

Members Present

Mr. Olthoff, Ms. Polk, Mr. James, Mr. LaGesse, Mr. Howard, Mr. Liehr, Mr. Whitis, Mr. Washington, Mr. Einfeldt, Mr. Wheeler, Mr. Vickery, and Mr. Tholen

Members Absent

Mr. Tripp

In Attendance

- **Board Members**

Mr. Bossert and Mr. Hess

- **Department Heads**

Mark Rogers, Lori Gadbois, and Kevin Duval

- **Media**

None

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

- **Claire Chaplinski commented on ZBA Case #14-03 Special Use Permit/**
- **Gregg Spathis commented on objection to the billboard.**

3. Approval of Minutes – April 23, 2014

A motion to approve the minutes was made by Mr. James and seconded by Mr. Liehr. Motion carried with a voice vote.

4. Zoning

- ZBA Case #14-03; request for a Special Use Permit #121-209.b.10 (Advertising Sign) in an I2-General Industrial District on a parcels generally situated in Section 17 of Bourbonnais Township.

The petitioners are BTPM LLC, property owner and Key Outdoor Advertising, applicant.

Mr. Skimerhorn stated that Key Outdoor Signs and BTPM LLC would like to construct an off-site advertising billboard at 731 Larry Power Road. The sign meets the county's requirements for height, size, and setback. This went to the ZBA on May 19 for the second time to hear objections from the Village of Bourbonnais. Bourbonnais argued that their ordinance does not allow off-site advertising within the Village and this is within their mile and a half. They also stated that someday in the future they intend to annex this property and property around it which would bring the property even closer. It is currently about 450' from the Village. There were no other objectors or comments at the Zoning Board Hearing and the Zoning Board voted 6 to 0 to approve the special use permit.

Mr. James made a motion to approve the special use permit and Mr. Washington seconded it.

Discussion

Mr. Liehr stated that he attended the ZBA hearing and there are a couple of things that he is concerned about. Clearly, this is something that the Village of Bourbonnais is objecting to and it seems like the county often times does wish to cooperate with the Village.

Mr. Whitis stated that he was also at the Zoning Board Hearing and listened to all of the testimony. He doesn't know why we would support it since it is so close to the Village of Bourbonnais and it is against their ordinance.

Mr. James stated that he can sympathize with Bourbonnais however this has passed our regulations and there is a degree of liability here. If we determine that it is legal and then decide at random that we are not going to approve it we are opening up for some liability and he does not think that we can afford that. It meets all the criteria and it was brought back to the ZBA and they have not been able to find any reason not to support it so he is going to support it.

Mr. Vickery stated that he has a hard time going against ZBA. It has been through two hearings and they look at things very thoroughly.

Mr. Einfeldt stated that he feels that both parties are right on with what they are talking about and he is sure that the ZBA has done due diligence. The catch point in his mind is that it is so close and he does believe that someday this will be part of the Village of Bourbonnais. He thinks that he would vote to oppose the sign.

Mr. James stated that if the sign would happen to get torn down by a storm then the Village's ordinance would kick in and they would not be able to reconstruct the sign so they do have a back-up protection. He still thinks that we have to abide by the rules that we have out there.

Mr. Olthoff stated that he attended the ZBA Hearing also and Key Signs had two signs go down in Bourbonnais and were unable to rebuild those and this is in an industrial district. These facts entered into the decision making process also.

Mr. Bossert stated that the distance of 400' that is being mentioned is 400' from a very industrial area along the railroad tracks to the east. The distance to a residential area back to the west is a couple thousand feet over the interstate. The sign site is not in the midst of a residential area and may not even be very visible from the residential area. Also, a lot of the discussion at the hearing about the content of the sign seemed to make a difference as to whether it would be permitted or not and that gives him pause as to whether or not such an ordinance to regulate content is permissible. Have they had any feedback on content regulations on signage?

Mr. Van Mill stated that he is not aware of any. He thinks that there has been a lot of litigation nationally in terms of controlling messages as issues regarding Freedom of Speech come into play.

Mr. Skimerhorn stated that he thinks the new thought is to regulate signs by size and location and not their content because any time that you try to regulate content you're going up against Freedom of Speech issues that usually win out.

Mr. Olthoff stated that at the ZBA Hearing the objection was registered that advertising by competitive companies would be competitive to businesses in Bourbonnais and the comment was made by Key Signs that 90% of their advertising is local.

Mr. Vickery stated that the Planning Department always tried to be consistent in their process so to deviant from what their process is not a good thing. Mr. Vickery asked Mr. Van Mill to explain their policy.

Mr. Van Mill stated that when the ZBA takes a case that is where the record is established for or against a case. In this case it is a Special Use Permit which does require County Board approval. When the case is made and the record is established at that public hearing in front of the ZBA the ZBA is responsible for

putting forth findings of fact that support their vote, whether it is for or against. He thinks that what Mr. Vickery is trying to indicate is that if the committee feels that the findings of fact and the vote are adequate then the committee would support the recommendation of the ZBA. If they do not and want to vote against that recommendation then they establish where in the findings of fact that they feel the petitioner does not meet the findings and that is established as well but it has to be based on that record. What they have indicated for a long time is that once the public hearing is closed no further testimony or information is provided to the committee. They should use the record that is established at that public hearing to base their decision on.

Mr. Liehr stated that on page 1 of the document that the Planning Department provided the Planning Department's analysis makes reference to the fact that the ZBA Board should ask the applicant for verification from ComEd that sign placement will not interfere with power lines' safe operation. Was that question asked at the first hearing?

Mr. Skimerhorn stated that it was and the Zoning Board felt that it was adequately addressed.

Mr. LaGesse asked if the signs located at 102 and 45 on the curve by Olivet were grandfathered in. Is that the size of the sign that we are considering?

Mr. Olthoff stated that they were grandfathered in. He believes the size of the sign is like the one on Rt. 45 that is double.

Mr. Skimerhorn stated that it is a double-faced sign, kind of wedge shaped, with 800 sq. ft. on each side.

Mr. LaGesse stated that there are certain locations where he would be opposed to signs like this but in the area that they want to locate it at he is not opposed.

Mr. Vickery stated that our decisions should be based on the facts and the facts have been answered by ZBA.

Original motion carried with a voice vote. Mr. Liehr, Mr. Whitis, and Mr. Einfeldt were opposed.

- ZBA Case#14-05; request for Variance to Section 121-285.a.1 (Fence Height & Type in Front Yard) in the A1- Agriculture District on a parcel generally situated in Section 22 of Momence Township.

The petitioners are Thomas and Dawn Miller, property owners and applicants.

Mr. Skimerhorn stated that Mr. and Mrs. Miller wish to install a 6-ft. privacy fence in the front yard of their property. Their home has been built towards the rear of the property much further back than the 30' setback that is required which made their front yard much larger than normal and made a requirement for a variance in order to build a privacy fence in that area. The fence itself would be 70' back from IL. Rt. 114 and it would be start at the front corner of the neighbor's house. At Zoning Board they testified that they have been having a lot of issues with that neighbor and would like to have the fence to create a separation between the two. Zoning Board voted 6 to 0 to approve the variance.

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

Discussion

Mr. Vickery stated that he has had several conversations with the Millers about some of the issues and that is one reason for his support of it.

Mr. Howard stated that this is his first meeting and he appreciates being on this committee. He would go with the recommendation of the ZBA.

Mr. Einfeldt stated that he has seen the subject site here and he does not believe that this fence will create any kind of obstructions that would make a difference to traffic or anything else. He thinks it will be a good thing.

Original motion carried with a voice vote.

- ZBA Case#14-06; request for Variance to Sections 121-285.a.1 (Fence Height & Type) and 121-281.b.2 (Location of Accessory Structure) in the R1- Single Family Residential District on a parcel generally situated in Section 35 of Kankakee Township. The petitioners are Dave & Tina Causer, property owners and applicants.

Mr. Skimerhorn stated that Causers own property in Skyline Subdivision. It has basically three front yards because it has road right-of-ways on three sides. They are asking to be able to build a car port which would be essentially in the front yard and to put up a privacy fence. There were no objectors at the public hearing and the Kankakee Township Road Commissioner did speak in favor of granting the variance. This was also recommended by ZBA 6 to 0.

Mr. James made a motion to approve and Mr. Washington seconded it. Motion carried with a voice vote.

- ZBA Case#14-07; request for a Text Amendment to County Code Sections 121-3 (Rules and Definitions); 121-99 (Agricultural District (A-1)); and 121-208 (Light Industrial District (I-1)) Medical Cannabis Facilities. The petitioner is Kankakee County.

Mr. Skimerhorn stated that back in January 2014 the Compassionate Use of Medical Cannabis Pilot Program Act took effect. This Act allows the cultivation processing and distribution of cannabis for the purpose of treating debilitating medical conditions. It provides regulations for two types of facilities. One is a cultivation center which is where the product is grown and processed. The other is a dispensing organization which is where the product is distributed to the end users. The Act will be administered by the Department of Public Health, the Department of Agriculture, and the Department of Finance and Professional Regulations. For cultivation centers, 22 will be allowed in the state but no more than 1 per state police district. There is a litany of requirements that the applicants must meet. One is that they prove that the center is in compliance with local zoning ordinances and currently our ordinance does not have them listed and therefore not allowed. Also, part of the requirements is some very large setbacks. The facilities must be 2500' from a public or private school, daycare center, group home, or any area that is zoned for residential use so that definitely limits the locations where these facilities can be located. Dispensing organizations are a little different. Sixty are allowed state-wide and it says that they must be geographically dispersed but the Act really does not define what that means.

Mr. Bossert stated that he thinks that somewhere in the proposed regulations he has seen a distribution list of how the dispensaries are going to be scattered. There will be several in Cook County, several in the City of Chicago, and other state police districts will get several. We will be limited to one dispensary for our state police district.

Mr. Skimerhorn stated that he thinks the Department of Ag is still working on the rules and refining some of them.

Mr. Bossert state that they have not been accepted by JCAR yet.

Mr. Skimerhorn stated that they know that there will be 60 state-wide and they also have a litany of regulations that they will need to follow. However, the dispensing organizations do not have the zoning requirement. They still have the setback requirements but it is only 1000' not 2500'. Consumption cannot take place on the premises and they cannot share space with physicians or get physician referrals. The document in today's packet shows the recommended changes to our zoning ordinances. Zoning Board voted 5 to 1 to approve. The dissenting vote offered no comment as to why he voted no.

Mr. James asked for clarification on what Health Department will be one of the overseers on this.

Mr. Skimerhorn stated that it is the Illinois Public Health Department, not the county's.

Mr. Vickery made a motion to approve the changes and Mr. James seconded it.

Discussion

Mr. LaGesse stated that he thought that he heard on the radio this morning that Iroquois County Board was thinking about a cultivation center in Ashkum.

Mr. Van Mill stated that they have probably taken some of the same steps that we are. There is only going to be one of these so once one is established this ordinance will become moot.

Mr. Olthoff asked who would be in charge of enforcement of the regulations.

Mr. Van Mill stated that the state is.

Mr. Liehr stated that he noticed in the staff report that the petitioner makes quite a few references to the special use permit approval process. Does this suggest that if there was a potential site in Kankakee County there would need to be further action on the part of this board?

Mr. Van Mill stated that that was correct. It would require an applicant to come here with a petition and the county would have to demonstrate that it meets all of those state requirements and the county board would have to approve that site for that zoning use. Then the applicant would have to send the application into the state and the state after reviewing all the applications will decide where that location of the processing center would ultimately end up.

Mr. Liehr stated that there have been other states that have already dealt with medical marijuana facilities and he hopes that we have time to check to see what kind of problems that may have arose in some of those other states.

Mr. Van Mill stated that the ordinance is a framework and then they can add additional regulations within the special use if they feel that it is necessary.

Mr. Olthoff asked if Colorado went through the same process that we are going through.

Mr. Tholen stated that it was similar.

Mr. Olthoff stated that they have a lot of problems.

Mr. Vickery stated that this will probably evolve and he credits the PZA Department for being proactive.

Original motion carried with a voice vote. Mr. Olthoff opposed.

5. Planning

- Appointment of Diane Tomic to the Historic Preservation Commission

Mr. Washington made a motion to approve and Mr. James seconded it. Motion carried with a voice vote.

6. Transportation

- 2014 Consolidated Vehicle Procurement Application

Mr. Lammey stated the County of Kankakee is the grantee for money to provide rural transportation for the County of Kankakee. They do that with a number of buses that we hold title to, some of which are getting very old and one which is due to be replaced this year which is what this grant application is for . It is 80% federal money and 20% state money.

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

- **Contract with IDOT for MPO Program FY2015**

Mr. Lammey stated that every year since 1983 Kankakee County has been the applicant for funding for staff assistance for Metropolitan Planning Organization (MPO) for this area. The staff in the Planning Department provides staff for the MPO that funds 3 full-time staff and parts of time for 4 other people of the Planning Department. The amount of money this year is \$239,000 in federal and there is a local match of \$59,000. To get \$.80 of federal money they have to spend \$.20 of their own money. Whenever they bill for \$1.00 of direct salary they also bill for \$.72 in indirect. If you do the math you will see that they are getting more money back than the 20% that they are giving. The only thing that they provide the 20% match on is travel and on things that they buy and this year that is in the range of \$16,000 or \$17,000 so it is 20% of that amount.

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

Discussion

Mr. Bossert stated that they are leveraging their staff time. Staff time is theirs but they are allocating that time to this project and leverage that and add some for out-of-pocket costs.

Mr. LaGesse asked if it is the right time to explain the MPO.

Mr. Lammey stated that the MPO is a creation of the federal government. It has all the urbanized area which is somewhere around 65,000 in population this year. It includes Aroma Park, Bourbonnais, Bradley, Kankakee, Kankakee County, Manteno, METRO, Airport Authority, and IDOT. Any project that spends federal money in the transportation area has to come through the MPO to get that request for spending money approved. They have done a couple segments of Brookmont, the Lowe Road Project, North Street, Latham Drive, River Road, to name a few. The challenging part of it is that they do not get much construction money. They have to pick and choose where the projects are going to go which is what the

mayors decide. There are two documents that they annually development – the Transportation Improvement Plan (TIF) and the Unified Work Program (UWP) and at some point this committee will see both of them.

Mr. Vickery asked if we lost Manteno at some time.

Mr. Lammey stated that Manteno was never a member before. They had Sun River Terrace because of the Census Bureau and then the Census Bureau decided that Sun River Terrace shouldn't be part of the MPO but Manteno should be so now we have Manteno and not Sun River Terrace.

Mr. Washington asked if there is any hope of them ever getting the funding for the Brookmont Overpass.

Mr. Lammey stated that he cannot say for sure. It is in every document that they produce that says that it is a high priority project but there is not federal money specifically for that project in any plan that he has seen.

Mr. Van Mill stated that there is a grant that is being pursued right now for that project. They actually took Congresswoman Robin Kelly to see the site about a month ago so she could see what is happening there. He thinks that there are different fronts to try to get the funding to do that.

Mr. James asked about the underpass south of town on Charles Street.

Mr. Van Mill stated that that City would have to put that on but the City's priority is Brookmont.

Mr. Lammey stated that that street is not classified so they would not be able to get federal funds for that.

Original motion carried with a roll call vote of 13 ayes and 0 nays. Voting aye were Mr. Bossert, Mr. Olthoff, Ms. Polk, Mr. James, Mr. LaGessee, Mr. Howard, Mr. Liehr, Mr. Whitis, Mr. Washington, Mr. Einfeldt, Mr. Wheeler, Mr. Vickery, and Mr. Tholen.

7. Old Business

8. New Business

Mr. Van Mill stated that for the new members at the June meeting they will do a presentation on zoning and how to make good zoning decisions. They also will do a presentation on rural development and the amount of acres that is needed to build a home in the rural area.

Mr. Wheeler asked if it would be appropriate sometime after that meeting to talk about the work plan through the Alliance so this committee can understand that there is a road map, a timeline, and specific goals to be achieved on the economic development side.

9. Adjournment

A motion to adjourn the meeting at 9:45 a.m. was made by Mr. James and seconded by Mr. Howard. Motion carried.

Bill Olthoff, Chairman
Joanne Langlois, Executive Coordinator