

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

MINUTES OF THURSDAY, JUNE 16, 2011

Chairman Hill called the Planning and Development Committee meeting to order at 8:31 a.m. The following members were present: Tina Hill, Chairman; Randy Donley; Sue Draffkorn; Jim Heisler and Ersel Schuster. Mary Donner arrived at 8:32 a.m. Marc Munaretto was absent. Also in attendance: Dennis Sandquist, Maryanne Wanaski, Matt Hansel and Darrell Moore, Planning and Development; Pam Palmer, Auditor; Mary McCann, County Board Member; and interested public.

	Tina Hill, Chairman	
Randy Donley		Mary L. Donner
Sue Draffkorn		Jim Heisler
Marc Munaretto		Ersel Schuster

MINUTE APPROVAL:

Committee members reviewed the Planning and Development Committee minutes of May 19, 2011. Ms. Schuster noted two typographical errors. Mr. Heisler made a motion, seconded by Ms. Draffkorn, to approve the minutes as corrected. The minutes were approved with a unanimous voice vote of all ayes.

PUBLIC COMMENT: Mr. Donley requested Public Comment moved further down on the agenda as he knows another person is going to attend today's meeting. Chairman Hill recommended that Public Comment session be moved down on the agenda.

PRESENTATIONS: None.

SUBDIVISIONS: None.

OLD BUSINESS: None.

NEW BUSINESS:

HOME Investment Partnerships Program (HOME) 2010 CHDO Reserve Allocation Resolution – Approval: Ms. Draffkorn made a motion, seconded by Ms. Donner to recommend approval of the above Resolution as presented. Ms. Wanaski joined committee members to present the above Resolution. She introduced Jerry Monica, the new Director of Habitat for Humanity, to committee members. As part of the HOME Investment Partnership Program the County is required to fund Community Housing Development Organizations (CHDO) with set aside CHDO reserve funds. Habitat for Humanity is the only McHenry County organization that is certified as a Community Housing Development Organization (CHDO). These funds are to be used for the acquisition of land and construction of a single-family residence. Pioneer Center was previously part of the CHDO program but chose not to continue with the program as they would be required to reorganize. Community Homes previously was a subsidiary of Pioneer Center. In the past, a CHDO was able to keep any rents or funds that were paid back to them to be reallocated for another project. Any funds returned under this program will be returned to the County for reallocation. Mr. Monica stated that they set the program up as a "lease to own" program. In the past there have been problems obtaining mortgages, so Habitat provides the mortgages. Potential owners must put in sweat equity and 350 hours of in-kind services to be in this program. They may rent until they can close on the property. A lease to own contract is put in place until they have fulfilled their requirements in order to close on the property. Ms. Donner informed committee members that this is a great program for veterans. She questioned how disabled persons can come up with the sweat equity. Committee members were informed that they work with the MCL (Marine Corp League) to help with the sweat equity requirements for the veterans. There are also other things they can do to fulfill the requirements of the program. The motion carried with all members present voting aye on a roll call vote (Donley, Donner, Draffkorn, Heisler, Schuster, and Hill).

Ms. Wanaski informed committee members that they have received a letter from HUD regarding their Program Year-End Review for Program Year 2010 if anyone is interested in reading the letter or has any questions.

PUBLIC COMMENT:

Valerie Ksiazek joined committee members to voice concerns regarding the last event held at 18718 W. Union Road on Sunday, May 29, 2011. She informed committee members that the first race took place at 11:03 a.m., much earlier than previous events. This earlier start time was noted on their website as well. There was bass music, or thumping, coming from a car stereo throughout the day, which becomes very annoying. Along with this bass music there was other music also being played. This was much louder than in the past. By the afternoon, they could no longer enjoy sitting outside. The races continued even when rain, thunder and lightning started. The crowd continued to grow after the rain stopped. There were three Sheriff's vehicles that left the facility and drove past their house at approximately 7:00 p.m. even though there were still people attending the event. The mud on West Union Road was horrible which created a driving hazard. When going out to get their newspaper the next morning there were several beer bottles broken on their driveway, something that has not happened in the past so they wonder if this was a deliberate act. The port-a-potties are still on the property, 18 days after the event. They wonder if these port-a-potties are still full from the event. Ms. Ksiazek wanted to share her concerns with the committee, again stating that this group is running a very lucrative business, within a residential area, all at the neighbor's expense. Ms. Ksiazek thanked committee members for their time. She stated she is hopeful that there will be some conclusion to these events.

Steve Frazier joined committee members in reference to their "last" event on May 29th at 18718 W. Union Road, Union, IL. As in the past the complaints surrounding these events are many and some even serious. This event started earlier than in the past. Attendees started arriving prior to 8:00 a.m. He thought the event would be cancelled because of the rain that began to fall, but this was not to be. The music was louder than in the past with the stereos being amplified. The vehicles leaving the property were covered in mud, spreading mud all the way to West Union Road, making the roadway a hazard. The vehicles were so covered in mud you could not see their tail lights or license plates. The mud was tracked from Route 20 into the town of Union. There were hundreds of bicyclists that traveled these roads during Memorial Day that had to navigate through the mud. The squad cars left the premises at 7:00 p.m. In trying to get some of the license plate numbers they could not read the plates, but saw that one of the horse trailers was from Virginia, showing that they have people attending these events from all over. Mr. Mendez is now advertising for the next event on Facebook. His ad states that he is selling hats, and who knows what else. Mr. Frazier attached Mr. Mendez's flyers for review by the committee. This is a commercial venue that needs to be stopped. The County has the power to say "no more". This is not what this property was supposed to be used for and it does not fit the neighborhood. On Sunday, the night of the event, one of the patrons drove by and yelled "bang" out a truck's window. Because of the mud he was unable to obtain a plate number. Mr. Frazier stated that in his opinion this Board needs to put a stop to this now before something serious happens. The owners say they are not responsible. Please, it is time to take a stand and say no more. He questioned how far this has to escalate and how much do they, as neighbors, have to put up with before action will be taken. He stated they have had to put up with this for six years and it is time to help the neighbors. Mr. Frazier thanked the committee members for their time.

Elizabeth Sanders joined committee members to voice her concerns regarding the event that took place on May 29th at 18718 W. Union Road, Union, IL. She stated that she has five observations regarding this festival. She stated that after the event there was excessive mud on the road. In the many years of their attendance at the McHenry County Fair, as well as other events throughout the County, they have never seen such mud on a road. This was a very serious safety hazard especially to bicyclist, motorcyclists, or any other vehicle that may have needed to suddenly stop. This hazard remained for several days after the event. Secondly, the festival continued after the time approved by the permit. Between 8:00 and 9:00 p.m. the cows were bawling and people were cheering and hollering. You could hear this from a quarter mile away, even with their windows closed. Thirdly, loud amplified music continued until 10:50 p.m. This was heard even with the windows closed. Fourth, since this is a residential neighborhood she questioned why is a business allowed to operate within a residential area. Lastly, while observing attendees leaving the property, a car drove slowly past their driveway, stopped, and switched drivers. On the internet it was posted that attendees were encouraged to bring their favorite beer. They know of no other equine event in this county where alcohol consumption is encouraged; rather, it is discouraged or not allowed at all. If these festivals are allowed to continue, they are concerned about DUI's and the safety of the drivers and pedestrians in the community. She asked that the committee please consider the impact this has on their neighborhood and our county. She questioned what measures are being taken to make sure this festival is in compliance with their permit. She questioned what the consequences would be for violating the terms of the permit and asked if there was any consideration for the neighborhood when issuing these permits. Ms. Sanders thanked committee members for their time.

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Ms. Sanders presented a letter to the committee members from DeAnn L. McGlynn. Ms. McGlynn thanked Committee members for their attention regarding the horse racing event that took place last month on West Union Road. As an owner and resident for the past 33 years she voiced concern about the party events that continue to be permitted. She stated that it rained for the majority of the day and hundreds of cars were parked in the field. When leaving the premises, they coated the roadway with mud from the entrance of the event westward past their driveway and east to Dunham Road. This mud was thick and slippery and a hazard to cyclists and motorists. This road was a hazard for days after the event. It continues to baffle her that loud amplified music accompanies these events. It doesn't seem necessary that the neighborhood should have to surrender the peace and quiet for which they moved to the country because these parties are "permitted". She thanked committee members in her letter for the opportunity to voice her concerns.

Ms. Schuster stated that the County and neighbors have been dealing with these events for a long time. She stated she is concerned that as a County we don't seem to have the spine to stand up and get these issues straightened out. A temporary permit is issued and that is as far as the permit goes. She noted that the County has not gone out to observe these permitted events. There is no penalty clause in the permit to address concerns other than a fine of \$100. Court action does not prevent future events. It was stated that these concerns may be addressed by the ZBA, but they would have to pay for filing fees and costs.

Committee members questioned when do we say we don't allow businesses to obtain temporary permits and how much use of a temporary permit is too much. This was changed to twice every three months, which would allow an event to take place six times per year. It was noted that the State's Attorney reviews issues and it was suggested that they review the permits to see if they can deny future events. Mud on the road is not a standard they have to meet. If they don't comply, they could be taken to court, which would charge a fine of \$100 to \$500 for violation of an ordinance. Concern was voiced that this event is too professional for it not to be a commercial event.

Mr. Frazier addressed committee members and stated that the reason staff should go out to inspect an event is when complaints have been received. The department has six years of complaints.

If a complaint is not made, no inspection by staff is necessary. If there is a violation of a permit, no additional permits should be allowed for a year. Mr. Donley stated that with regard to the port-a-potty issue, this County used to require port-a-potties be picked up within a specific time. This was changed for Ag-tourism events. They have now extended the amount of time a port-a-potty can remain on site. The only thing they could do is ask the Health Department to do an inspection to make sure the units have been cleaned out. Also, there is a misconception of the County Sheriff's being hired for these events. Off-duty Sheriff deputies are hired for the event by the event coordinator. They do not represent the County while working these events. The neighbors were told they should call to complain to the Sheriff's Department even if Sheriff personnel are covering the event. Committee members were informed that when they call to complain they are told that this is a permitted event and there is nothing they can do. Committee members responded that the neighbors should continue to call to complain. This is a road issue and not an issue of the police assigned to the event. They should call the department to file a complaint to get someone out to clean up the road. It was stated that three 911 calls were made and dispatch was very short with the callers. They were informed that there were already officers on the premises and they were permitted so they should not call them. Committee members stated there is never a reason for rudeness, but suggested they call the non-emergency number next time. Chairman Hill stated she would speak to the Sheriff regarding this issue. Committee members were informed that one of the public members has a neighbor that is a teacher and one of her 12-year-old students told her that she attended this horse racing event and she and her father "lost" \$20 on the races.

Mr. Sandquist stated that he would follow up and review these issues. Previously they had discussed this permitting issue and the ordinance was too broad and discussions were suspended. These permits are issued based on the ordinance. In the meantime, they have heard from the equestrian group that has stated that "stables" are able to hold events without obtaining a permit. Committee members noted that this is a racing event, not a horse show. They stated that they need to come up with some serious ideas on how to address this issue. Ms. Schuster stated she is dumbfounded that they continue to look for excuses on how not to address these issues. She stated that this is a commercial event and we continue to let it happen. These events are huge and at some point the neighbors have to take priority. We have to separate the farm and stable operations from these huge commercial events. She stated this is getting out of control and as a committee it is time to move forward and address this issue. It is to the point where we should say "no more". She stated that even if we end up in court, so what? Maybe it is time we put our foot down and stand up for the neighbors.

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It was noted that Will County and now Winnebago County are having the same issue. It was stated that, unfortunately, we have a large equine community fighting this. Committee members stated maybe they can attack this as a "mass gathering" issue to address the temporary permit issue. Mr. Sandquist stated that County Administration would then have to deal with this as this is an Administrative Permit issued by the County. The County Board would then be under the same scrutiny as Planning and Development currently is. If a person meets the requirement of a permit they cannot deny it, even if they want to.

It was stated that they feel they can address this issue under "mass gatherings" as the equine industry cannot believe the amount of people attending these horse racing events. Equine events usually have 100 to 150 people in attendance. It was stated that this group is pushing the limits of the permits. It was questioned if this type of event is not allowed under a conditional use permit, then why is it okay as a temporary permit use. The Horse Council has stated that this is a fair-like event. It was stated that the conditions of a conditional use permit should be the same for permitting these large events as temporary use permit. It was stated that a temporary use permit should include language which states that a temporary use permit will only be issued if there are no objections from neighbors. Mr. Donley agreed and stated that the neighbors should be allowed to have some sort of input.

It was stated that when the fairground property is used for an event, a temporary use permit must be obtained. There is no incentive for the fairgrounds to go to conditional use.

Mr. Sandquist stated he would review the mass gathering ordinance to see if this would address this issue. This is not under the Zoning Board authority. It was stated that the biggest issue is that an owner of property has the right to use that property for events if they want to. Committee members stated that the use is irrelevant. The issue seems to be the large number of people gathering for these events. The committee requested direction on mass gathering as part of the temporary use permitting process. Committee members questioned if they could make this a zoning issue. This issue will be brought back for continued discussion.

NEW BUSINESS CON'T

Green Infrastructure – Update: Mr. Moore joined committee members to provide them with an update on the Green Infrastructure project. Staff is continuing work on the Green Infrastructure Plan. The last update to the committee came in January and since then staff has assembled GIS data and maps of County resources; met with local and regional land resource experts (e.g. MCCD, IDNR, SWCD, etc.) in April; assembled additional GIS data and maps; prepared a 16' x 18' map of the County showing many environmental and water resources; two 3' x 8' segments of the map were provided to the committee for review; conducted an all-day workshop with the land resource experts; and identified key resources and connections.

The next steps will be to revise the map pursuant to comments received during the workshop, have workshop attendees review the changes and meet with municipalities, park districts, and townships to get their input and incorporate their open space plans and trails. Mr. Moore stated that he has the whole map available for those interested in reviewing the complete map.

REPORTS TO COMMITTEE:

- Chicago Metropolitan Agency for Planning:* None.
- Community Development Block Grant Commission:* None.
- Historic Preservation Commission:* None.
- Housing Commission:* None.

EXECUTIVE SESSION: None.

ADJOURNMENT: Noting no further business, Ms. Draffkorn made a motion, seconded by Ms. Donner, to adjourn the meeting at 9:58 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION:

HOME Investment Partnerships Program (HOME) 2010 CHDO Reserve Allocation Resolution

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