

# Lake County Illinois

*Lake County Courthouse and Administrative Complex  
18 N. County Street  
Waukegan, IL 60085-4351*



## Minutes Report

**Tuesday, September 28, 2010**

**8:30 AM**

**Assembly Room**

**Planning, Building and Zoning Committee**

**1.0 Call to Order**

*The meeting was called to order by Chairman Schmidt at 8:32 a.m. Roll call was taken with Members Carlson, Hewitt, O'Rourke, and Schmidt present constituting a quorum.*

*Staff Present: Brittany Albrecht-Sloan, Brad Denz, David Husemoller, Megan Krueger, Mike Kuhar, Philip Rovang, Pat Tierney, Eric Waggoner*

*Others: Barry Burton - County Administrator, Dusty Powell - County Administrator's Office, Todd Daniels - Sexton Wind Farm, Scott Hendricks - Sexton Wind Farm, Al Westerman - Zoning Board of Appeals, Marvin Raymond - Regional Planning Commission, Gary Gordon - OMB, Pat Carey - County Board Member, Linda Pedersen - County Board Member, Melinda Bush - County Board Member, David Feczko - Applicant, Jason Dewey - Attorney, Jim Anderson - Lake County Forest Preserve District, John Revolta - Resident, Ed Sebesta - Resident, Carol Sebesta - Resident, Tadd Scarpelli - AYA Power, Julie Wernau - Press, Greg Koeppen - Zoning Board of Appeals*

**Present** 4 - Member Carlson, Member Hewitt, Member O'Rourke and Schmidt  
**Absent** 4 - Member Wilke, Vice Chair Lawlor, Chair Mountsier and Member Gravenhorst

**2.0 Pledge of Allegiance**

*The group recited the Pledge of Allegiance.*

**3.0 Minutes**

**3.1 10-0861**

Minutes from the Previous Meeting

- Minutes from the September 7, 2010, PB&Z Committee Meeting  
*Member O'Rourke stated that he believed the comments at the top of page five written as being said by County Board Member Linda Pedersen were actually stated by County Board Member Melinda Bush. He suggested that the minutes be placed aside until they arrive and can clarify the statement.*

*County Board Member Melinda Bush arrived and confirmed that the statements in question were her comments.*

*Motion to approve the minutes from the September 7, 2010, Planning, Building and Zoning Committee Meeting as amended by Chairman Schmidt, seconded by Member Carlson. Motion passed.*

**approved**

**Aye:** 6 - Member Carlson, Member Hewitt, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier and Schmidt

**4.0 Added to Agenda Items**

*There were no items to be added to the agenda.*

**5.0 Public Comments - Items not on the Agenda**

*There were no items for public comment.*

**6.0 Chair's Remarks**

*There were no remarks from Chairman Schmidt.*

**6.1 Members' Remarks**

*There were no remarks from the members of the Committee.*

**7.0 Old Business**

**7.1 10-0760**

Plat Amendment

Woodland Meadows Unit 2, Phase One

Warren Township - District 11

- Location: Southeast of the intersection of Ivy Lane and W. Woodland Drive. Addresses affected: 17555 W. Woodland Drive and 17565 W. Woodland Drive.
- The applicants (David and Laura Feczko and Nickolas Kovacevic) are seeking an amendment to the Final Plat of Woodland Meadows Unit 2, Phase One to vacate a 10 foot pedestrian easement that bisects both of their properties. The basis for the request is so a fence can be installed on the property line.
- Staff has reviewed the amendment and has determined that the vacation will not affect access to area parks or pedestrian circulation in the neighborhood.
- Staff supports the requested plat amendment.

*Mr. Pat Tierney presented the staff report on the request for a plat amendment for Woodland Meadows Unit 2, Phase One.*

*Motion to approve the plat amendment for Woodland Meadows Unit 2, Phase One, by Member Carlson, seconded by Member Hewitt. Motion passed.*

**approved**

**Aye:** 6 - Member Carlson, Member Hewitt, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier and Schmidt

**Attendance Update**

*Chairman Mountsier and Vice-Chairman Lawlor entered the meeting at 8:35 a.m.*

**Present** 6 - Member Carlson, Member Hewitt, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier and Schmidt

**Absent** 2 - Member Wilke and Member Gravenhorst

**8.0 Public Informational Meetings**

*There were no public informational meetings to be held.*

**9.0 Stormwater Management Commission**

*There were no items from the Stormwater Management Commission.*

**10.0 Unified Development Ordinance**

**10.1 Subdivisions**

**10.1 10-0884**

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Request for Variance from Unimproved Street Standards of Article 10 of the Unified Development Ordinance.

Applicants: Karl R. Smutney and Theodore J. Vickers  
Grant Township - District 5

- Location: East of Stanton Point Road at Bachman Road
- The applicants are seeking variances from the development standards for unimproved existing rights-of-way to construct a road that will serve two parcels of land; one contains a residence, the other parcel is vacant.
- Variance requests involve: 1) reducing the width of the right-of-way; 2) Reducing the width of pavement; and, 3) permitting the pavement to be located below the 100 year flood elevation.
- Staff has conducted an inspection of the site, evaluated alternatives to accomplish the applicant's development objective, and have discussed the variance request with the Grant Township Highway Commissioner. Staff recommends approval of the variances.

*Mr. Pat Tierney presented the staff report on the request for a variance from unimproved street standards of Article 10 of the Unified Development Ordinance.*

*Motion to approve the request for a variance from unimproved street standards of Article 10 of the Unified Development Ordinance by Member Hewitt, seconded by Member Carlson. Motion passed.*

**approved**

**Aye:** 6 - Member Carlson, Member Hewitt, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier and Schmidt

## 10.2 Zoning

### 10.2 10-0885

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Resolution on Zoning Board of Appeals Case No. 3541, which consists of the petition of Harry and Deborah Stackhouse, record owners, which seek a rezoning from the Estate (E) zone to the Residential-1 (R-1) zone.

- The subject property is 3.8 acres, currently improved with a single-family dwelling; located on the north side of Grass Lake Road, approximately 700 feet northwest of Beck Road in Lake Villa Township - District 1
- The applicant desires to rezone the subject property from Estate (E) to Residential-1 (R-1) to construct a single-family dwelling.
- The ZBA recommends approval 7-0; Planning, Building & Development Department recommends approval. See attached for further explanation.

*Mr. Brad Denz presented the staff report on Zoning Board of Appeals Case Number 3541, a request to rezone from the Estate (E) zone to the Residential-1 (R-1) zone.*

*Motion to approve Zoning Board of Appeals Case Number 3541, a request to rezone from the Estate (E) zone to the Residential-1 (R-1) zone by Vice-Chairman Lawlor, seconded by Member Hewitt. Motion passed.*

**recommended for adoption to the regular agenda**

**Aye:** 6 - Member Carlson, Member Hewitt, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier and Schmidt

## Attendance Update

*Member Gravenhorst entered the meeting at 8:57 a.m.*

**Present** 7 - Member Carlson, Member Hewitt, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier, Member Gravenhorst and Schmidt

Absent 1 - Member Wilke

**10.3 10-0677**

Resolution to amend the Unified Development Ordinance (UDO) Article 6, 13, 14 and the Appendix to incorporate new text regarding the permitting of wind energy facilities

- Staff will lead a summary section by section review of the amendments to the Unified Development Ordinance, regarding the permitting of wind energy facilities, with the changes voted on by the Planning, Building and Zoning Committee at the September 7, 2010 meeting.
- After a complete review, the Committee will vote to forward the amendment to the County Board.

*Mr. David Husemoller presented the final staff report on the proposed changes to the Unified Development Ordinance regarding wind energy. The Chairman decided to let the public speak first.*

*Mr. Al Westerman, Zoning Board of Appeals member, clarified a previous statement. He explained that if the proposed amendments go forward as written in Exhibit B, Lake County would be the only County in Illinois that does not have established setbacks near residential dwellings. He suggested that the setbacks be established at 3.5 times the height of the tower.*

*Mr. Marvin Raymond, Regional Planning Commission Chairman, stated that the Commission spent five months reviewing every word of the proposed amendments to the Unified Development Ordinance regarding wind energy. He further explained that Exhibit A was approved by both the Zoning Board of Appeals and the Regional Planning Commission, after many public hearings and in-depth discussions. He would urge the Committee to reconsider the amendments they made at the September 7, 2010 Planning, Building and Zoning Committee meeting regarding setbacks, as he feels that these decisions may have been made in haste.*

*Ms. Carol Sebesta, 42200 Hunt Club Road, Old Mill Creek, IL 60083, expressed her concerns with regard to the proposed amendments to the Unified Development Ordinance regarding wind energy and how she believes the installation of wind turbines will affect the County and its residents. She added that the State of Wisconsin is in the process of amending their ordinances to include larger setbacks.*

*Mr. Ed Sebesta, 42200 Hunt Club Road, Old Mill Creek, IL 60083, demonstrated the height of a 500 foot wind turbine in relation to a residence using scale models. He explained that he is concerned about the noise created by the turbines.*

*Mr. John Revolta, 42225 Hunt Club Road, Old Mill Creek, IL 60083, stated that he is very much in favor of green energy alternatives. While he feels that the smaller turbines would be acceptable in the County, he is concerned with the installation of large turbines and their impact on the County and area residents.*

*Vice-Chairman Lawlor explained that Exhibit B as amended by the Planning, Building and Zoning Committee were revisions that reflected the original draft ordinance produced by*

*the Wind Energy Task Force. Exhibit A produced by the Zoning Board of Appeals and the Regional Planning Commission restricted the ordinance.*

*County Board Member Linda Pedersen stated that the Wind Energy Task Force took a year to produce the proposed ordinance; the Zoning Board of Appeals held twenty-four hours of public hearings; the Regional Planning Commission spent five months completing a review of the ordinance. She stated that she was very pleased with the initial draft, she cannot support Exhibit B as amended by the PB&Z Committee. She stated that Lake County has the most dense population of any County in Illinois, but the Committee has established the smallest setback and she feels this decision was made too quickly.*

*County Board Member Pat Carey stated that she is in favor of wind energy, and that some of the changes made at the September 7, 2010, Planning, Building and Zoning Committee were changes that reverted to the original ordinance as established by the Wind Energy Task Force. She is also slightly concerned with the amendments made at the last meeting that pertain to setbacks for residential areas.*

*County Board Member Melinda Bush stated that she would also urge the Committee to revisit the setback issue.*

*Member Carlson stated that he is in favor of wind energy and while he feels that turbines are appropriate for more rural areas, he does not believe that large wind turbines belong in Lake County.*

*Motion to use the original language as written by the Zoning Board of Appeals regarding setbacks and allowable decibel levels by Member Carlson, seconded by Member Gravenhorst.*

*Vice-Chairman Lawlor stated that he would be in favor of revisiting the original language if Member Carlson would amend his motion to include the lower decibel levels.*

*Motion amended by Member Carlson to include the lower decibel levels regarding wind turbines, seconded by Vice-Chairman Lawlor.*

*Member O'Rourke explained that he is disappointed that the Members would accept the siting of a power plant on the lakefront that emits pollutants into the air, but they hesitate to allow the installation wind turbines within the County that produce green energy due to the aesthetics. The power plants are just as unsightly, and more hazardous for the public.*

*County Board Member Pat Carey stated that she feels the setbacks need to be established at a percentage of the height*

*County Board Member Melinda Bush stated that the Committee should make their own recommendations regarding the proposed ordinance rather than to accept the work of the previous reviewers. She urged the members to take more time to review the issues and*

*hand and make a recommendation that reflects their ideas and opinions and make the vote at a later date.*

*Motion to use the original language as written by the Zoning Board of Appeals regarding setbacks to include the lower decibel levels withdrawn by Member Carlson.*

*Motion to establish the setbacks for large wind turbines at 1000 feet by Member Carlson. No second provided.*

*Motion to establish the setbacks at 250% of the tower height by Member Carlson. No seconded provided.*

*Mr. Dusty Powell suggested that the Committee return this item to staff for further recommendation and take a vote at a later date when all of the Members are comfortable with the decisions being made.*

*The consensus of the Committee was to send the item back to staff for further recommendation and discussion.*

**11.0 Permits and Enforcement**

*There were no items under permits and enforcement.*

**12.0 Planning**

*There were no items under Planning.*

**13.0 Other Business**

**13.1 County Administrator's Report**

*There was no report from the County Administrator's Office.*

**13.2 Director's Report**

*Mr. Philip Rovang stated that today's meeting is the last meeting prior to the October Full Board Meeting because the October 5, 2010, PB&Z Committee meeting will be for FY2011 budget review. There will only be two remaining meetings this year to complete any necessary reviews.*

*Mr. Rovang went on to discuss the new brochure: Alternative Energy Devices Guide; Facts and Figures. The printing of the document was just finished. Anyone that would like a copy of the document should contact Mr. Rovang.*

**14.0 Adjournment of the PB&Z Committee Meeting**

*Motion to adjourn this session of the Planning, Building and Zoning Committee by Member Hewitt, seconded by Member O'Rourke. There being no further business to conduct, the motion passed unanimously.*

*The meeting adjourned at 10:00 a.m.*

Aye                      Nay

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<i>Chairman</i>		
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<i>Vice-Chairman</i>		
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*Recording Secretary*  
*Planning, Building & Zoning Committee*  
**adjourn**

**Aye:** 7 - Member Carlson, Member Hewitt, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier, Member Gravenhorst and Schmidt