

Members Present

Mr. Tripp, Mr. James, Mr. LaGesse, Mr. Howard, Mr. Liehr, Mr. Olthoff, Mr. Washington, Mr. Einfeldt, Mr. Wheeler, Mr. Whitis, and Mr. Vickery

Members Absent

Ms. Polk and Mr. Tholen

In Attendance

- **Board Members**

Mr. Bossert and Mr. Hess

- **Department Heads**

Jamie Boyd

- **Media**

1. Call to Order/Roll Call

The meeting was called to order by the Chairman, Mr. Olthoff at 9:00 a.m. Quorum present.

2. Public Comment

3. Approval of Minutes – September 23, 2014

**A motion to approve the minutes was made by Mr. Whitis and seconded by Mr. Vickery.
Motion carried with a voice vote.**

4. Zoning

- **ZBA Case#14-13; request for Variances to Sections 121-99.b.11.a.3.iv (Lot Size) and 121-99.b.11.a.3.v (Frontage) in the A1-Agriculture District on a parcel generally situated in Section 02 of Norton Township. The petitioner is Virgil Clark, property owner and applicant.**

Mr. Skimerhorn stated that last month this committee sent this case back to the Zoning Board of Appeals (ZBA) for them to consider more information about the surrounding property owners which was presented at the Zoning Board of Appeals on the 20th. Mr. Virgil Clark is applying for a farmstead exemption for a 5.51 acre home site in Norton Township. In order to have the farmstead exemption he needs a variance for lot size since the farmstead exemption limits lot size to only 5 acres and he has 5.51. He also needs a variance for frontage. He has 30' of frontage and the farmstead exemption requires 50' when the home site is more than 500' from the road. They brought this back to the ZBA to explain that the surrounding property is owned by Golden Farms LLC. They owned it in 1977 and they still own it. In 1987 they divided off the 5.51 acre parcel and sold it to Walter and Dianne Wehlauch using the Illinois Plat Act which allows a person to divide property into 5 acre tracts or larger. In 1997 that property was sold again to Carl and Nancy Kulbartz and then in 2001 Virgil and Heather Clark purchased it and they still own it today. Mr. Clark testified that he has contacted Golden Farms and they are very adamant about not selling him any additional land so that his frontage can come into compliance. The ZBA took that into consideration and voted 6 to 0 to recommend approval.

Mr. Wheeler made a motion to approve and Mr. Vickery seconded it.

Discussion

Mr. Howard stated that he thinks that Mr. James made a very good comment on this at the last meeting. He would like to hear that discussion again.

Mr. James stated that he thinks that it is a bad choice.

Mr. Van Mill stated the reason that the committee sent it back was because they wanted to look at the historical record of the ownership of the original track of land in order to determine who are the owners of the larger tract, how did they come about getting the 5.5 acre track divided, and what is the association between the property owner that owns the house and the rest of the farmland. The question had been "Did the original property owner create a zoning violation that we are now fixing?" They just went over the history of the ownership of the 5 acres. It changed hands three times. The original property owner is still the original property owner of the larger parcel. The ZBA took that into consideration.

Mr. James stated that this means that we are saying that because of the fact that the 5 acres was in violation but had been transferred three times then that justifies us forgiving the initial violation.

Mr. Vickery stated that his understanding is that Mr. James' main concern was to go back to the owners of the 80 acres and ask them to give them more land which they have done and the owners of the 80 acres are not willing to do that. He thinks that it was a good faith effort on the petitioner to try to acquire more land to satisfy our concerns.

Mr. James stated that he can buy into that argument but the problem is that it does not resolve the problem of people deciding to do things in violation of our code and us forgiving them down the road. What is the worst case scenario here if we don't approve it? They can't get a permit for doing something to the property?

Mr. Van Mill stated that that is one thing.

Mr. James asked if there was a fire or catastrophe would it interfere with them rebuilding on it.

Mr. Van Mill stated that if they do not approve this, it would.

Mr. Vickery asked if this puts them in compliance.

Mr. Van Mill stated that it would.

Original motion carried with a voice vote.

- **ZBA Case#14-14; request for Rezoning from A1-Agriculture District to A2-Agriculture Estate District on a parcel generally situated in Section 20 of Rockville Township. The petitioners are Gerald Jackson & Judith Jennings, property owners and Mark and Kathi Depoister, applicants.**

Mr. Skimerhorn stated that Gerald Jackson and Judith Jennings own a 25-acre track of farm ground on 6000 W Road in Rockville Township. Mr. Jackson's daughter, Kathi, and her husband would like to divide off 3 acres of that property to build a home so that they can move back to the farm and help with the farm operations. The property is currently zoned A1 and they are asking for rezoning to A2. The ZBA voted 5 to 1 to recommend approval. There were no objectors present. The one dissenting vote commented that he voted no because the property had a high LESA score. However, they did testify that the entire farm has a high LESA score so there really is no place on the farm that they could put it that has a lower LESA score.

Mr. Olthoff asked how large the track of land was.

Mr. Skimerhorn stated that it is a 25-acre parcel. They did testify that they own over 400 acres in the area.

Mr. Olthoff asked if the farm south of that part of their farm.

Mr. Skimerhorn stated that it is not. Their farm is in the southwest corner of the map.

Mr. Vickery made a motion to approve and Mr. Wheeler seconded it. Motion carried with a voice vote.

- **ZBA Case#14-15; request for Rezoning from A1-Agriculture District to RE-Rural Estate District on a parcel generally situated in Section 10 of Otto Township. The petitioner is Cathy Paris, property owner and applicant.**

Mr. Skimerhorn stated that Ms. Paris owns 20 acres in Otto Township. She was recently divorced and cannot afford to keep the 20 acres anymore. She would like to keep 5 acres with her house and sell the 15 acres to a neighboring farmer who is currently farming the property. The 5 acres would be rezoned to rural estate. The ZBA voted 6 to 0 to recommend approval and there were no objectors present.

Mr. Whitis made a motion to approve and Mr. Tripp seconded it. Motion carried with a voice vote.

- **ZBA Case#14-17; request for Variance to Section 121-99.e (Lot Width) on a parcel generally situated in Section 10 of Otto Township. The petitioners are Cathy Paris, property owner and David Blume, applicant.**

Mr. Skimerhorn stated that this is the farm ground that is also owner by Cathy Paris. The applicant is David Blume, the farmer who has been farming it. In order for this division to occur and be compliant with the Zoning Ordinance the farm ground needs 330' of frontage and after the division it would only have 277' so they are asking for a variance of the difference. The ZBA voted 6 to 0 to approve and no objectors were present.

Mr. James asked if the adjacent farmer is buying this parcel.

Mr. Skimerhorn stated that it is not. There is a farm field in-between which is owned by his father but he does not own it so he cannot merge it in with his which is why he needs the variance.

Mr. Einfeldt made a motion to approve and Vickery seconded it. Motion carried with a voice vote.

- **ZBA Case#14-16; request for Rezoning from A1-Agriculture District to RE-Rural Estate District on a parcel generally situated in Section 07 of Manteno Township. The petitioners are Roberta Stauffenberg, property owner and Marty & Ethel Williams, applicants.**

Mr. Skimerhorn stated that Roberta Stauffenberg and Robert Oliver own a 39.16 acre parcel on 11000 N Road right at the Rockville/Manteno Township line. Mary and Ethel Williams would like to divide 5 acres off of that for a home site. The property was given to them in a will. The ZBA recommended approval 5 to 1. The dissenting vote had similar issues to the previous case – that the LESA score was high. An adjoining farmer tenant farmer to the south, Jason Zimmer, objected to the rezoning voicing concerns about changes to the drainage pattern. The engineer for the owners testified that there would be no change in the drainage patterns on the property.

Mr. Vickery made a motion to approve and Mr. Einfeldt seconded it.

Discussion

Mr. James asked if this parcel meets all of our restrictions for road frontage and everything.

Mr. Van Mill stated that if it gets rezoned it would.

Mr. Bossert asked if they went into any more detail on the drainage pattern.

Mr. Skimerhorn stated that the only comment was by the applicant's engineer that the drainage pattern would not change.

Mr. Olthoff asked if they have designated where they want to build.

Mr. Skimerhorn stated that they have. The property is over 1072' deep. The house will be set back about 300'. There will be a lane on the east side of the property going back to the home and garage.

Mr. Einfeldt asked if that makes the waterway about 200' away.

Mr. Skimerhorn stated that it would be roughly that far away.

Mr. Bossert stated that he will abstain on this vote because he is involved in farmland touching this property and his nephew is the one who made the public comment.

Mr. Liehr stated that there is a small section just south of the subject site. Is there going to be any problem with that?

Mr. Skimerhorn stated that they did ask at the hearing if that was correct and it is there. It is owned by the same family. They intend that the family will still farm the back acreage of the 5-acre parcel. It is his understanding that there are other children that may also have interest in these properties so there could be other divisions later on.

Mr. Einfeldt stated that we are here to consider the case that is in front of us and not what might happen later on.

The original motion carried with a voice vote.

5. Planning

- Appointment of Neeley P. Provost-Regas – Kankakee County Historic Preservation Commission
- Appointment of William Warburton (Residential Contractor) – Kankakee County Board of Examiners and Appeals
- Appointment of Chris Clark (Plumbing Contractor) – Kankakee County Board of Examiners and Appeals

Mr. Liehr made a motion to combine the appointments and Mr. James seconded it. Motion carried with a voice vote.

Mr. Washington made a motion to approve the above appointments and Mr. Wheeler seconded it. Motion carried with a voice vote.

6. Transportation

- **Public Transportation Service Plan (PTSP) for Kankakee County**

Mr. Lammey reviewed the Public Transportation Service Plan for Kankakee County with the committee.

Mr. Lammey stated that the Illinois Department of Transportation, Division of Public and Intermodal Transportation, is the agency that gives us money for rural transit but they do not believe that their grantees have done all the things that they have asked them to do over the years so in order to tighten up their own restrictions they have tried to find a person at each grantee level that they can hold accountable and he is that person. One of the new requirements is the development of a Public Transportation Service Plan for the rural transit service area. The document in today's packet has been approved by the County Transportation Committee. It needs to be approved by the PZA Committee and then by the full board in December.

Mr. Wheeler asked if we have any connections with Will County and their services.

Mr. Lammey stated that we do not. It is a totally different system and SHOWBUS's insurance will not allow them to go north of the county border.

Mr. Wheeler stated that he brought it up because there are a lot of jobs there that people in Kankakee County could access if they could get there.

Mr. Lammey stated that it is an issue.

Mr. Howard asked what the fees were for the adults and children that might ride the bus.

Mr. Lammey stated that on the demand and response it is \$4 a day for adults. He doesn't think that there is a fee for children. They do not charge anyone assisting someone that cannot ride on their own.

Mr. Howard stated that he received a call regarding someone using the bus that also had to pay for the three children that were on the bus.

Mr. Lammey stated that he is not sure where the break-off is for children. He will ask about that and get back to him.

Mr. Vickery made a motion to approve the PTSP and Mr. Tripp seconded it. Motion carried with a voice vote.

7. Old Business

Mr. Tripp asked if there was any update on the Route 50/Armour Road intersection.

Mr. Lammey stated that there was a safety project that was proposed there but it was never approved and the state never funded it. There was a design and he believes the price tag was \$7 million which pretty much ended it.

Mr. Bossert asked what the proposed design was.

Mr. Lammey stated that the exit from CSL was going to be signalized which was probably the major change and there were additional lanes that were going to be added.

Mr. LaGesse asked if that project qualifies for the MPO.

Mr. Lammey stated that it qualifies but the MPO only gets \$600,000 a year. It is also a state road and they try not to do projects with their money that involve state roads.

Mr. Hess stated that CSL requested an exit on Rt. 50 that was not approved.

Mr. Lammey stated that there was also a time when there was a proposal for a joint access onto Rt. 50 between Bunge and CSL and that fell apart, too. They have built some roads inside that have relieved some of that.

Mr. Wheeler stated that a couple of groups did a phone survey that may be relevant to this committee. The schools were one partner and the FOP was the other on a survey about how people felt about the sales tax and it came back 65%/35% against. The interesting question was 'Would people vote for the sales tax if we were to take any question of the landfill off of the table?' and he would like the committee to know that it was 65%/35% they would vote for the sales tax.

Mr. James asked what can be done about the situation that occurred in ZBA where parcels are being legally sold off as far as acreage goes but are not in compliance with our zoning codes. What can we introduce into our zoning that would eliminate this problem down the road? This has been abused and will continue to be abused until we find a way to resolve it.

Mr. Olthoff stated that we are dealing with something that goes way back.

Mr. James stated that it does not go back before the introduction of our rules. Our rules were in place when it happened. He is trying to figure out a way that we can eliminate one person violating it and passing the responsibility of resolving to the next party down the road which is what we just had happen.

Mr. Bossert stated that maybe we need to bring in the realtor involved in these things.

Mr. James stated that he has no problem with that but just remember one thing – the deeds are prepared by attorneys who review it and the title company does the research so there is more than one culprit involved.

Mr. Boyd stated that there has to be somebody available to enforce the rules and until the county is in a financial condition to have a fully staffed Zoning Department that would have people available to review all the real estate closings as they go through and until we can put an ordinance in place that we could enforce that would require that whenever subdividing a parcel of real estate that person would have to bring it before us or there would be a financial penalty then there is nothing that we can do. We don't have the staff to do it.

Mr. Van Mill stated that about five months ago one the message from the county board was to reduce staff and get their department in a position to be able to handle any further cuts. He thinks that the Planning Department did that very quickly. The other message that the county board gave them was to look at revenue and to build that wherever they can. This committee, along with the other communities, passed an amended Enterprise Zone Intergovernmental Agreement which allows them to collect half of a building permit so today they are collecting a building permit fee of \$44,000 for one project. This year their revenue is at record level at over \$1.2 million and they are doing that with about a \$330,000 budget and a small staff.

Mr. Vickery stated that under our present budget restrictions he thinks that our process right now with our ZBA is adequate. He has attended several of the ZBA Meetings and they are pretty thorough. They have hearings and the people who are residents in the area are all notified.

Mr. Wheeler stated that he agrees that we would all like to be able to do what Mr. James is talking about at some point. Is \$675,000 from the wind farms included in the revenue? What is the residual revenue off of the wind farm?

Mr. Van Mill stated that it is and he thinks it is about \$30,000 to \$40,000 annually in real estate tax for the general fund.

8. New Business

9. Adjournment

A motion to adjourn the meeting at 9:40 a.m. was made by Mr. LaGesse and seconded by Mr. James. Motion carried.

Bill Olthoff, Chairman
Joanne Langlois, Executive Coordinator