

Lake County Illinois

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



Minutes Report

Tuesday, September 7, 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, Gravenhorst, Hewitt, Lawlor, Mountsier, O'Rourke, and Wilke present constituting a quorum.

Staff Present: Steve Crivello, Brad Denz, Bill Hunt, David Husemoller, Megan Krueger, Roberto Rodriguez-Torres, Pat Tierney, Eric Waggoner, Sheel Yajnik

Others: Barry Burton - County Administrator, Dusty Powell - County Administrator's Office, Todd Daniels - Sexton Wind Farms, David Gorffer - DK Organics, Jon Jahp - DK Organics, Richard Mittelman - Concrete Erectors, Ltd., Andy Kimmel - Lake County Forest Preserves, Marvin Raymond - Regional Planning Commission Chairman, Melinda Bush - Lake County Board Member, Pat Carey - Lake County Board Member, Steve Anderson - Lake County Forest Preserves, Linda Pedersen - Lake County Board Member, Robert Pfeil - Village of Buffalo Grove, Michael Coan - North County Developers, Carol Dorge - North County Developers

Present 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 [10-0759](#)

Minutes from the Previous Meeting

- Minutes from the August 31, 2010, PB&Z Committee Meeting
- Motion to approve the minutes from the August 31, 2010 Planning, Building and Zoning Committee Meeting by Member O'Rourke, 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

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 Mountsier.

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. Patrick Tierney explained that the plat amendment for Woodland Meadows Unit 2, Phase One, would need to be referred back to staff because some of the necessary signatures have still not been obtained.

Motion to refer the plat amendment for Woodland Meadows Unit 2, Phase One, back to staff by Member Gravenhorst, seconded by Member O'Rourke. Motion passed.

referred back to staff

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

7.2 [10-0754](#)

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 12' X 56' modular office trailer with an ADA accessible ramp, a 4' X 6' Diesel Fuel Storage Tank, seven additional material storage bins, and a reorientation of the location of the existing loading ramp and 10' X 30' grinder.
- 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."
- Since the PB&Z meeting on August 31st, the applicant has submitted a revised site plan titled, "DK Organics Revised Site Plan for Conditional Use Amendment, Proposed Additions, 9.7.10"
- Staff recommends approval of the revised site plan for the amendment to the CUP as these structures are accessory to the existing landscape waste transfer station.

Mr. Roberto Rodriguez-Torres presented the staff report on the Conditional Use Amendment for construction of an Office Trailer and Fuel Tank for DK Organics.

Member Gravenhorst stated that this item is in her district and she is very much in favor of this request. She explained that she would appreciate the support of Committee in approving this request.

Mr. Jon Jahp, 725 N. Skokie Highway, Lake Bluff, Illinois 60044, was available to answer

questions from the Committee.

Mr. David Gorffer, 555 E. Woodland Road, Lake Forest, Illinois 60045, was also available to answer questions from the Committee regarding the request.

Motion to approve the Conditional Use Amendment for an Office Trailer and Fuel Tank for DK Organics by Member Gravenhorst, seconded by Member Carlson. Motion passed.

approved

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

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

Excused 2 - Chair Mountsier and Member Gravenhorst

10.0 Unified Development Ordinance

10.1 Subdivisions

There was no new business under subdivisions.

10.2 Zoning

10.2 [10-0758](#)

.1

Resolution on Zoning Board of Appeals Case number 3486 which consists of the petition by North Star Trust Company as successor the Michigan Avenue National Bank of Chicago, as Trustee under Trust No. 2139, with the beneficiary of the trust which owns the subject property as Concrete Erectors, Ltd., record owner, which seeks a rezoning from the Residential-1 (R-1) zone to the Limited Industrial (LI) zone.

- The subject property is 6.7 acres, currently improved with light industrial uses, auto repair, landscape contractor, and offices; located on the south side of Deerfield Parkway, approximately 700 feet east of Weiland Road in Vernon Township - District 20.
- The applicant desires to rezone the subject property from Residential-1 (R-1) to the Limited Industrial (LI) to retain the existing uses.
- The ZBA recommends approval, with condition, 7-0; Planning, Building & Development Department recommends approval, with conditions. See attached for further explanation.

Mr. Brad Denz presented the staff report on Zoning Board of Appeals Case number 3486 which seeks a rezoning from the Residential-1 (R-1) zone to the Limited Industrial (LI) zone.

Mr. Eric Waggoner explained that this request is not a traditional rezoning of the parcel, but a conditional rezoning. The basis for a conditional rezoning is to apply conditions on the property owner to comply with certain regulations that are specific to the land on the subject property. The conditions are filed against the property through a covenant

concurrently with the County Board's approval. Conditions such as those placed on this request are helpful in addressing the standards for rezonings. The conditions address potential impacts on the surrounding land uses; particularly the residential areas surrounding the subject parcel.

Mr. Richard Mittelman, 230 Center Drive, Vernon Hills, Illinois 60061, Attorney for the petitioner, explained that the property was zoned Light Industrial when it was purchased, and has been maintained in this manner. There are already sound buffers in place, but there have been no complaints regarding noise levels from the parcel.

Mr. Richard Pfeil, 50 Raupp Boulevard, Buffalo Grove, Illinois 60089, Representative from Village of Buffalo Grove, stated that the Village is in favor of the rezoning request with the conditions as presented to the Committee. He went on to state that he believes this parcel will be annexed into the Village.

Mr. Eric Waggoner stated that County Board Member Stolman was informed of the item and he had no opposition to the request.

Chairman Mountsier read an email from County Board Member Stolman that stated he was in favor of this request.

Motion to approve Zoning Board of Appeals Case number 3486 which seeks a rezoning from the Residential-1 (R-1) zone to the Limited Industrial (LI) zone to include the recommended conditions in Exhibit A by Member Hewitt, seconded by Member O'Rourke. 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

- Discussion of proposed amendments to the Unified Development Ordinance regarding the permitting of wind energy facilities.
- Staff will lead the review of the following provisions: Sound Level Limits, Shadow Flicker, Setback, Height, and the Use Table.
- After the Committee has reviewed the above provisions, staff will lead a summary review of the text amendment section by section.
- After a complete review, the Committee will vote to forward the amendment to the County Board.

Mr. David Husemoller resumed the presentation to the Committee regarding the proposed amendments to the Unified Development Ordinance regarding wind energy. The discussion began with sound level limitations.

approved

10. Proposed Amendments to Lake County Unified Development

3

County Board Member Melinda Bush stated that she went on the Whirlwind Bus Tour

that occurred recently. We really have to determine if we are creating an ordinance that prohibits wind energy or supports wind energy. Twenty-two percent of our energy usage must be from alternative sources by the year 2020. Is Lake County going to be a part of this, or will all of this occur north of the border in Wisconsin? Most importantly, the ordinance must insure that residents of the County are protected.

County Board Member Pat Carey stated that the Northwind 100 wind turbine, which was seen during the Whirlwind Bus Tour at the community college in Wisconsin, has great potential for Lake County. The decibel level for this turbine is specified at 55 decibels. Based on this information the sound level limitations may be too strict.

Motion to use the recommendations of staff and the Wind Energy Task Force regarding sound level limitations reducing the limit to 45 decibels at night and 55 decibels during the day by Vice-Chairman Lawlor, seconded by Member Wilke. Motion passed.

approved as amended

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

10. Proposed Amendments to Lake County Unified Development

3

Mr. Husemoller continued the discussion on the proposed amendments to the Unified Development Ordinance regarding wind energy with standards for shadow flicker and sun glint pertaining to buildable area.

Motion to accept the original language as written by the Wind Energy Task Force by Member Wilke, seconded by Vice-Chairman Lawlor. Motion passed.

approved as amended

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

10. Proposed Amendments to Lake County Unified Development

3

Mr. Husemoller continued the discussion on the proposed amendments to the Unified Development Ordinance regarding wind energy with the standards for setbacks.

Mr. Todd Daniels, representing Sexton Wind Farms, stated that almost every ordinance in the State of Illinois has a one-hundred and ten percent setback for large wind turbines. He asked that the Committee consider the setback standard be set at one-hundred and ten percent from the property lines for residential, non-participating parcels.

County Board Member Linda Pedersen stated that she strongly urged the Committee to retain the one-thousand foot setback. She stated that there are residents in the State of Wisconsin that feel a one-thousand foot setback is too small.

Member Carlson stated that he believes that the Committee should listen to County Board Member Pedersen's concerns. Her district is the most likely to have a turbine sited in her district. He supports her request.

County Board Member Pat Carey stated that she is in favor of a smaller setback because she is concerned that the larger setback would be too restrictive.

Eric Waggoner stated that in order to provide the County Board some degree of flexibility in addressing turbine height when reviewing a CUP for large wind, the Committee may wish to consider inserting language modifying the standard by "the following language" or "other setback as specified as a condition of the CUP".

Vice-Chairman Lawlor stated that he supports this additional language because optimal output from a turbine is not received until the turbine reaches four hundred and fifty feet in height. He said that this is probably not an option for Lake County, but he wanted the language to select this option. He would like the language for section 6.344.1 regarding large wind to revert or other height as specified as a condition of the CUP, and similarly as Mr. Waggoner mentioned.

Motion to standardize the setback for all wind-turbines at one-hundred and fifty percent of the turbine height as originally determined by the Wind Energy Task Force to include the additional language specified for large wind "or other setback as approved by the CUP", by Member Wilke, seconded by Member O'Rourke. Motion passed.

approved as amended

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

Nay: 2 - Member Carlson and Chair Mountsier

10. Proposed Amendments to Lake County Unified Development

3

Mr. Husemoller continued the discussion on the proposed amendments to the Unified Development Ordinance regarding wind energy with the standards for height limitations.

Chairman Mountsier stated that the additional language proposed by Mr. Waggoner regarding setbacks would also pply to the height limitations.

Motion to include the original language regarding height limitations to include the language "or other setback as approved by the CUP" by Member Gravenhorst, seconded by Member O'Rourke. Motion passed.

approved as amended

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

10. Proposed Amendments to Lake County Unified Development

3

Mr. Husemoller continued the discussion on the proposed amendments to the Unified Development Ordinance regarding wind energy with the use table.

Motion to use the recommendations of staff and the Wind Energy Task Force regarding small wind turbine zoning and use with a delegated Conditional Use Permit by Member

Carlson, seconded by Vice-Chairman Lawlor. Motion passed.

Mr. Waggoner stated that at the next meeting there will be a brief discussion regarding the few remaining issues, and then the Committee will have the option of approving the entire ordinance.

County Board Member Pat Carey stated that she would like further information on the standards set by the Illinois Department of Natural Resources regarding wildlife concerns. She wants to insure that all of the issues listed have been addressed in the ordinance.

Mr. Husemoller assured the group that all of the issues regarding wildlife were addressed during the production of the draft ordinance.

approved as amended

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

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.

13.1 10-0848

.1

Discussion of potential FY 2011 State Legislative initiatives

This item was presented following Zoning Board of Appeals Case number 3486 so that the proposed amendments to the Unified Development Ordinance regarding wind energy could begin following all of the regular business and continue through the end of the meeting. The discussion began at 8:52 a.m.

Mr. Eric Waggoner presented the staff report on the potential FY 2011 State Legislative Initiative regarding cell tower siting. The proposal was designed to enact legislation to provide Counties with more siting authority over cell towers to insure that these facilities are located in appropriate locations away from sensitive land uses such as residential. The County's lobbyist is working aggressively to reach acceptable terms for an agreement with key members of the industry or to identify some other mechanism for increasing the County's level of control.

Mr. Barry Burton, County Administrator's Office, explained that after a certain number of years a legislative initiative that has not been successful would be eliminated. Because there was some movement on this item last year it is being returned for consideration. If action is taken with this round the County will continue to push for approval of this item; if not, this will be the final year for consideration.

completed

13.2 Director's Report

Ms. Sheel Yajnik was present representing the Department as Mr. Philip Rovang was not available.

There was no report from the Planning, Building and Development Department Director.

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 10:22 a.m.

	Aye	Nay
_____	_____	_____
<i>Chairman</i>		
_____	_____	_____
<i>Vice-Chairman</i>		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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