

Lake County Illinois

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



Minutes Report

Tuesday, August 31, 2010

8:30 AM

Assembly Room

Planning, Building and Zoning Committee

1.0 Call to Order

The meeting was called to order by Vice-Chairman Lawlor at 8:30 a.m. Roll call was taken with Members Carlson, Hewitt, Lawlor, O'Rourke, and Wilke present constituting a quorum.

Staff Present: Brittany Albrecht, Steve Crivello, Brad Denz, Bill Hunt, David Husemoller, Megan Krueger, Philip Rovang, Gary Thompson, Pat Tierney, Eric Waggoner

Others: Barry Burton - County Administrator, Dusty Powell - County Administrator's Office, Mike Warner - Stormwater Management Commission, Marvin Raymond - Zoning Board of Appeals, Todd Daniels - Sexton Wind Farms, Scott Hendricks - Sexton Wind Farms, Jim Anderson - Lake County Forest Preserves, David Bell - Lake County Resident, Pat Carey - Lake County Board Member, Linda Pedersen - Lake County Board Member, Suzi Schmidt - Lake County Board Chairman, David Serdar - Lake County resident

Present 5 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor and Member O'Rourke

Excused 2 - Chair Mountsier and Member Gravenhorst

2.0 Pledge of Allegiance

The group recited the Pledge of Allegiance.

3.0 Minutes

3.1 10-0731

Minutes from the Previous Meeting

- Minutes from the August 3, 2010, PB&Z Committee Meeting
Motion to approve the minutes from the August 3, 2010 Planning, Building and Zoning Committee by Member Hewitt, seconded by Member Carlson. Motion passed.
approved

Aye: 5 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor and Member O'Rourke

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

Mr. David Bell, 18724 W. Linden Avenue, Lake County resident and homeowner, stated that he is currently trying to maintain three homes: those of his parents who are deceased, and his own. He received a red tag for replacing a roof on one of the homes because he did not secure permit prior to beginning the work. He is angry because he stated that he is having difficulties financially trying to maintain these homes and he feels that the fines and fees associated with securing a permit are unfair and do not provide incentive to area residents to maintain their homes.

Mr. Gary Thompson, Assistant Building Code Official, explained that although he was fined for not having a permit, the total fees were reduced to fit the work being done.

Attendance Update

Member Gravenhorst entered the meeting at 8:34 a.m.

- Present** 6 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor,
Member O'Rourke and Member Gravenhorst
- Excused** 1 - Chair Mountsier

Attendance Update

Chairman Mountsier entered the meeting at 8:38 a.m.

Vice-Chairman Lawlor officially turned the meeting over to Chairman Mountsier at 8:43 a.m.

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

6.0 Chair's Remarks

There were no remarks from Chairman Mountsier.

6.1 Members' Remarks

There were no remarks from the members of the Committee.

7.0 Public Informational Meetings

There were no public informational meetings to be held.

8.0 Old Business

There was no old business to conduct.

9.0 Stormwater Management Commission

9.1 10-0755

Joint resolution authorizing an emergency appropriation in the amount of \$150,000 in the Stormwater Management Commission budget (Fund 212) with offsetting increase in the revenue budget of \$150,000 to be reimbursed by the Illinois Environmental Protection Agency for a winter maintenance workshop, a watershed bus tour and a best management practice project in the Indian Creek and Bull Creek/Bull's Brook watersheds.

- SMC completed watershed-based plans for Indian Creek and Bull Creek/Bull's Brook and the County of Lake and the Illinois EPA have adopted these watershed plans in 2008 and 2009 respectively.
- In 2008, SMC entered into an agreement with the Illinois EPA to implement recommendations in the watershed plans through various activities including the construction of best management practice (BMP) projects in the Indian Creek and Bull Creek/Bull's Brook watersheds.
- This grant provides up to 60% cost-share funding for BMP project implementation in the Indian Creek and Bull Creek/Bull's Brook watersheds. Match for this project is provided by the Lake County Forest Preserve District.
- The attached emergency appropriation totaling \$150,000 will provide \$145,000 in Illinois EPA funds to expand the scope of the stream restoration project at the Heron Creek Forest Preserve, \$3,000 to conduct a winter maintenance workshop on September 22, 2010 and \$2,000 to conduct a watershed bus tour of the Indian Creek and Bull Creek/Bull's Brook watersheds.

Mr. Mike Warner presented the staff report on the Stormwater Management Commission

emergency appropriation for best management practices for the Indian Creek and Bull Creek/Bull's Brook watersheds in the amount of \$150,000.

Motion to approve the Stormwater Management Commission emergency appropriation for best management practices for the Indian Creek and Bull Creek/Bull's Brook watersheds in the amount of \$150,000 by Member Carlson, seconded by Vice-Chairman Lawlor. Motion passed.

approved and referred on to Financial and Administrative Committee

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

10.0 Unified Development Ordinance

10.1 Subdivisions

10.1 10-0761

.1

Sunset Estates Subdivision
Variation Request to Extend Performance Period
Cuba Township - District 17

- Location: West of Route 59 at the end of Sunset Road
- On July 13, 2010 the Committee granted a variance to the developer to extend his performance period beyond the maximum permitted 3 year period to complete performance items. The Committee's action at that time authorized an extension until November 30, 2010.
- Subsequent to the last action, the developer has been working on an agreement with the Township Highway Commissioner regarding the completion of road improvements. The tentative agreement calls for the developer completing a portion of the improvements this year and the remaining improvements next spring.
- Because the improvement will not be completed by the current expiration date, the letter of credit must be extended into July 2011.
- Staff supports the requested variance.

Mr. Patrick Tierney presented the staff report on the variation request to extend the performance period for Sunset Estates Subdivision.

Motion to approve the variation request to extend the performance period for Sunset Estates Subdivision by Member Gravenhorst, seconded by Member Hewitt. Motion passed.

approved

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

10.1 10-0760

.2

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. Patrick Tierney stated that this item must be pulled from the agenda because the developer was not able to secure the proper signatures on his plat approval. The item will be returned to the Committee at the next meeting.

Motion to table Item 10.1.2 the Plat Amendment for Woodland Meadows Unit 2, Phase One, by Member Gravenhorst, seconded by Member Hewitt. Motion passed.

tabled

10.2 Zoning

10.2 10-0754

.1

Conditional Use Permit Amendment for an Office Trailer and Fuel Tank
DK Organics

- DK Organics is an existing landscape waste transfer station located at 29307 N. Skokie Hwy., in unincorporated Lake Bluff.
- In 2006, Oak Development, LLC was granted a Conditional Use Permit to operate this landscape waste transfer station on this property located within the Intensive Industrial zoning district.
- Oak Development, LLC has requested an amendment to the CUP to allow a 10' x 40' modular office trailer and a 4' x 6" Diesel Fuel Storage Tank.
- Article 3.6.10 of the Lake County Unified Development Ordinance states that, "The Planning, Building and Zoning Committee shall be authorized to allow establishment of accessory uses and structures."
- Staff recommends approval of this CUP as these structures are accessory to the existing landscape waste transfer station.

Mr. Eric Waggoner explained that the applicant decided to make alterations to his request after the agenda had been approved. This item will be returned to the Committee following staff review of the proposed changes.

Motion to table item 10.2.1 the Conditional Use Permit Amendment for an Office Trailer and Fuel Tank by DK Organics by Member Carlson, seconded by Member Wilke. Motion passed.

tabled

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

10.2 10-0783

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Resolution on Zoning Case No. 3387, which consists of the petition of One Park Place Ventures, LLC, record owner, which seeks rezoning from the Agricultural zone to the General Commercial zone.

- The subject property is 9.19 acres, currently improved with a warehouse and single-family dwelling, located on the north side of Grand Avenue, approximately ¼ mile northwest of U.S. Route 45 in Lake Villa Township - District 3
- The applicant desires to rezone the subject property from Agricultural (AG) to General Commercial (GC) in order to establish a health club/tennis facility.
- The property is shown as Agricultural on the County's Comprehensive Plan; sewer and water are not available.
- The ZBA recommends denial 7-0; Planning, Building & Development Department recommends denial. See attached for further explanation.

Mr. Brad Denz presented the staff report on Zoning Board of Appeals case number 3387 a request to rezone from the Agricultural Zone (AG) to the General Commercial (GC) zone.

Mr. Eric Waggoner provided some additional comments regarding this request. He explained that while this development may be appropriate in the future, at this time staff does not feel that the area is ready to accept such development.

Ms. Suzi Schmidt, Lake County Board Chairman, stated that this request is in her district. She explained that she is in favor of this request as there are no other businesses currently being considered in her district, and in this economy she would choose to assist any entrepreneur attempting to begin operations.

Mr. Luigi DeAngelis, 2703 Neubauer Circle, Lindenhurst, IL 60046, petitioner for the rezoning request, expressed his thanks to Chairman Schmidt for her support. He explained that he is a long time resident of Lake County, and that he has been investing in the property for several year. He also said that he has a firm business plan in place and the support of the SBA. He appreciated the considerations of the Committee.

Member Carlson stated that while he appreciates the work of the Zoning Board of Appeals and staff and he doesn't like to vote against their recommendations, he felt that this request was appropriate and would vote in favor of this request.

Motion to approve Zoning Board of Appeals case number 3387 a request to rezone from the Agricultural Zone (AG) to the General Commercial (GC) zone by Member Carlson, seconded by Member Gravenhorst. Motion passed.

recommended for adoption to the regular agenda

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

10.3 10-0677

Discussion of Proposed Amendments to Lake County Unified Development Ordinance Regarding Wind Energy

- Staff will present the Text Amendment to the Unified Development Ordinance (UDO) with changes made by the Regional Planning Commission and Zoning Board of Appeals.
- The first provision of the proposed amendment includes the permitting of wind energy facilities.
- The second provision pertains to height, setbacks and operating conditions.

- The third provision contains information on violations, penalties and enforcement of the proposed regulations.
- After its review, the Committee will vote to forward the amendment to the County Board.

Mr. David Husemoller continued the presentation and discussion of the proposed amendments to the Unified Development Ordinance regarding wind energy. He presented pictures taken while on the bus tour taken with some of the Board Members to view local wind turbines, as well as, wind turbines in Wisconsin. The experiences of the attendees were expressed to the Committee.

Chairman Mountsier read from a letter with requested wording changes to the proposed ordinance from the Lake County Forest Preserve District staff.

Chairman Mountsier read a letter from Mr. Brad Buckley expressing his concerns on the proposed amendments.

Chairman Mountsier read a letter from Todd Daniels, President of Sexton Wind Power, regarding the company's concerns with the proposed ordinance. He outlined requested changes from Sexton Wind Power to the proposed ordinance pertaining to required setbacks, sound level limitations, and shadow flicker.

County Board Member Pat Carey stated that she is a proponent of alternative energy. She asked the Committee to consider two things: to allow the option of large wind turbines within the County and allow turbines in residential areas without a Conditional Use Permit.

County Board Member Linda Pedersen stated that she is also in favor of alternative energy from wind sources and she feels that the smaller turbines should be allowed for residential use without restrictions. However, she does not want the County to lose control of the regulatory authority regarding the large turbines. She said that while the large turbines may be appropriate in other areas, she does not feel that the layout of Lake County would allow for larger developments.

The discussion regarding the proposed amendments to the Unified Development Ordinance regarding wind energy will continue at the next PB&Z Committee meeting, at which time staff will continue making revisions to the proposed ordinance as requested by the Committee.

presented

11.0 Permits and Enforcement

There were no items pertaining to 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

13.2 10-0756

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Project Based Brochures

Mr. Philip Rovang presented the staff report on the project based brochures.

completed

13.2 10-0762

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Change in Fee Structure for Street Vacations

Mr. Patrick Tierney presented the staff report on the change in fee structure for street vacation requests within Lake County.

The consensus of the Members was that staff should produce some formulations regarding the change in fee structures for street vacations and return them to the Committee for review and approval.

completed

13.2 10-0812

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Year to Date Planning, Building & Development Activity Comparison Report

Mr. Philip Rovang presented the year-to-date Planning, Building and Development Activity Comparison Report.

14.0 Adjournment of the PB&Z Committee Meeting

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

The meeting adjourned at 10:49 a.m.

Aye Nay

Chairman

Vice-Chairman

Recording Secretary
Planning, Building & Zoning Committee
adjourn

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