

MINUTES
WILL COUNTY PLANNING & ZONING COMMISSION
May 5, 2009
6:30 PM

CALL TO ORDER:

Chairman Vallone called the meeting to order at 6:33 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, Leonard Vallone, Barbara Peterson, Hugh Stipan, Scott Lager, William Weidling and Michael Carruthers.

MEMBERS ABSENT:

STAFF PRESENT:

David Dubois, Karl Palmquist, Eileen Franz, Jim Song and Leigh Kelley.

OTHERS PRESENT:

See sign in sheet.

STATE'S ATTORNEY OFFICE PRESENT:

Melanie Manning.

APPROVAL OF MINUTES:

Scott Lager made a motion to approve the minutes of April 21, 2009; seconded by William Weidling.

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 June 9, 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

5793-S Ritter

Chairman Vallone advised the Commissioners that Case 5793-S would be tabled until June 2, 2009.

**William Weidling made a motion to table Case 5793-S until June 2, 2009; seconded by Hugh Stipan.
ALL IN FAVOR MOTION CARRIED (7-0)**

**Chairman Vallone also advised that Case 5828-M2- Frankfort Fire Protection District would also be tabled until June 16, 2009.

**Hugh Stipan made a motion to table Case 5828-M2 until June 16, 2009; seconded by Michael Carruthers.
ALL IN FAVOR MOTION CARRIED (7-0)**

**Chairman Vallone then advised the Frankfort Twp. Fire Protection District's request for authorization for parking in the front yard setback would also be tabled until June 16, 2009.

**Scott Lager made a motion to table the Frankfort Township Fire Protection District's request for authorization for parking in the front yard setback; seconded by Richard Berti.
ALL IN FAVOR MOTION CARRIED (7-0)**

5831-M Soto

Chairman Vallone asked Karl Palmquist to open Case 5831-M.

There were no objectors.

Karl Palmquist summarized the facts of the case. The applicant is requesting a Map Amendment from R-4 to C-3. Photos of the site and surrounding area were displayed in the presentation.

Staff is recommending approval of the Map Amendment from R-4 to C-3.

**William Weidling made a motion to approve a Map Amendment from R-4 to C-3; seconded by Hugh Stipan.
ALL IN FAVOR MOTION CARRIED (7-0)**

5832-S Stipanovich

Chairman Vallone asked Mr. Palmquist to open Case 5832-S.

Mr. Palmquist summarized the facts of the case. The applicant is requesting a Special Use Permit for cargo container storage.

The Will County Health Department had no objection as long as cargo containers are not stored over any portion of the septic system and there is no chemical storage permitted within 200' of any well. Lockport Township voted unanimously to oppose the petition. It is their desire to avoid the utilization of any cargo containers. The City of Joliet does not support this Special Use request and stated that the applicant should consider constructing a permanent structure on the site. The Lockport Township Fire Protection District has no issue with this request, but would like to be advised if any flammable or explosive materials are to be stored in these containers and the City of Lockport transferred their review authority to the City of Joliet.

Staff is recommending denial of a Special Use Permit for cargo container storage based upon the finding of facts. However, if the request is approved, the staff recommends the following twelve (12) conditions to mitigate negative effects of the requested Special Use: 1. 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. 2. If the ownership of the property changes, the cargo containers shall be removed from the parcel. 3. The applicant shall be limited to the three (3) existing cargo containers on site and no additional cargo containers shall be permitted on the subject parcel. 4. The applicant shall not store any chemicals in the cargo containers. 5. Cargo containers cannot be located within the setback. 6. The cargo containers shall be screened from the public right-of-way and adjacent properties. A landscape plan shall be submitted within 60 days of County Board approval. 7. The cargo containers may not be stacked. 8. No signage shall be allowed on the cargo containers. 9. Open dumping and open burning of any waste debris, including off-site generated landscape waste, is strictly prohibited under the Illinois Environmental Protection Act. 10. The cargo containers may not be modified or retrofitted for habitation. Containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. 11. The cargo containers shall be painted a neutral color that blends with the surrounding environment. 12. Applicant must contact the Office of the State Fire Marshall and get approval for any outdoor liquid storage containers, such as gasoline/fuel storage tanks.

There were no objectors.

Mr. Tim McGrath (attorney) approached and explained his applicant's request. The storage containers have been on the property since approximately 2003.

Mr. McGrath gave an overview of the businesses that are in the immediate area of his client's property. Mr. McGrath stated that his client has no problem with the twelve (12) proposed conditions and his client would also agree to plant some trees or landscaping around the three existing containers. It would be cost prohibitive to build an additional permanent structure at this time. Mr. McGrath also stated that his client would not be opposed to planting some trees or installing some landscaping around the cargo containers.

Chairman Vallone explained to Mr. McGrath that in a previous case regarding cargo containers a time limit of five years was put on the cargo containers. Chairman Vallone asked Mr. McGrath if his client would be amenable to this idea and Mr. Stipanovich answered yes.

Mr. Lagger stated that he liked the idea of the consistency with the previous cargo container case and stated he drives by this location and the applicant has a nice clean shop and the containers are barely noticeable.

Scott Lagger made a motion to add the following thirteenth (13) condition [the Special Use Permit expires five years after the adoption by the County Board with removal of the cargo container(s) by that date]; seconded by Richard Berti.

ALL IN FAVOR

MOTION CARRIED (7-0)

Scott Lagger made a motion to approve a Special Use Permit for cargo container storage based upon the finding of facts with the above listed thirteen (13) conditions; seconded by Richard Berti.

ALL IN FAVOR

MOTION CARRIED (7-0)

OTHER

ZAA#2009-05 – Findley

Mr. Dubois explained during the application review process it was noted that the proposed kennel is within 500 feet of a single- family residence on an adjacent parcel. Mrs. Findley owns both parcels with two residences. Under the Zoning Ordinance in order to be considered one zoning lot it would have to be compliant and with two residences it would not be.

The applicant's attorney has appealed the decision and cited that both parcels are under her ownership and they do not concur with the determination.

Therefore, in accordance with Section 14.9 of the Will County Zoning Ordinance, the applicant is requesting a motion to approve the following motion:

The applicant shall not be required to apply for a Variance to Section 7, 1-4(6)(b) for a reduced kennel separation distance on PINs 10-11-16-100-030-0000 and 10-11-16-100-026-0000 that are commonly known as 24847 Bush Road, Elwood, Illinois 60421.

Chairman Vallone asked what would happen to this motion if the property was sold and Mr. Dubois explained that if the Commission upholds the appeal it would be placed on file and the kennel as approved would be compliant. In the future if the property was sold we would not penalize the kennel for not being compliant with the separation distance.

Mr. Tom Osterberger (attorney for the applicant) approached and explained that Ms. Findley has a fourteen acre parcel with a home on it that her son lives in and an almost ten acre parcel that he is asking for the special use on.

Mr. Osterberger requested that the Commission not make his client add the Variance in front of the application and that it be heard tonight.

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

William Weidling made a motion that the applicant shall not be required to apply for a Variance to Section 7.1-4(6)(b) for a reduced kennel separation distance on PINs 10-11-16-100-030-0000 and 10-11-16-10-026-0000 that are commonly known as 24847 Bush Road, Elwood, IL 60421; seconded by Richard Berti.

ROLL CALL VOTE: Vallone, Berti, Peterson, Stipan, Lager and Carruthers voted “yes” and Weidling voted “no”. MOTION CARRIED (6-1)

5834- S Findley

Chairman Vallone asked Mr. Palmquist to open Case 5817-M.

Karl Palmquist summarized the facts of the case. The applicant is requesting a Special Use Permit for a kennel. Photos of the site and surrounding area were displayed in the presentation.

The Will County Health Department submitted a letter stating they have no objection to the request provided all applicable laws and ordinances are adhered to including the proper disposal of all solid waste produced on the site. The Will South Cook Soil and Water Conservation District stated the site is within a floodplain/floodway and a written waste management plan including operation and management needs to be developed, reviewed and revised periodically. The Jackson Township Planning Commission submitted a letter stating they approved this request with stipulations that can be found in the staff recommended conditions.

Staff is recommending approval of a Special Use Permit for a truck terminal based upon the finding of facts with the following twelve (12) conditions: 1. The Special User Permit is not transferable upon change of property ownership. 2. Once removed from animal pens or enclosures, all animal manure and spoiled bedding shall be placed into a self-contained covered waste receptacle or dumpster, which shall be stored on site in excess of 75 feet from neighboring property lines. 3. Applicant must obtain all required permits from the Illinois Department of Agriculture. 4. No new dogs or cats may be boarded on the parcel upon the passing of current animals. 5. Animals other than those currently boarded on the parcel may not be boarded, bred or cared for on the subject property. 6. The animals currently boarded on the parcel shall be micro chipped and inventoried. 7. Animal manure shall be removed offsite for proper disposal to an Illinois Environmental Protection Agency (IEPA) permitted disposal facility; IEPA permitted or permit exempt compost facility, or for immediate land application to an agricultural land pursuant to Part 560 of the Illinois Administrative Code. 8. Waste receptacles or dumpsters containing wastes in addition to animal manure and spoiled bedding shall be removed offsite for proper disposal to an IEPA permitted disposal facility. 9. Animal manure shall be removed from the property at least on a bi-weekly basis during the months of April, May, June, July, August, September and October and at least on a monthly basis during the remaining months in a effort to reduce nuisance odors. 10. All IEPA rules and regulations shall be followed and adhered to. 11. The applicant shall provide a 6-foot fence around the special use area. 12. 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.

Mr. Palmquist advised the Commission that he had a thirteenth (13) condition to add: The applicants shall comply with the current Will County Building Ordinances and Codes (Resolution #01-442).

Chairman Vallone asked Mr. Palmquist about the applicant not adding any new animals and Mr. Palmquist gave an explanation.

Mr. Osterberger (attorney for the applicant) approached and gave an overview of the applicant's request. She has taken in animals for forty years. There is no other zoning that permits a sanctuary or anything like that. The ordinance says that if you have more than five dogs or cats you must have a kennel. This is not a commercial operation. She currently has five dogs outside and the remaining 25 dogs are inside but let out periodically. This is being called a kennel because we have no other choice.

Mr. Osterberger asked if there would be something less expensive than the micro chipping for inventory possibly lists or something else.

Mr. Lagger asked what the current inventory was and Mr. Osterberger answered that there are 30 dogs and 25 cats.

Mr. Stipan suggested tattooing versus micro chipping and discussion ensued.

Mr. Palmquist explained that the condition regarding micro chipping came from the Will County Animal Control Division.

Chairman Vallone asked Mrs. Findley if she had any suggestions and she explained that all of the dogs have current shots and tags.

Conversation ensued regarding the condition

Dr. Leroy Shields (Administrator of Will County Animal Control) approached and explained his concerns. One of the staff recommended conditions is that the applicant obtains a permit from the Illinois Department of Agriculture. Her use does not fall under anything that would require a license from the Department of Agriculture. There is no one regulating this request. This is a high-density area for that number of animals, it is about a quarter of an acre.

Dr. Shields explained why his department requested the use of micro chipping and advised the micro chipping from NAWS on 191st street in Mokena costs \$15 this would help maintain the inventory.

Dr. Shields explained some of the costs of maintaining this large number of animals.

Conversation ensued regarding the number of animals and the purpose of the need to microchip them.

Chairman Vallone asked Dr. Shields if he knew the people who run NAWS and if he would be able to contact someone from NAWS to possibly help reduce the cost of the micro chipping and Dr. Shields answered yes he would make a phone call.

Mr. Osterberger stated they are trying to minimize the costs and he has explained to his client that the Special Use Permit could be removed if she had more than the original fifty-five animals.

Mrs. Nancy Subar (neighbor) approached and asked how far the fenced in area is from the neighborhood to the east and Mrs. Findley answered about 800 feet.

Mrs. Subar also asked about the noise and explained that she has grandchildren in the subdivision to the east and she is concerned for their safety. Mrs. Subar is also concerned about the noise from all of the dogs and what if the dogs got loose and Mr. Stipan explained that the applicant has a six- foot fence.

Mr. Osterberger explained that Mrs. Subar's issues are valid but most of the animals are kept inside.

Mr. Tom Hrpcha approached and explained that he lives directly behind the applicant's property. He has small children he is concerned if the dogs get out, he is concerned about the noise and his property value.

Hearing no further discussion Chairman Vallone called for a motion.

Hugh Stipan made a motion to approve a Special Use Permit for a kennel with the above listed thirteen (13) conditions; seconded by Richard Berti.

Chairman Vallone stated that he believed the inventorying of the animal is critical and conversation ensued.

ROLL CALL VOTE: Vallone, Berti, Peterson, Stipan, Lager and Carruthers voted "yes" and Weidling voted "no".

ALL IN FAVOR

MOTION CARRIED (6-1)

5839-V Watson-Weidnaar

Chairman Vallone asked Mrs. Franz to open Case 5839-V.

Mrs. Franz summarized the facts of the case. The applicant is requesting a Variance for lot frontage from 165' to 0'. This request is to bring the parcel into compliance. Photos of the site and surrounding area were displayed in the presentation.

Staff is recommending approval of a Variance for lot coverage from 165' to 0'.

Conversation ensued regarding the date of creation of this lot.

Dan Quigley (attorney for the applicant) approached and asked for approval.

Ron Born (property owners to the west) approached and asked about their private easement road and explained he is concerned about the traffic from the construction of the new home because when the old house was demolished there was some damage.

Mr. Quigley stated that there is a recorded easement agreement that requires that the general maintenance from wear and tear be shared by the people who use the road. If his client's construction traffic causes damage to the road it would be repaired and repaved.

Steve Lekas (the builder) approached and Chairman Vallone swore him in. Mr. Lekas stated that the driveway is broken down and whatever damage is caused would be fixed.

Sean Coughlin (neighbor) asked if there was going to be any sub-dividing and Mrs. Franz explained that this property does not have the proper frontage to be sub-divided and the applicant attempted to do that they would have to go through the subdivision process and come back before the PZC and require a Variance for frontage.

**Hugh Stipan made a motion to approve a Variance for lot coverage from 165' to 0'; seconded by Scott Lagger.
ALL IN FAVOR**

MOTION CARRIED (7-0)

OTHER:

AFY: 2009-01 – Homer Community Consolidated School District 33-C

Mr. Dubois explained that this request should have been considered with the previous zoning case 5824-SV5. The Commission has already considered that zoning case and recommended approval of all of the associated requests.

The applicant is requesting authorization for parking in the front yard setback to within twenty-four (24) feet of the property line along Cedar Road. The subject property is commonly known as 16212 S. Cedar Road, Homer Glen, Illinois 60491 and is identified by permanent index number 16-05-21-100-039-0000.

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

William Weidling made a motion authorizing parking in the front yard setback to within twenty-four (24) feet of the property line on the parcel known as 16212 S. Cedar Road, Homer Glen, Illinois 60491 and identified by permanent index number 16-05-21-100-039-0000; seconded by Scott Lagger.

ALL IN FAVOR

MOTION CARRIED (7-0)

ANNOUNCEMENTS:

Mr. Dubois stated that recently there have been requests that Townships be notified of all variance requests. The current variance application process only requires notification of Township Highway Commissioners.

Conversation ensued regarding this request and it was decided to keep everything as is.

Mr. Dubois then advised the Commission of a second issue regarding a parcel that was rezoned to residential and with the current status of the economy the applicant has not been able to develop the property. A Map Amendment does not necessarily expire like a Variance does. Typically our office has not actively gone out and enforced no farming on residentially zoned property that is under an agricultural production. The request that we have received is not only to do that but also to erect a building on the property without a principal structure on the property would have to be commercial code).

Mrs. Franz explained that the purpose is initially to do farming on the site and then to use as a staging area when the construction of the subdivision does begin in the future.

WCPZC Minutes

DATE: May 5, 2009

Page 9

Mr. Dubois stated it would be questionable as to whether or not we could issue an ag-exempt permit on residentially zoned property and it would be a stretch to construct an accessory building without a principal structure to commercial code for secondary use as a staging area for the construction of the subdivision.

Mr. Dubois explained that the individual is possibly looking for a temporary use permit to do this and it is not authorized in the Zoning Ordinance.

Mr. Dubois stated staff would like to recommend they keep farming the land but don't erect a building on the property and the Commissioners concurred.

Richard Berti made a motion to adjourn;seconded by Scott Lager.

ALL IN FAVOR

MOTION CARRIED (7-0)

The meeting adjourned at 8:11 p.m.