

Lake County Illinois

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



Minutes Report

Tuesday, January 25, 2011

8:30 AM

Assembly Room

Planning, Building and Zoning Committee

1.0 Call to Order

The meeting was called to order by Chairman Thomson-Carter at 8:30 a.m. Roll call was taken with Members Carlson, Hewitt, Pedersen, and Thomson-Carter present constituting a quorum.

Staff Present: Brittany Albrecht-Sloan, Steve Crivello, Brad Denz, David Husemoller, Megan Krueger, Dusty Powell, Pat Tierney, Eric Waggoner, Sheel Yajnik

Others: David Stolman - County Board Chairman, Barry Burton - County Administrator, Ryan Waller - Assistant County Administrator, Jennie Vana - Communications Manager, Pat Carey - County Board Member, Diana O'Kelly - County Board Member, Matt Guarnerly - Construction Manager, Aaron Lawlor - County Board Member, Philip Rovang - County Administrator's Office, Mike Warner - Stormwater Management Commission, Amy McEwan - Deputy County Administrator, Mike Schall - Property Owner, Radu Roman - Property Owner, Pete Takampe - Township Supervisor, Mark Michelini - Stevenson High School, Bill Grinnell - Fremont Township Highway Supervisor

Vice-Chairman Mountsier entered the meeting at 8:32 a.m.

Present 6 - Member Hewitt, Vice Chair Mountsier, Chair Carter, Member Carlson, Member Gravenhorst and Member Pedersen
Absent 1 - Member Schmidt

2.0 Pledge of Allegiance

The group recited the Pledge of Allegiance.

3.0 Minutes

3.1 [11-0045](#)

Minutes from the Previous Meeting.

- *Minutes from the January 4, 2011, PB&Z Committee Meeting.*
- Motion to approve the minutes from the January 4, 2011, Planning, Building and Zoning Committee by Member Carlson, seconded by Member Hewitt. Motion passed.*
approved

Aye: 4 - Member Hewitt, Chair Carter, Member Carlson and Member Pedersen

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 Thomson-Carter.

6.1 Members' Remarks

There were no remarks from the Members of the Committee.

7.0 Old Business

There was no old business to conduct.

8.0 Public Informational Meetings

There were no public informational meetings to be held.

9.0 Stormwater Management Commission

9.1 [10-1351](#)

Joint resolution authorizing approval of Amendment #1 to an Inter-Governmental Agreement (IGA) between the County of Lake and the Lake County Stormwater Management Commission (SMC) for the construction of a partial green roof at the Lake County Central Permit Facility in Libertyville, Illinois. The County will be reimbursed up to \$183,721 by SMC utilizing a State and Tribal Assistance Grant.

- Lake County entered into an IGA with SMC in June of 2008 to receive up to \$150,100 in grant funding for reimbursement concerning the construction of a green roof at the Central Permit Facility.
- Additional funding has become available through the existing grant and SMC has recommended re-allocation of these funds to the green roof project.
- Amendment #1 will increase the grant amount by \$33,621 for a total funding of \$183,721, which reduces the County's cost-share for this project.

Mr. Mike Warner from the Stormwater Management Commission presented the staff report on the joint resolution authorizing approval of Amendment #1 to an Inter-Governmental Agreement (IGA) between the County of Lake and the Lake County Stormwater Management Commission (SMC) for the construction of a partial green roof at the Lake County Central Permit Facility in Libertyville, Illinois. The County will be reimbursed up to \$183,721 by SMC utilizing a State and Tribal Assistance Grant.

Motion to approve the joint resolution authorizing approval of Amendment #1 to an Inter-Governmental Agreement (IGA) between the County of Lake and the Lake County Stormwater Management Commission (SMC) for the construction of a partial green roof at the Lake County Central Permit Facility in Libertyville, Illinois utilizing a State and Tribal Assistance Grant, and forward to the Financial and Administrative Committee by Member Carlson, seconded by Vice-Chairman Mountsier. Motion passed.

approved and referred on to Financial and Administrative Committee

Aye: 5 - Member Hewitt, Vice Chair Mountsier, Chair Carter, Member Carlson and Member Pedersen

10.0 Unified Development Ordinance

10.1 Subdivisions

Member Gravenhorst entered the meeting at 8:37 a.m.

10.1 [11-0044](#)

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Variation request to allow the proposed Schall Subdivision final plat and subdivision performance guarantees to be recorded one year after Final Plat approval in order to allow the applicant more time to obtain the performance assurances from the lending institution.

- The proposed 2-lot (80,000 square foot lot size, Estate zoned) conventional detached house residential subdivision is located on approximately 4.5 acres along east side of

Chevy Chase Road, approximately ¼ mile east of Gilmer Road in Fremont Township.

- The applicant requests a variation from Article 10, Section 10.7.6.8.b of the UDO to allow a one-year extension of an approved Final Plat of Subdivision and performance assurances to be recorded with the Lake County Recorder of Deeds. This Section provides that the Committee's approval of the Final Plat shall expire if the Final Plat and associated documents are not recorded within 5 days, unless other arrangements are authorized.
- The applicant is not yet prepared to submit the Final Plat for approval, pending the completion of soil borings and the securing of school contribution agreements, but nonetheless wishes to proceed with the variation request at this time.

Mr. Brad Denz presented the staff report on the variation request to allow the proposed Schall Subdivision final plat and subdivision performance guarantees to be recorded one year after Final Plat approval.

Mr. Mike Schall, 21275 Lakeview Court, Mundelein, Illinois, the petitioner, stated that he is having tremendous difficulties securing financing for his homeowners, which is creating further problems with meeting the requirements of the subdivision performance guarantees. He would like to avoid further problems by postponing the deadline for the Performance Guarantees so that he can concentrate on the current issues without the restrictions.

Vice-Chairman Mountsier stated that over the past two years there have been several requests before the Committee such as the Schall request. He feels that the requests are valid, but that it may be an issue that staff can address without the Committee's review. He feels that there needs to be a system of checks and balances for these type of requests so that compliance dates are not overlooked.

Mr. Eric Waggoner reminded the Committee that proposed amendments to the Unified Development Ordinance would be presented for approval as early as February or March. This will allow time for staff to incorporate a policy change into the proposed amendment that would address this issue.

The Committee agreed that staff should propose an amendment for the recordation of Final Plats regarding performance guarantees with the upcoming Unified Development Ordinance changes.

County Board Member Diana O'Kelly stated that she is the representative for this district. She has no objections to the request.

Motion to approve the variation request to allow the proposed Schall Subdivision final plat and subdivision performance guarantees to be recorded one year after Final Plat approval by Member Gravenhorst, seconded by Member Pedersen. Motion passed.
approved

Aye: 6 - Member Hewitt, Vice Chair Mountsier, Chair Carter, Member Carlson, Member Gravenhorst and Member Pedersen

10.2 Zoning

There were no items under zoning.

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

13.1 [11-0043](#)

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Discussion regarding yard waste management and open burning.

Mr. Barry Burton stated that he has received several questions over the last three to four years from various Board Members regarding issues pertaining to open leaf burning. He reminded the Committee that in June when he discussed the transition plan for the Planning, Building and Development Department he announced Philip Rovang would be assigned the task of completing a comprehensive review of this issue. Individual solutions to these types of issues create problems in other areas; an overall plan needs to be presented because this is a very controversial subject. He seeks policy direction from the Committee regarding this problem.

County Board Chairman David Stolman stated that any Board Member can request staff investigation of an issue up to a two-hour period of time. Because this issue is more substantial in nature, Barry Burton wants policy direction from the standing Committees as to whether or not this issue deserves staff time and resources. He went on to state that he proposed a ban on open leaf burning around schools while in session. This was due to problems experienced at Stevenson High School with smoke engulfing occupied classrooms and disrupting the learning process.

Chairman Thomson-Carter stated that it is the responsibility of the County Board member to address issues with their colleagues before requesting that an issue receive a full investigation by County staff. There needs to be support before proceeding, otherwise it is also the representative's responsibility to inform constituents that the support from the Board does not exist.

Mr. Philip Rovang presented a report on yard waste management and open burning .

Mr. Mark Michelini, 655 Pheasant Ridge Drive, Lake County, Illinois 60047, Business Manager for Stevenson High School, stated that there have been several incidents where the smoke from leaf burning has created problems within the class rooms. Students in the Band Room had difficulty playing their instruments when the room filled with smoke from the outside. There are also many students that have asthma, and therefore, breathing problems when smoke from leaf burning enters the classrooms.

Mr. Radu Roman, 19191 W. Lake View, Mundelein, Illinois 60060, stated that he does believe that open burning should be regulated, but he urged the Committee to consider

an alternative that would be affordable for the residents of the County.

Mr. Pete Takampe, 519 Hialeah, Grayslake, Illinois 60030, Fremont Township Supervisor, stated that with all of the large Oak trees located within the Township, there are many leaves to be removed. It is an financial burden for property owners that needs great consideration. He went on to state that as a farmer, he burns openly on his property on a regular basis.

County Board Chairman David Stolman stated that he received complaints from a constituent that their children were not able to go outside due to the smoke from leaf burning. He explained that restrictions may need to be placed, but not completely banned. He went on to say that in any situation it is important for property owners to be respectful of their neighbors. He went on to say that he wants the public to know that this is an issue to be discussed, but there will not be an immediate decision made.

County Board Member Diana O'Kelly stated that the residents live in the unincorporated areas because they want to be able to use their property as they choose. A ban on leaf burning is the beginning of removing the rights of the residents and the reasons they choose to live in unincorporated Lake County.

Mr. Bill Grinnell, the Fremont Township Highway Commissioner, stated there is illegal burning happening throughout the County. Residents will even burn their waste on the road rights-of-way. He stated that he believes that the enforcement would be a problem. Who would be responsible for the enforcement of these regulations because it is so widespread?

County Board Member Aaron Lawlor stated that with regard to this issue there is no one plan that will work for every district.

Member Gravenhorst stated that in this situation the Board will have to take a stand and make a decision that may not please everyone.

County Board Member Pat Carey stated that she is a proponent of a leaf burning ban. She was involved in the ban that was enforced in the Village of Grayslake, and she urged the Committee to consider alternatives for waste removal that are still cost effective for the residents.

Chairman Thomson-Carter asked if regulations can be limited for individual areas.

Mr. Philip Rovang stated that the State's Attorney's Office advised that if a direct connection to the problem can be established, regulations can be placed on the area of direct connection and not apply in elsewhere.

Member Pedersen stated that she does not believe that a burning ban would be accepted by the residents of her district.

Planning, Building & Zoning Committee