

**PLANNING AND DEVELOPMENT COMMITTEE**  
**McHenry County Government Center – Administration Building**  
**667 Ware Road – Conference Room A**  
**Woodstock, IL 60098**

Tina Hill, Chairman

Randy Donley	Mary L. Donner
Sue Draffkorn	Marc Munaretto
Lyn Orphal	Ersel Schuster

MINUTES OF THURSDAY, DECEMBER 2, 2010

Chairman Hill called the Planning and Development Committee meeting to order at 8:32 a.m. The following members were present: Tina Hill, Chairman; Randy Donley; Mary Donner; Sue Draffkorn; Marc Munaretto; and Ersel Schuster. Lyn Orphal was absent. Also in attendance: Kenneth Koehler, County Board Chairman; Peter Austin, County Administrator; Dennis Sandquist, Matt Hansel and Darrell Moore, Planning and Development; Mary McCann, County Board; Pam Palmer, Auditor; John Hadley, Facilities Management; interested public and press.

MINUTE APPROVAL:

Committee members reviewed the Planning and Development Committee minutes of November 18, 2010. Ms. Schuster made a motion, seconded by Mr. Donley, to approve the minutes as presented. The minutes were approved with all members present voting aye on a voice vote.

PUBLIC COMMENT: David Diamond, Highway Commissioner for Riley Township Road District, read the following to the committee:

“Yesterday was the 8<sup>th</sup> SPRC meeting I attended regarding the proposed Liberty Arbour subdivision. The process dates back to July of 2006. Until yesterday, the developer had refused to acknowledge RTRD concerns over the proposed development. I want to commend Mr. Sandquist and his staff for conducting a meeting that was effective in trying to resolve differences between the Township and the developer. Several significant issues were resolved in yesterday’s meeting, but concerns remain. In the coming weeks it is possible that the Liberty Arbour tentative plat may come before you for approval. I think it is important that I make several concerns known to the committee: (1) The MCSO requires right-of-way of not less than 60’ [Sec. 505.1]. The developer is proposing an entrance median which effectively bisects the right-of-way in creating a center island. This is something that is not discussed in the MCSO and RTRD opposes a center median in the middle of a dedicated right-of-way. Since there is no language for this sort of installation within the MCSO, I feel it should not be allowed. (2). Section 608.1 of the MCSO specifies cul-de-sac design. Throughout the SPRC meetings the developer has continually proposed center islands within cul-de-sacs. After yesterday’s meeting it appears that the developer will modify their design to comply with the standards set forth in the MCSO. This was a concession by the developer after Riley School District 18 and the Marengo Fire Protection District, along with RTRD objected to the center median design. The MCSO has no provision for center islands or medians within cul-de-sacs. Section 504.2 of the MCSO states “that cul-de-sacs are difficult and expensive to maintain and their use should be minimized”. The MCSO stipulates that the use of cul-de-sacs may be made “when unusual conditions warrant”. The developer has never demonstrated how unusual conditions warrant the construction of two cul-de-sacs serving so few homes within close proximity. In the interest of public health, safety, accessibility and due to the fact that streets serving two to three parcels are not economically sustainable street designs, I would like to recommend that the design, as proposed, be denied. (3) It is clearly stated in the MCSO Section 504.3 “that direct street connection be made when appropriate”. Hennig Drive is a street with a revisionary “tee” turnaround in the adjacent Southridge Subdivision. It was previously designed to be a point of interconnection. The distance between the existing Hennig Drive and proposed Liberty Drive for this connection appears to be about 200’. This street interconnection was also recommended by the McHenry County Division of Transportation (MCDOT) in a November 20, 2006 letter about Hennig Drive. On January 15, 2007 the City of Marengo Plan Commission signed the subdivision tentative plat with a note recommending the connection of Hennig Drive. Riley Township Road District has requested the connection of Hennig Drive from the Southridge Subdivision to Liberty Drive in the proposed Liberty Arbour Subdivision”.

He thanked the committee for their time and wanted to make them aware of the Township’s concerns. He will attend the meeting when this matter is voted on.

Approved: 1-6-11

Luis Mendez of Union, Illinois, addressed the committee and mentioned that he would like to make additional statements to the committee. He had asked Mr. Hansel to submit his written statement to the committee at the last meeting, which was read at the previous meeting. He read the minutes from that meeting which included some comments made by Valerie Ksiazek, a neighbor, regarding events held on his property. Ms. Ksiazek stated that she feels there is a negative impact to the community and the neighborhood from the events he holds on his property. Several County Board members were at his last horse racing event. Ms. Ksiazek feels that the horse racing events are not appropriate for the land use and the events should not be held on his property. He is not disputing that she may hear noise every couple of months during the events. Other comments made concerned certain regulations that need to be followed when racing horses. These are exhibition races. While at a race track and betting is taking place, state regulations need to be followed. These are owners that want to have a good time and race their horses. As far as specific regulations on how to race these horses, they do not apply here according to Mr. Mendez. He read in the minutes that there was concern about Coggins test and the health and wellbeing of the horses. He guarantees that most of the owners that partake in these races would not hesitate to provide any type of health certificate for the horses. In his eyes, having these events a couple times a year does not hurt anyone. He feels that some of the local businesses profit on the day of the events from people purchasing food and beverages because it is a picnic. He needs to see proof that he is negatively affecting the neighborhood. He has been accused of trashing the neighborhood and he has crews clean up after the events to make sure the surrounding area and roads are clean. He is willing to work with anyone from the County, along with the neighbors. He is available to any type of compromise that will ease their concerns, as well as the County. From what he understands, the committee is tired of listening to complaints about the events, but he feels he is within his rights to hold these events and he wanted to make this statement in person.

PRESENTATIONS: None.

SUBDIVISIONS:

*Lynn Mannor – Extension Request:* Mr. Munaretto made a motion, seconded by Ms. Draffkorn, to recommend approval of the Subdivision Extension Request for Lynn Mannor Subdivision. Mr. Moore joined committee members and mentioned that Lynn Mannor has requested an extension because of the recession and lack of demand for housing in the County. The developer has provided letters from MCDOT, the Health Department, and the Chief Stormwater Engineer, none of which object to this subdivision continuing forward. The motion carried on a voice vote of all ayes.

OLD BUSINESS:

*Horse Racing – Discussion:* Chairman Hill mentioned that the committee has been discussing the concerns of the neighbors and she has been made aware that there are other counties that have similar horse racing events, with similar concerns. The next step to consider would be to request that staff meet with representatives from Boone, Winnebago and Will Counties and determine if the County's ordinances and regulations are consistent with their ordinances and regulations regarding horse racing events. She mentioned that it needs to be decided if it is offered by right, or when it crosses the line and becomes a business and should be zoned as a business. This is being researched, with the assistance from the State's Attorney. Chairman Hill thanked Mr. Mendez for attending the meeting and providing his perspective.

Mr. Donley and Mr. Hansel visited property where the homeowner complained of flooding on his property and in his house because of the grading of his neighbor's property. His home never had flooding in the back yard until the property next door was developed. The homeowner said the neighbor re-graded the property. It appeared to Mr. Donley and Mr. Hansel that the homeowner's property was flooding because of the way the neighbor's new house was built. The homeowner's basement has flooded which damaged his home. The homes are located in Arabian Estates. The County signed off on the grading for the stormwater for the neighbor's property. Mr. Donley stated that if this is true and the County signed off on the permit, and the homeowner's property is now flooding, he asked what the County's responsibility is concerning this matter. The homeowner has been previously informed that this is a civil matter between the neighbors. Mr. Donley believes that it is not a civil matter if, in fact, the County signed off on the grading of the neighbor's property. He questioned if the County has responsibility and should go back and double-check their work on the neighbor's property. He also questioned that if the grading was not done properly on the neighbor's property, where do we go from here. Chairman Hill mentioned that there is another case like this that has been in the works for a very long time in Lor-EI Estates in Algonquin Township. Ms. McCann stated that they are not even similar, they are both stormwater issues but they are not similar. Chairman Hill said that it is still permitting that was done by the County that this committee may entertain, that is how far it has gotten along from IDOT and the Township of Algonquin. The point of similarity is the

responsibility of the County after the County has issued a permit. Mr. Hansel mentioned that they sign off on grading plans that are presented to them. When they inspect the property the building inspectors, engineers, or the workers doing the grading inspection will look at it and make the best assessment they can. If there are instances where it was installed improperly, or there are issues because of alterations made after the final inspection occurred, they will conduct an investigation and see what the issue is. They may find that things were not initially done properly, or work was done after the inspection, then they take action to try to get them to come into compliance with the approved plan they had, or get them to apply for a new permit to do something new, but they are mindful of the fact that it may impact the neighbors as well. In the instance where Mr. Donley and he went out to the property, he is in the process of looking into it to see what was approved, what was signed off on, and what may still need to be done. Chairman Hill stated that if it gets to the point that they find that it was something that they signed off on, do they have any responsibility. Mr. Munaretto mentioned that this is a not the province of this committee, rather it is the province of the State's Attorney. Mr. Donley said that is why he asked the question because he did not know if they had something in place already. Ms. McCann mentioned that this is a stormwater issue and the difference between this and some of the other things, Lor-EI estates for example that was built in the 70s, this was built in '06 or '07 was what she understood and we had the Stormwater Ordinance in place. There is a different set of rules that apply. Ms. Schuster said it still comes back to the fact that when we sign off as the County on something like this, every reasonable person would say that they are protected because the County has done the homework to make sure that what they signed off on is in fact correct and that those neighbors will not be affected. It sounds like we are trying to push it aside. Mr. Donley understands what Mr. Munaretto said, but he does not understand why it is not clear-cut as to whether or not the County has responsibility if there is a problem with something that they are allowing to happen. Chairman Hill stated that they will ask for an opinion from the State's Attorney. Ms. McCann mentioned that the home getting water now was built prior to the Stormwater Ordinance and the question for the County is whether or not the engineering was done properly to handle stormwater events, but when the new home was constructed, was the susceptibility there. It was built in 2006 and there was a drought and this water did not appear until '08 or '09. There are some considerations about how the land changed around the new house in those two years which could be a question. She does not see that they are going to dismiss this at all, but it brings up many questions and there are a number of situations that occurred in '06 and '07 where the County engineering may not have been up to par. This might not have taken into account the high groundwater table that occurs in most of these places. Chairman Hill mentioned that they are not engineers and that is why it becomes a civil matter for the courts because it is not clear cut as to whether or not the County is culpable or not. Mr. Donley stated that if the County requires engineering to be done on property, then how can the County not be responsible to make sure it was done right. Chairman Hill mentioned that they might be responsible, but the committee is not able to decide that question. The Lor-EI Estates matter may be brought back to this committee. Ms. McCann suggested that it should not be brought up because it is a different matter and it is very serious. They have to understand the County's liability on some of these issues regarding stormwater and their responsibility started when the Stormwater Ordinance went into effect. Chairman Hill once again stated that this will be referred to the State's Attorney. Ms. Schuster mentioned that before they go any further on this matter, and several other matters, they need to know because they are affecting neighbors when they approve these matters in sensitive areas. We need to give these cases to the State's Attorney and ask them to tell us what we need to do. Ms. McCann said that she spoke with Mr. Breeden about separating the Stormwater Commission in order to talk about stormwater issues separately that effect unincorporated areas because there are a number of those issues. Common discussion is good, but there is a point at which we really need to address these kinds of issues separately. Our challenge is that we had two State's Attorneys who were trained in stormwater law, along with the chief engineer who was exceptionally good, are no longer with the County. We have lost a tremendous amount of expertise in the last six to eight months. We are going to be working on this very slowly, but she agrees, these are all issues we need to address, but it is not going to happen fast because we just lost all of our expertise. Ms. McCann also mentioned that she just attended the TAC meeting and they just had their stormwater meeting. The stormwater commission has six members from the Board and six members from municipalities and they do not always have a quorum, and they did not have a quorum this morning. Because they have unincorporated areas as issues, they need to have a separate discussion about those issues because they are too broad.

NEW BUSINESS: None.

**REPORTS TO COMMITTEE:**

*Chicago Metropolitan Agency for Planning:* None.

*Community Development Block Grant Commission:* None.

*Historic Preservation Commission:* Chairman Hill mentioned that approximately 1,000 lbs. of food was harvested from the Victory Garden. Next year's garden may have a Civil War theme and include vegetables that were grown during the Civil War. All harvested vegetables are donated to local food pantries.

*Housing Commission:* Ms. Draffkorn mentioned that they are having a County Education Forum on December 7, 2010 beginning at 9:00 a.m. and everyone is encouraged to attend.

**MISCELLANEOUS:**

*Illinois Green Infrastructure Grant Application:* Mr. Hansel provided committee members with a memorandum concerning this grant application. Chairman Hill stated that this matter was not on the agenda, and the Planning and Development Department requested this matter be brought before the committee for general consensus in order to apply for the grant. Mr. Hansel mentioned that they will be working with Facilities Management to clean up detention basins. There is a required match, and the majority of the project match would be provided by in-kind services by County staff time and equipment and the use of volunteers. Mr. Munaretto stated his interest in knowing what the dollars work out to be. It was the consensus of the committee to recommend that Mr. Hansel apply for this grant.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

Noting no further business, Ms. Draffkorn made a motion, seconded by Ms. Donner, to adjourn the meeting at 9:06 a.m. The motion carried with a unanimous voice vote.

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**RECOMMENDED FOR BOARD/COMMITTEE ACTION:**

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