

Lake County Illinois

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



Meeting Minutes - Final

Tuesday, October 1, 2013

8:30 AM

Assembly Room

Planning, Building and Zoning Committee

1. **CALL TO ORDER**

Chair Thomson-Carter called the meeting to order at 8:32 a.m.

Present 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

Others present:

Aaron Lawlor - County Board Chairman

Steve Carlson - County Board Member

Audrey Nixon - County Board Member

Barry Burton - County Administrator

Amy McEwan - Deputy County Administrator

Ryan Waller - Assistant County Administrator

Mike Warner - Stormwater Management Commission

Eric Waggoner - Director Planning, Building and Development Department

Gary Gordon - Director Finance and Administrative Services

Anita Patel - Finance and Administrative Services

Steve Crivello - Planning, Building and Development Department

Brittany Albrecht-Sloan - Planning, Building and Development Department

Pat Tierney - Planning, Building and Development Department

Dan Krill - Planning, Building and Development Department

Terry Kuss - Planning, Building and Development Department

Mark Eiden - Wantsh LLC

Darci Rozner - Jewish Communities of Chicago

James T Moyer - Architect for Elaine Frank Apache Day Camp

2. **PLEDGE OF ALLEGIANCE**

Chair Thomson-Carter asked Steve Crivello to lead the group in the Pledge of Allegiance. The Pledge of Allegiance was recited.

3. **APPROVAL OF MINUTES**

3.1 **13-0928**

Minutes from June 25, 2013.

The Minutes from June 25, 2013, were circulated to the PB&Z Committee for the Member's signatures.

A motion was made by Member Hewitt, seconded by Member Wilke, that the minutes for June 25, 2013 and August 27, 2013 be approved. The motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

3.2 13-0981

Minutes from August 27, 2013.

The Minutes from August 27, 2013, were circulated to the PB&Z Committee for the Member's signatures.

A motion was made by Member Hewitt, seconded by Member Wilke, that the minutes for June 25, 2013 and August 27, 2013 be approved. The motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

4. **ADDED TO AGENDA**

There were no items added to the agenda.

5. **PUBLIC COMMENT**

There was no public comment.

6. **OLD BUSINESS**

There was no old business to conduct.

7. **NEW BUSINESS**

STORMWATER MANAGEMENT COMMISSION

7.1 13-1006

Joint resolution authorizing an emergency appropriation in the amount of \$104,400 in the Stormwater Management Commission (SMC) budget (Fund 212) to be reimbursed by the Illinois Environmental Protection Agency (IL EPA).

Presented by Mike Warner, Executive Director, Stormwater Management Commission.

A motion was made by Member Taylor, seconded by Member Wilke, that this resolution be approved and referred on to Financial and Administrative Committee. The motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

7.2 13-1010

Joint resolution authorizing an emergency appropriation in the amount of \$808,415 in the Stormwater Management Commission (SMC) budget (Fund 212) to be reimbursed by the Illinois Environmental Protection Agency (IL EPA).

Presented by Mike Warner, Executive Director, Stormwater Management Commission. SMC is working with the East Skokie drainage district systematically convert them to daylight the sections and put in open channel areas instead of pipes. The better structure of the channel will create more flood storage and will also allow for more water quality systems. These monies and CCIP monies applied for will help fund both projects. Each project is approximately one million dollars.

A motion was made by Member Taylor, seconded by Member Hewitt, that this resolution be approved and referred on to Financial and Administrative Committee.

Motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

7.3 13-1028

Joint resolution authorizing an emergency appropriation in the amount of \$400,000 in the Stormwater Management Commission budget (Fund 212) to be reimbursed by the Gurnee Park District and the Gurnee School District #56, jointly, for the site restoration of the Gurnee Grade School Demolition and Site Restoration project, 900 Kilbourne Road, Gurnee, Illinois, Lake County.

Presented by Mike Warner, Executive Director, Stormwater Management Commission. The Intergovernmental agreement provides funding for the restoration of the former school site into a community park. The demolition event took place on Monday, September 30, 2013.

A motion was made by Member Hewitt, seconded by Member Hart, that this resolution be approved and referred on to Financial and Administrative Committee. The motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

7.4 13-1066

Resolution opposing the inclusion of certain properties within the Army Corps of Engineers' Des Plaines River Phase 2 Flood Mitigation Plan.

Presented by Mike Warner, Executive Director, Stormwater Management Commission (SMC). This is a resolution opposing the inclusion of the Didier Farm site by the Army Corps of Engineers (ACE) as part of the Des Plaines River Phase 2 Flood Mitigation Plan. The ACE Proposal is in direct conflict with the Lake County Regional Framework Plan's future land use map and the Buffalo Grove Comprehensive Plan for future development of the properties. SMC advised the ACE to not include the Didier Farm site two years ago and recommended other sites and ACE did not go with the recommendation. We are recommending a formal statement by this resolution that we object to this not only as a political standpoint but also as a public standpoint. There is nearly unanimous local government opposition to this and policy based opposition to this proposed inclusion by the ACE. Chairman Lawlor stated that over a span of eleven years and one million dollars being spent and nothing has been done. This is government at it's worst. Ultimately the land acquisition will come to the county and if we are not willing to be part of the land acquisition, it will fail. Mr. Warner said that there has been a social media campaign against the inclusion of the Didier Farm site and the ACE came out yesterday saying they are going to drop the Didier Farm site from the Des Plaines River Phase 2 Flood Mitigation Plan. It still is important to have the County's opposition as public record.

A motion was made by Member Taylor, seconded by Member Hart, that this resolution be recommended for adoption to the regular agenda. The motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

UNIFIED DEVELOPMENT ORDINANCE

7.5 13-1057

Committee action approving a minor modification to the Final Development Plan for the Elaine Frank Apache Day Camp Planned Unit Development (PUD) to relocate the day care facility and to construct an associated playground for the day care.

Presented by Pat Tierney, Planning, Building and Development Department. A modification of the 2005 PUD was presented by the applicant to PB&D to include the relocation of the day care facility to the activity building and to construct a playground for the day care. This would require the remodeling of the activity building. Staff recommends the approval of the minor amendment. James T. Moyer, architect for the facility, presented the proposed amendment to the PUD. He explained that the Jewish Communities of Chicago are looking to relocate the daycare facility to the activity building to better utilize the activity building. An addition is proposed to the front of the activity center to include administrative office space, rest rooms and a warming station. The proposed amendment would be a reduction of approximately 3000 sq feet of what was originally approved. The parking is adequate for what is proposed. The existing detention basin was originally sized for the original daycare facility so there will also be adequate detention for the modification. Chairman Carter expressed her approval of the use of this space and the reduction of ISR. She inquired about the traffic impact and was assured that the traffic would be staggered within a 3 hour window and would not have an adverse impact. Member Taylor noted that this would be an asset to his community. Chairman Carter requested staff to take a look at the process that the Elaine Frank Apache Day Camp has just went through to present a proposed amendment to the CUP that was approved in 2005 to this Committee.

A motion was made by Member Taylor, seconded by Member Wilke, that this committee action item be approved. Motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

7.6 13-1059

Committee action approving a variance from Article 10 of the Unified Development Ordinance (UDO) to amend an agreement extending the completion date for Final Plat approval for the Wanish Park Planned Unit Development (PUD).

Presented by Pat Tierney, Planning, Building and Development Department. Mr. Tierney summarized the history of this project. Staff is recommending the variance be granted. Mark Eiden, attorney for the project, explained that we are suspending the plat and the property cannot be developed at this time under it's current approvals until the developer comes back in and posts his bond and follows the new flood plain and wetland regulations. Member Carter expressed that this is a great protection for the county. Member Hart was in favor of the variance and the protections that are being put in place for the county.

A motion was made by Member Hart, seconded by Member Wilke, that this

committee action item be approved. Motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

7.7 13-1064

Committee action approving a variance from Article 10 of the Lake County Unified Development Ordinance (UDO) to extend the performance assurance for Newport Cove Planned Unit Development (PUD).

Presented by Pat Tierney, Planning, Building and Development Department. The development of the site is essentially complete and the county is asking for guarantees right now so the remaining work can be completed for the development. There have been several actions from the Committee on this plan to facilitate the completion of this development. Since last year there has been little progress. There are some significant performance items in relation to wetland and buffer requirements that need to be completed. Mr. Krill summarized that the shoreline requires a 50 foot buffer from the open water in order to separate the development and improved areas. All other areas have been completed. Staff is working with the developer in hopes that they will hire a qualified developer to meet the requirements of protection. Mr. Tierney continued that the staff recommendation is to grant the variance and maintenance assurances until October 31, 2014. There are conditions stipulated and if they are not met, the Committee is giving staff with the approval of this variance permission to pull the project on October 10, 2013 and draw on the guarantees if the conditions are not met. Member Petersen recognized that the developer is struggling but staff has gone far and beyond what should be necessary to help the developer and these steps are necessary to meet the intent of the ordinance. It's a beautiful development and we've provided a number of extensions.

A motion was made by Member Pedersen, seconded by Member Wilke, that this committee action item be approved. Motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

7.8 13-1040

Committee Action scheduling a public hearing on text amendments to Articles 10 and 11 of the Lake County Unified Development Ordinance (UDO) for the October 29, 2013 Planning, Building and Zoning Committee meeting.

Presented by Pat Tierney and Brittany Sloan, Planning, Building and Development Department. Mr. Waggoner clarified that normally under state law zoning amendments have to be considered at a public hearing by the Zoning Board of Appeals (ZBA). Under Illinois Law any items related to plat functions or subdivisions or school contributions would be acted upon by the Plat Committee or Plat Officer of the county. These specific type of regulations are uniquely handled by the PB&Z Committee who would facilitate the public hearing process.

The reason for the amendments is to try and incorporate ways to streamline the administrative processes to allow for developments to move forward under limited condition with staff approval. A chart reflecting the activity of the Committee over the

past 3 years reflected that Subdivision assurances have taken up the bulk of the committee decisions and these decisions could be delegated to staff. If the committee endorses these drafted amendments today public hearings will be set by the end of October and if approved will go to the County Board in November for adoption. Mr. Tierney reviewed each amendment.

Amendment #1: Mr. Tierney explained that the amendment would enable a 12 month extension for a phase of a project. This amendment would keep us current on regulations and standards and give us flexibility with the development in considering the circumstances for each phase of a development. Most developments are 3-4 phases. Chair Thomson-Carter expressed a caution to staff regarding the lack of expertise for residential developers to market commercial portions of a project.

Amendment #2: The amendment would classify alterations to platted easements as minor modifications. This would grant staff the ability to be pro-active throughout the process with engineering considerations. No discussion from the Committee.

Amendment #3: The amendment delegates the authority to the Director to hold a public informational meeting for minor subdivisions at the Central Permit Facility at a later time in the afternoon. This would be more accommodating for public attendance and also allow for a greater participation from other department staff that are part of the permitting process. Staff would continue to make notification to neighbors and relevant county board members. Major subdivision approvals would continue to go through the Committee for public informational meetings held at the county building downtown Waukegan.

Chairman Thomson-Carter and other members of the Committee expressed their concern of making sure the county board members that are familiar with the subject property continue to be part of the process because of their knowledge of the area. We want to be careful that those who represent the people are not left out of the loop to address the issues. The personal touch from the peoples representative is important and is what people want. Member Weber expressed the significance of the personal touch but also noted that the focus should be on the codes and facts.

Mr. Tierney explained that this proposed text amendment still gives the director the opportunity to direct the minor subdivisions to the Committee for review if it is the desire of the people.

Member Wilke suggested to move forward with the current proposed amendment and if the issue becomes contentious, then bring the Committee more into the mix. Mr. Waggoner recommended we make this language similar to the administrative variances so that if any public requests to be before the PB&Z Committee, then staff would be required to bring the public informational meeting to the Committee. The Committee directed the staff to modify the language as such.

Amendment #4: The amendment delegates the authority primarily for street standards to

the expertise of the County Engineer to act on certain requested modifications especially affecting rights of ways. Street vacations would still come to the Committee and the County Board.

Amendment #5: The amendment delegates the authority to the Director to act on requested modifications to stormwater management facility standards. No discussion from the Committee.

Amendment #6: The amendment delegates the authority to the Director to act on requested variances to new dams and impoundment structure standards. No discussion from the Committee.

Amendment #7: The amendment authorizes the Director to modify subdivision landscaping and street landscaping standards and make other changes to street landscaping requirements. Anything in the right of way has to be approved by the highway commissioner. Most power lines are underground. This amendment would give us the ability to be flexible.

Amendment #8: The amendment authorizes the Director to modify standards for pedestrian walkways and trails. This amendment provides for design flexibility with nothing allowed less than 5 feet in width.

Amendment #9: The amendment eliminates the one year limit on restoration assurances, performance assurances and maintenance assurances and allows the Director to grant the term extension based on the need.

Amendments #10, #11 & #12: Housekeeping amendments. No discussion by the Committee.

A motion was made by Member Weber, seconded by Member Hewitt, that this committee action item be approved. Motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

7.9 13-1041

Ordinance amending the Lake County Unified Development Ordinance (UDO).

Presented by Brittany Albrecht-Sloan, Deputy Director, Planning, Building and Development Department. The Regional Planning Commission (RPC) and the Zoning Board of Appeals (ZBA) unanimously recommended approval with the presented modifications. No discussion by the Committee.

A motion was made by Member Hart, seconded by Member Pedersen, that this ordinance be recommended for adoption to the regular agenda. Motion carried by the following vote:

Aye: 7 - Chair Thomson-Carter, Vice Chair Weber, Member Hart, Member Hewitt, Member Pedersen, Member Taylor and Member Wilke

DIRECTOR'S REPORT

Vice Chair Weber inquired about the purpose for the 190 foot frontage requirement for farm produce sales. Mr. Waggoner explained that the requirement of the 190 foot frontage requirement is normally associated with a principal AG use. The regulation is intended for an entity that rents frontage to allow for sufficient parking. This requirement also provides a large enough buffer for the activity from adjoining residential properties. This is already part of the ordinance. Staff is recommending the season of operation be extended from 6 months of sales to 8 months of sales. This regulation is designed more for commercial use. Member Wilke recommended that we touch base with DOT regarding their requirements in the case of larger farmer produce sales on county roads.

Mr. Eric Waggoner, Director, Planning, Building and Development Department, stated the annual legislative program is coming up and PB&D will have two proposals brought to RRL tomorrow. Both relate to property maintenance programs and both relate to fines/leins on properties. What PB&D is asking is that the County have the same footing as a municipality. For example: (1) Demolitions - the county has the authority to demolish unsafe property. When the property owner isn't willing, we demolish and put a lien on the property. Under IL law, when a municipality does this, they wait for a tax sale and prior to that property being deeded to another buyer, the municipality has to get that money back. PB&D does not have the authority under County code to do this. This would allow us to do the same thing municipalities do. (2) Administrative Adjudication - fines are typically paid by the property owner. When the fines are not paid they go into default. If not paid, we proceed with a 3rd party collection process. The collection agency takes their fee out of the fine that they have been paid by the property owner (1/3 of fine). Currently the only way we can be made whole is to go back through the hearing process. What municipalities can do is, the full fine amount is given to the municipality and the violator would be responsible for the collection fee. PB&D is looking for committee support. All members present were in support.

Steve Crivello gave an overview of the Building Code Analysis Project. PB&D is in the process of updating building codes. Codes are usually updated every 6 years and PB&D is at 7 years now. The ISO has two groups one for building and one for flooding. We need a score of 6 on the building end and cannot get that score until we update our building codes. Mr. Waggoner stated that in communication with other communities, this process is taking place in many communities. PB&D is looking at the 2012 code update which would allow for much more synergy between communities and give the developers a more level playing field when working with each other. Part of the focus groups that will be established to review the codes will include the fire department. Chair Thomson-Carter raised the awareness of the intent of the fire chiefs to have sprinkler systems required in new homes and if significant changes are made to an existing home, the house would have to be brought up to code with a sprinkler system. There has not been enough data presented to reflect the benefit, and the cost for a sprinkler system or upgrade to code is significant (\$25,000 or greater). This will be looked at as part of this process. There will be focus groups that will be compiled of all views to get a balanced perspective on all issues. Steve Crivello will send out a schedule of the focus groups to

Committee members.

Mr. Waggoner informed the Committee that PB&D is also reviewing the fee schedule to possibly condense it. Staff will bring updates to the Committee.

8. EXECUTIVE SESSION

There was no executive session.

9. COUNTY ADMINISTRATOR'S REPORT

Amy McEwan informed the Committee members that a radio system replacement presentation will take place at F&A tomorrow. This item will be coming back to the Committee several times because of the size of the project.

10. ADJOURNMENT

Chair Thomson-Carter adjourned the meeting at 10:17 a.m.

Minutes prepared by Terry Kuss.

Respectfully submitted,

Chair

Vice-Chair

Planning, Building & Zoning Committee