

# Lake County Illinois

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



## Minutes Report

Tuesday, October 26, 2010

8:30 AM

Assembly Room

**Planning, Building and Zoning Committee**

## 1.0 Call to Order

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

*Staff Present: Brittany Albrecht-Sloan, Steve Crivello, David Husemoller, Megan Krueger, Mike Kuhar, Philip Rovang, Pat Tierney, Eric Waggoner, Sheel Yajnik*

*Others: Barry Burton - County Administrator, Dusty Powell - County Administrator's Office, Al Westerman - Zoning Board of Appeals, Marvin Raymond - Regional Planning Commission, Linda Pedersen - County Board Member, Jennie Vana - Communications, Cindy Norbeck - Resident, Annette Lubkeman - Resident, Joyce Kiefer - Resident, David Fox - Resident, Lynne Davis - Resident, Patricia Palmieri - Resident, Suzi Schmidt - County Board Chairman, Christina Rush - Resident, Bill Rush - Resident, John Revolta - Resident, J. E. Purves - Resident, Kevin Purves - Resident, Mary Drimalla - Resident, Rich Hentschel - Finance, Mark Heller - Resident, Jan Harastary - Resident, Phil Langhof - Resident, Carol Sebesta - Resident, Ed Sebesta - Resident, Mike Hughes - Resident, Kathleen Sheu - Resident, Julia Simone - Resident, Arthur Callus - Resident, Terry Ramsdale - Resident, Shelley Kiefer - Resident, Brooke Hooker - Communications, Lisle Stalter - State's Attorney's Office, Anita Patel - Finance, Gary Gordon - Finance, Ardith Prucin - Resident, Donna Rieter - Resident, Jim Rieter - Resident, Linda Kelly - Resident, Sean Kelly - Resident, Marilyn Grace - Resident, Jim Grace - Resident, Dan Kelly - Resident, Maxine Mark - Resident, Bill Losch - Resident, Bernard Jasmer - Resident, Vivian Morrison - Resident, Ilse McAere - Resident, Susanne Tauke - Newport Cove, Pete Busceni - Resident, Pat Busceni - Resident, Dorothy Callos - Resident, Fran Hughes - Resident, Art Callos - Resident, Mike Anderson - Resident, Pat Anderson - Resident, Barb Revolta - Resident*

**approved**

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

## 2.0 Pledge of Allegiance

*The group recited the Pledge of Allegiance.*

## 3.0 Minutes

### 3.1 [10-1008](#)

Minutes from the Previous Meeting

- Minutes from the September 28, 2010, PB&Z Committee Meeting
- Minutes from the October 5, 2010, Joint PB&Z and F&A Committee Meeting

*Motion to approve the minutes from the September 28, 2010 PB&Z Committee Meeting and the October 5, 2010 Joint F&A and PB&Z Committee Meeting to discuss the FY2011 Budget for Stormwater Management Commission and Planning, Building and Development by Member Hewitt, seconded by Member Carlson. Motion passed.*

**approved**

**Not Present:** 1 - Member Gravenhorst

**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**

*Ms. Cindy Norbeck, 43046 N. Sheridan Oaks Drive, Antioch, Illinois 60002, read a letter from a resident of Wisconsin with a wind turbine near his home.*

*Ms. Lynne Davis, 42835 N. Crawford Road, Antioch, Illinois 60002, provided some handouts to the Committee Members to read following the meeting.*

*Mr. David Fox, 43030 N. Hunt Club Road, Antioch, Illinois 60002, asked what the insurance requirements would be for wind turbines.*

*Ms. Joyce Kiefer, 42125 N. Hunt Club Road, Wadsworth, Illinois 60083, stated that wind turbines should be sited in rural areas rather than in an urban setting.*

*Ms. Annette Lubkeman, 42826 Sheridan Oaks Drive, Antioch, Illinois 60002, read a diary of a resident of Wisconsin with a wind turbine near her home.*

*Ms. Patricia Palmieri, 18241 W. Edwards Road, Antioch, Illinois 60002, expressed her concerns with the siting of wind turbines in Lake County.*

*Member Gravenhorst entered the meeting at 8:46 a.m.*

*Mr. Kevin Purves, 41725 Hunt Club Road, Wadsworth, Illinois 60083, stated that he would like the Committee to stop the siting of wind turbines all together.*

*Mr. J.E. Purves, 41725 Hunt Club Road, Wadsworth, Illinois 60083, does not want turbines in Lake County.*

*Mr. John Revolta, 42225 Hunt Club Road, Old Mill Creek, Illinois 60083, stated*

*Mr. Bill Rush, 42905 Sheridan Oaks Drive, Antioch, Illinois 60002, explained how wind turbines are sited in Europe.*

*Ms. Christina Rush, 42905 Sheridan Oaks Drive, Antioch, Illinois 60002, read a newspaper article that discussed difficulties encountered by residents of areas that have wind turbines in operation.*

*Ms. Mary Drimalla, Sheridan Oaks Drive, Antioch, Illinois 60002, discussed her concerns with the installation of wind turbines.*

*Mr. Phil Langhof, 43098 N. Hunt Club Road, Antioch, Illinois 60002, asked the Committee to stongly consider the setbacks established for wind turbines.*

*Ms. Jan Harastanry, 43098 N. Hunt Club Road, Antioch, Illinois 60002, expressed her concerns regarding the heights and setbacks for the installation of wind turbines in Lake*

County.

*Mr. Mark Heller, 43147 N. Hunt Club Road, Antioch, Illinois 60002, stated that while he is in favor of alternative energy options, he does not believe wind turbines belong in any area where they can affect the residents of the area.*

*Ms. Carol Sebesta, 42200 Hunt Club Road, Wadsworth, Illinois 60083, stated that property values for homes near wind turbines would decline.*

*Mr. Mike Hughes, 42825 Sheridan Oaks Drive, Antioch, Illinois 60002, stated that there are wind turbines in the area that are already experiencing problems and are under review.*

*Mr. Ed Sebesta, 42200 Hunt Club Road, Wadsworth, Illinois 60083, demonstrated the scale of a turbine to a home with props. He stated that he has been to a wind turbine site and he described the noise level he encountered.*

*Ms. Terry Ramsdale, 42355 N. Crawford Road, Antioch, Illinois 60002, stated that there will be impacts on wildlife and human life if wind turbines are allowed in Lake County.*

*Mr. Arthur Callos, 43375 Hunt Club Road, Antioch, Illinois 60002, showed pictures of the Sexton Wind Farm wind turbine from his home. He asked if any of the Committee Members would purchase his home if the ordinance is passed and more turbines are sited.*

*Ms. Julia Simone, 43415 Hunt Club Road, Antioch, Illinois 60002, stated that she moved to the area just over a year ago, and she is concerned with the approval of the ordinance because she does not want a turbine in her back yard.*

*Ms. Kathleen Sheu, 42275 N. Crawford Road, Antioch, Illinois 60002, expressed her concerns with the approval of the ordinance and the installation of more wind turbines in the area.*

*Ms. Shelley Kiefer, 42051 N. Hunt Club Road, Wadsworth, Illinois 60083, stated that the previous speakers have addressed her concerns.*

#### **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 Old Business**

##### **7.1 [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.

- The Planning, Building and Zoning Committee reviewed and discussed Exhibit A, which

includes the originally proposed text amendment with the revisions proposed by the Regional Planning Commission and the Zoning Board of Appeals. The PB&Z Committee has recommended further changes which are included in Exhibit B.

*Mr. David Husemoller presented the staff report on the proposed text amendments to the Unified Development Ordinance regarding wind energy with status since the last Committee meeting.*

*County Board Chairman Suzi Schmidt stated that the Committee should consider the area when drafting the ordinance. The counties that have wind turbines are not as populated as Lake County.*

*Member O'Rourke stated that he has done much research on this issue and feels that the Ordinance would protect the residents. The noise and shadow flicker issues have been addressed in the ordinance and are not allowed in Lake County. He addressed many of the comments made by the residents of the County.*

*Member Gravenhorst stated that she appreciated the comments from the Committee, and she thanked the residents for their comments and attendance at this meeting. She explained that she is not in favor of large turbines in Lake County.*

*Member Wilke stated that he believes most of the residents in attendance at this meeting are concerned with the Sexton Wind Power. This discussion is regarding the entire County and not one particular site. He went on to say that Sexton Wind Power would have many processes to complete before they would be allowed to install large turbines.*

*Vice-Chairman Lawlor stated that he appreciates the residents attending the meeting to express their concerns. He stated that the ordinance has been reviewed carefully, and he believes that wind turbines would be beneficial in certain situations within Lake County. He would like to review the setback issue further.*

*Member Hewitt stated that she is proud to be serving on this Committee as her colleagues have completed a great deal of research on this topic. She does not believe that large wind turbines belong in Lake County.*

*Member Carlson stated that he does not believe that large wind turbines will be allowed within the County because of the State laws and because the draft ordinance would restrict their installation. He feels that the Committee should proceed with their vote.*

*County Board Member Linda Pedersen stated that she is in favor of alternative energy sources, but she does not feel that large turbines belong in Lake County. She feels that the setbacks are not restrictive and will not protect the residents.*

*Motion to postpone the vote on the proposed text amendments to the Unified Development Ordinance regarding wind energy by Member Hewitt, seconded by Member Wilke. Motion passed.*

*Chairman Mountsier allowed a five minute recess for the room to clear beginning at 10:00*

*a.m.*

*The meeting resumed at 10:05 a.m.*

**postponed**

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

**Nay:** 1 - Member Carlson

## 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 [10-1032](#)

.1

Mill Creek Estates Planned Unit Development  
Amendment to Final Plat to Add a Public Utility Easement  
Warren Township - District 7

- Mill Creek Estates PUD consists of 80 lots and was platted in October 2007.
- The owner of the subdivision is proposing an amendment to the final plat to add a public utility easement for sanitary sewer purposes.
- Staff and all necessary review agencies have reviewed the amendment and have no objections to the proposed amendment.
- Staff recommends that the plat amendment be approved.

*Mr. Pat Tierney presented the staff report on the Mill Creek Estates Planned Unit Development request to amend the final plat to include a public utility easement.*

*Motion to approve the amendment to the final plat for Mill Creek Estates Planned Unit Development to include a utility easement by Member Gravenhorst, seconded by Member Wilke. Motion passed.*

**approved**

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

#### 10.1 [10-1033](#)

.2

Heritage Trails  
Variance Request to extend Performance Assurance  
Newport Township - District 2

- The developer is seeking a variance to extend the performance period beyond the maximum permitted 3 year period to complete performance items.
- Staff has no objection to granting the variance.

*Mr. Pat Tierney presented the staff report on the variance request to extend the performance assurance period for Heritage Trails Subdivision.*

*Motion to approve the variance request to extend the performance assurance period for Heritage Trails Subdivision by Member Hewitt, seconded by Member Wilke. Motion passed.*

**approved**

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

**10.1 [10-1034](#)**

**.3**

Wilshire Estates

Variance Request to extend Performance Assurance

Fremont Township - District 10

- The bank recently acquired the subject subdivision and is not anticipating the onset of constructing the improvements at this time; a variance is necessary to extend the performance period beyond the maximum permitted 3 year period to complete performance items.
- Staff has no objection to granting the variance.

*Mr. Pat Tierney presented the staff report on the variance request to extend the performance assurance period for Wilshire Estates Subdivision.*

*Motion to approve the variance request to extend the performance assurance period for Wilshire Estates Subdivision by Member Carlson, seconded by Member O'Rourke.*

*Motion passed.*

**approved**

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

**10.1 [10-1035](#)**

**.4**

M-Subdivision

Variance Request to extend Performance Assurance

Shields Township - District 13

- The developer is in the process of mobilizing to begin the site improvements for the subdivision; however, there is insufficient time to complete all performance items prior to the expiration date of the assurance.
- The developer is requesting a variance to extend the performance period beyond the maximum permitted 3 year period to complete performance items.
- Staff has no objection to granting the variance.

*Mr. Pat Tierney presented the staff report on the variance request to extend the performance assurance period for M- Subdivision.*

*Motion to approve the variance request to extend the performance assurance period for M- 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 [10-1036](#)**

**.5**

Belvidere Estates

Variance Request to extend Performance Assurance

Warren Township - District 11

- A recent offer to purchase the subdivision was rejected by the bank that holds title to the subdivision.
- The developer (Capital Homes) has indicated that they remain interested in retaining the subdivision and completing the improvements but are not in the position to complete the work at this time and has requested a variance to extend the performance period beyond the maximum permitted 3 year period to complete performance items.
- The subdivision is stabilized; therefore, Staff has no objection to granting the variance.

*Mr. Pat Tierney presented the staff report on the variance request to extend the performance assurance period for Belvidere Estates Subdivision.*

*Motion to approve the variance request to extend the performance assurance period for Belvidere Estates Subdivision by Member Carlson, 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 10-1037**

**.6**

Newport Cove

Conditional Release of Performance Assurance

Antioch Township - District 1

- The developer has to complete offsite drainage improvements, traffic control signs and native plantings for the subdivision.
- Should the developer complete these improvements, the assurance can be released; if they are not complete, staff will need authorization to draw on the assurance to complete the work in the Spring, 2011.

*Mr. Pat Tierney presented the staff report on the conditional release of the performance assurance for Newport Cove Subdivision.*

*Ms. Susanne Tauke, Developer for Newport Cove, explained her request to the Committee.*

*Ms. Brittany Albrecht-Sloan explained the requirements regarding the Newport Cove Subdivision to the Committee.*

*Motion to approve the extend the performance assurance for Newport Cove Planned Unit Development Subdivision with conditions to expire on May 31, 2011 by Member Gravenhorst, seconded by Member Carlson. Motion passed.*

*Member Wilke departed from the meeting at 11:00 a.m.*

*Member O'Rourke asked that staff provide more notice to the Committee regarding issues such as Newport Cove so that the Committee has the luxury of making an*



*educated decision rather than taking a vote because of the timing.*

**approved**

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

## 10.2 Zoning

### 11.0 Permits and Enforcement

*There were no items under permits and enforcement.*

#### 11.1 [10-1031](#)

Joint resolution adopting an amendment to the One and Two Family Building Ordinance of Lake County, Illinois, and adopting a corresponding amendment to the Land Development Fee Schedule of Lake County, Illinois, and requests its adoption.

- Staff has analyzed residential building permit types with the goal of simplifying the administration of certain types that may need only registration.
- The report recommends several residential building types no longer require permits if certain conditions are met. Those include: Sheds under 100 sq. ft. (completed last June), Residings, Re-roofings and perimeter fencing for internal lots.
- The attached report lists the conditions necessary to allow the applicant to register one of the projects listed above. Instead of paying for a building permit, the applicant would pay a \$25 registration fee.
- If approved by the Committee, this recommendation would be forwarded to the Finance & Administration Committee and the full Board for approval.

*Mr. Eric Waggoner presented the staff report on the amendment to the One and Two Family Building Code Ordinance of Lake County, Illinois, and the corresponding amendment to the Land Development Fee Schedule to simplify the administration of certain types of building permits.*

*Vice-Chairman Lawlor departed from the meeting at 11:22 a.m.*

*Motion to approve the resolution amending the One and Two Family Building Code Ordinance of Lake County, Illinois and the corresponding amendments to the Land Development Fee Schedule to allow registration for residing, reroofing, and interior fencing by Member Carlson, seconded by Member Hewitt. Motion passed.*

**approved and referred on to Financial and Administrative Committee**

**Aye:** 4 - Member Carlson, Member Hewitt, Chair Mountsier and Member Gravenhorst

**Nay:** 1 - Member O'Rourke

**Not Present:** 2 - Member Wilke and Vice Chair Lawlor

#### 11.2 [10-1006](#)

Joint resolution amending the Lake County Land Development Fee Schedule.

- The proposed FY2011 Land Development Fee Schedule reflects an aggregate 12% increase in accordance with the previous recommendation of the Planning, Building and Zoning and Finance and Administrative Committees.
- The fee schedule, entitled "Exhibit A", reflects the current fees and proposed fees for comparison.
- Proposed fees reflect: (1) increases to more closely align revenue and cost of service; (2)

in some cases, no increases; (3) new services provided; and, (4) fee reductions in the case of projects proposed for registration.

*Mr. Eric Waggoner presented the staff report on the proposed increases to the Lake County Land Development Fee Schedule for the Planning, Building and Development Department.*

*Motion to approve the resolution amending the Lake County Land Development Fee Schedule to increase the fees effective December 1, 2010 by Member Hewitt, seconded by Member O'Rourke. Motion passed.*

**approved and referred on to Financial and Administrative Committee**

**Aye:** 5 - Member Carlson, Member Hewitt, Member O'Rourke, Chair Mountsier and Member Gravenhorst

**Not Present:** 2 - Member Wilke and Vice Chair Lawlor

## 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. Rovang asked the Committee to recognize Mike Kuhar's contribution to the Planning, Building and Development Department, as this will be his last PB&Z Committee meeting prior to his retirement at the end of this week.*

*The Committee Members expressed their thanks to Mr. Kuhar for his service.*

### 13.2 [10-1029](#)

.1

Year to Date Activity report December through September

*Mr. Philip Rovang presented the report on the Year to Date Activity Report for the Planning, Building and Development Department.*

**completed**

## 14.0 Adjournment of the PB&Z Committee Meeting

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

*The meeting adjourned at 11:39 a.m.*

Aye            Nay

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*Chairman*

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*Vice-Chairman*

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*Recording Secretary*  
*Planning, Building & Zoning Committee*  
**adjourn**

- Aye:** 5 - Member Carlson, Member Hewitt, Member O'Rourke, Chair Mountsier and Member Gravenhorst
- Not Present:** 2 - Member Wilke and Vice Chair Lawlor