and suggested arranging the inspection prior to the first race to make sure they are running everything above board.

Chairman Vallone referenced this newly added condition for all SUPs and Mr. Radner answered from this point forward all SUPs would have this condition added to monitor condition compliance.

Mr. Carruthers asked what effect it would have on the applicant if someone from Land Use came out to inspect their property once a month and Mr. Fritz explained they are only open two times a year. They are more than happy to be compliant with all proposed conditions by the first race of the year, which is in July. Mr. Fritz stated he had no problem with someone inspecting for compliance of the proposed conditions one but felt it would be a burden to be inspected yearly.

Mr. Fritz explained that he did not understand why he needed to give written notice to the County 45 days prior to an event and Mr. Radner explained the reason for that condition is so that the Department is aware of the exact dates of the events and that condition (number 9) was requested by the Building Division.

Conversation ensued regarding the condition regarding given written notice to the County.

Mr. Fritz explained that the Illinois Department of Public Health comes out and inspects his property annually.

Chairman Vallone asked if the Illinois Department of Public Health inspects the shower room and Mr. Fritz answered yes. Chairman Vallone asked about the expansion of the campground site would the shower room be sufficient and Mr. Fritz explained that they would be adding another unit that would be ADA compliant.

Conversation ensued regarding dump stations

Mr. Fritz stated non-licensed vehicles are not allowed on his property.

Mr. Fritz approached and distributed photos of the neighboring Forest Preserve property to the Commission. Mr. Lagger explained that the Forest Preserve property has a natural fence along the property line they share.

Mr. Fritz stated he would prefer the Forest Preserve install the fence that is mentioned in condition number 9. The people who walk and ride horses on the Forest Preserve trail trespass onto his property.

Mr. Weidling asked about a statement made regarding Special Use Permit conditions running with the land but condition number 8 in the staff report is different and Mr. Radner explained this.

**Mr. Lagger made a motion to remove condition number 10 from the power point presentation (number 9) in the staff report, which refers to the applicant installing a fence and signage for no motor vehicles on the fence; seconded by Barb Peterson.**

Conversation ensued regarding which condition number should be used and Mrs. Manning explained which one to use.

Mr. Paddock advised the Commission that instead of removing one condition usually a motion is made which may include all or some or none of the conditions recommended.

**Mr. Lagger withdrew his motion.**

Mr. Wes Jones (neighbor) approached and explained that he operated Prairie View Campground. He explained that almost every one of his Special Use Permits went with the property and Chairman Vallone explained to Mr. Jones that all cases are treated individually.

Mr. Chuck Repsak explained that there is drinking going on at the campground and he thinks the fence is a good idea but the taxpayers should not have to pay for the fence.

Mr. Francis stated the PZC needed to discuss to a conclusion the interval and duration of the granting of right of entry.

Mrs. Manning discussed amending the condition to limit the consent to one time per calendar year. The condition would now read: Upon 14 days written notice to the owner of record at his last known address, no more than one time per calendar year, County of Will employees and officials are hereby granted the right of entry in or upon premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit and County ordinances.

Mrs. Manning explained that this would not limit inspections to only one time per year completely, Land Use could still call and ask for consent of the homeowner.

Mr. Francis asked if the three Special Use Permits on the agenda for May 5<sup>th</sup> would also have this condition added and the answer was yes.

Chairman Vallone stated that each Special Use Permit is looked at on a case- by- case basis.

Mr. Fritz suggested being given one year to comply and limit the visits to one per year.

Hearing no further discussion Chairman Vallone called for a motion.

**William Weidling made a motion to approve a Special Use Permit to expand campground area for overnight camping in A-1 zoning district based upon the finding of fact with the following conditions as listed above: number 1, number 2, number 3, number 4, number 5, number 6, number 7, number 8, number 10, number 11\* as amended by staff and number 12; seconded by Scott Lagger.**

**\* Upon 14 days written notice to the owner of record at his last known address, no more than one time per calendar year, County of Will employees and officials are hereby granted the right of entry in or upon premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit and County ordinances.**

**[the aforementioned motion excluded condition number nine]**

Mrs. Peterson asked about the wording of condition number eleven and Mrs. Manning answered [no more than one time per calendar year] (after address,).

**ROLL CALL VOTE: Lagger, Weidling, Berti, Vallone, Stipan, Peterson and Carruthers voted “yes”.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**5830-SV Chiru**

Chairman Vallone asked Michael Smetana to open Case 5830-SV.

Mr. Smetana summarized the facts of the case. The applicant is requesting a Special Use Permit for floodplain development and a Variance for lot width from 300’ to 33’. Photos of the site and surrounding area were displayed in the presentation.

A letter from the Will County Health Department advised they had no objection but advised a soil evaluation must be conducted in order to determine private sewage disposal requirements. The Will County Department of Highways had the following comments: 1. Any Special Use and Zoning Variance that is allowed should be granted with the stipulation that the applicant shall abide by the Will County Dept. of Highways Permit Regulations and Access Control Regulations which can be found on the Highway Dept. website. 2. Per Article 2.1.6-8 of the Access Control Regulations, to facilitate further highway improvements along the parcel, a dedication of 75’ from centerline for right-of-way purposes shall be provided along Laraway Road. 3. The enclosed “Access Permit Application” and permit application fee should be submitted to the Department to start the access permit process. With regard to the second comment, the property is currently 10 acres. When dedication takes place the property would be less than 10 acres it is zoned A-1 and the property would be a legal non-conforming lot. The applicants were advised of this.

The Will South Cook Soil and Water Conservation District submitted a letter dated February 13, 2009, which stated their most significant concerns are: The site is within a floodplain/floodway where extensive flooding occurs due to no observed surface outlet for runoff from the adjacent pond. Significant construction concerns as well as operation and maintenance concerns seem evident with plans to construct a single- family residence on this parcel. Building any structure at the site is unadvisable. However, detailed engineering studies may discover other alternatives to overcome the site conditions. In light of the above described physical conditions with the parcel the Soil and Water Conservation District board does not feel that this land use application change should be approved.

Staff is recommending approval of a Special Use Permit for floodplain development with the following three (3) conditions: 1. A LOMR-F shall be obtained from FEMA. 2. Technical Bulletin 10-01 shall be followed for the project. 3. Upon 14 days written notice to the owner of record at his last known address, County of Will officials are hereby granted the right of entry in or upon premises for the purpose of inspecting the premises and uses thereon for compliance with the terms and conditions of the special use permit and County ordinances. Staff is also recommending approval of a Variance for lot width from 300’ to 33’

Conversation ensued regarding floodplain on the property and Mrs. Roedl explained that the floodplain that was shown in the staff report had been revised to more accurately reflect what is out there, which is in regard to the lake itself. The lake itself is considered to be a floodplain with some areas of overtopping. That letter of map revision has not gone into effect yet, it will go into effect May 6, 2009 according to FEMA.

Mr. Weidling asked about condition number 1 requiring a LOMR, that had never been required before and Mr. Berti asked about condition number 2 with regard to a technical bulleting 10-01 neither of these conditions had been required before. Mrs. Roedl explained that both have always been required in order to get the site development permit it may be that at this time staff also wanted to clarify that they would be needed.

Mr. Smetana advised that there are two permit requirements that the applicant has to get from FEMA before they can do any work on County property. We are granting them a Special Use Permit to do floodplain development and conditioning it that they better have their FEMA permits before they start any work.

Mr. Paddock advised that occasionally feedback is received from the applicant that they were unaware they needed to do anything else. So these conditions were included to add clarity and remove any ambiguity.

Mr. Weidling asked for clarification of LOMR-F and Technical Bulletin 10-01 and Mrs. Roedl gave an explanation. It is an additional document that FEMA put out for properties that are going to be constructed on fill. A LOMR-F is different from a regular LOMR. LOMR-F means they are actually going to be building up a building pad using fill so that property was floodplain and now it is going to be elevated. Technical Bulletin 10-01 addresses when someone wants to put in a basement.

There were two objectors to this case.

Mrs. Maxine Pavlovich (attorney) approached and explained her client has been working an engineer who has been working with FEMA and Will County staff for a very long time. Mrs. Pavlovich explained that she has the letter of map revision, which has changed the floodplain. If approved there will be a 90 X 90 foot building pad lifting it out of the flood plain. There will also be compensatory storage and to make amends for the building up of the land there will be areas on the property that would deal with any kind of flooding.

Her clients purchased this property in 1994 and it was not in a floodplain back then. The floodplain maps were changed in 1995 due to the development in the area. In 2007 it was recommended that her client go to the Village of New Lenox and request a pre-annexation agreement. The pre-annexation agreement allows her client to hook up to the Village sewer and that negates the need for a septic system.

Mrs. Peterson asked what the response was from the Village of New Lenox and Mrs. Pavlovich answered that a pre-annexation agreement was signed.

Mr. Dominic Maglione asked to show the aerial photo on the overhead. He explained that the property the applicant wants to build on has always flooded. It is all wetlands there are no trees and this property sits approximately six feet below his property. Mr. Maglione brought pictures up to the Commissioners.

Chairman Vallone asked Mrs. Roedl to explain what measures would be taken by the Engineering Department. Mrs. Roedl explained that in order for the applicant to get their site development permit they would have to show staff exactly where the building pad is going to be and the amount of fill that is brought onto the property has to be compensated for it at 1.25 times what they are going to be bringing in. They have to excavate out another portion of the property to contain that displaced water. The compensatory storage has to be on their- own property and it has to release freely to the existing floodplain that is on the property.

Mrs. Roedl showed Mr. Maglione a map and explained where the applicant would have to excavate.

Mr. Robert Nelson (neighbor) approached and showed his property on the overhead and explained that he has a one- acre pond on his property and Mr. Berti asked if he was carrying the liability for this and Mr. Nelson answered yes. When there is a big rain the pond on his property runs over into the applicant's property.

Mr. Maglione was concerned about his septic lines, currently during the rainy season his last two lines are really wet.

Mrs. Roedl explained that the Engineering Department is going to require as-built drawings showing that they built the site according to the plans that they approved. Chairman Vallone suggested Mr. Maglione get Mrs. Roedl's contact information.

Mr. Robert Nelson approached and explained his concern is that he has a pond that joins the subject property. The pond is one-acre plus it is a retention pond.

Mr. Berti asked if it was the retention pond for the subdivision and Mr. Nelson answered yes. Mr. Nelson stated that about twice a year the water from the pond goes over the berm and onto the applicant's property. Mr. Nelson passed out photos to the Commissioners.

Mrs. Roedl stated that the Engineering Department would look into Mr. Nelson's concerns to see how the retention pond functions with this property. The applicants would have to maintain drainage on their parcel so if the detention basin is overtopping and draining across this property it will have to continue to be able to do so. Mrs. Roedl stated that she assumed the detention basin is not sized properly if it is overtopping twice a year it should be holding the 100- year storm. Mrs. Roedl explained that we follow Illinois drainage laws, which state lower properties have to take on the water from higher properties.

Chairman Vallone also suggested Mr. Nelson get Mrs. Roedl's contact information.

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

**Scott Lager made a motion to approve a Special Use Permit for floodplain development with the above listed three (3) conditions; seconded by Richard Berti.**

**ROLLCALL VOTE: Berti, Carruthers, Peterson, Stipan, Weidling, Vallone and Lager voted "yes".**  
**MOTION CARRIED (7-0)**

**Scott Lager made a motion to approve a Variance for lot width from 300' to 33'; seconded by Richard Berti.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

**OTHER:**

- 1. AFYP 2009-05 Frankfort Twp. Fire Protection District-** Authorization for parking in the front yard setback.

This was also tabled until May 5, 2009.

- 2. ZAA#2009-04 Conlin**

Mr. Radner gave an overview of this request. Barry and Pat Conlin, owners of CB Landscape Inc., were granted two special use permits by the Will County Board on January 20, 2000. The property owners would like to place a sign advertising the business on the subject property. However, under Section 13

(Signs) of the Will County Zoning Ordinance they are not allowed to place the type of commercial sign they desire on a residentially zoned parcel. The only sign that could be placed on the subject property is a sign that is two (2) square foot in area mounted flat against the principal building (8.22-Home Occupations). The applicants state on the appeal form that they believe they should be allowed to have a larger sign due to the fact that a special use permit for a landscape contractor & maintenance service was granted for the subject property.

The Zoning Administrator does not have the administrative discretion to vary the requirements of Section 13 of Will County Ordinance that regulate signage and therefore cannot issue a permit for the desired signage.

The Conlins have appealed this decision to the PZC and are asking for approval to install a commercial sign for this property that would be approximately 15 square feet in area.

Mr. Radner showed the subject property and the surrounding zoning on the overhead. A photo of the proposed sign was also shown on the overhead.

Mr. Barry Conlin approached and explained that he would like to install a sign on his property.

Chairman Vallone asked what type of sign did he want to put up and Mr. Conlin answered the pillar would be mason stone and the sign itself would be sand blasted wood with maybe a few small lights illuminating it.

**William Weidling made a motion to approve the applicant shall be allowed to apply for a commercial sign permit for the proposed sign that is approximately 15 square feet in area on PIN 07-01-02-300-021-0000 that is commonly known as 28 W 490 95<sup>th</sup> Street, Naperville, Illinois 60564; seconded by Scott Lager.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

Conversation ensued regarding building permits and certificates of occupancy with regard to the condition that is being added to all Special Use Permits.

**Richard Berti made a motion to adjourn; seconded by Hugh Stipan.**

**ALL IN FAVOR**

**MOTION CARRIED (7-0)**

The meeting adjourned at 8:48 p.m.