

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

MINUTES OF THURSDAY, JULY 7, 2011

Chairman Hill called the Planning and Development Committee meeting to order at 8:30 a.m. The following members were present: Tina Hill, Chairman; Randy Donley; Sue Draffkorn; Jim Heisler; and Ersel Schuster. Marc Munaretto and Mary Donner were absent. Also in attendance: Peter Austin, County Administrator; Dennis Sandquist, Matt Hansel, Darrell Moore and Maryanne Wanaski, Planning and Development; Jamie Rein, State's Attorney's Office; Diane Evertsen, Donna Kurtz, Kathleen Bergan Schmidt and Mary McCann, County Board members; Les Pollock, Arista Strungys and Roxanne Sosnowski from Camiros, Ltd., interested public and press.

	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 June 16, 2011. Ms. Schuster noted a typographical error on the 12th line of the "New Business" paragraph. The word "has" should be changed to "have". Ms. Schuster requested that a sentence contained in the 9th line of the last paragraph on Page 3 be stricken. She requested that the following sentence be stricken from the minutes: "She stated these events involve organized betting." Ms. Draffkorn made a motion, seconded by Ms. Schuster, to approve the minutes as amended. The minutes were approved with a unanimous voice vote of all ayes.

PUBLIC COMMENT: Steve Frazier of Union, Illinois read the following statement: "We have been addressing this board for the last six years, on behalf of our neighbors, about the events taking place at 18718 West Union Road. After addressing the board at the last meeting, it finally dawned on me that perhaps I have failed to communicate properly. We have brought you numerous complaints, some concerning laws and ordinance violations, and others just about how these events impact our lives and neighborhood. We understand that other entities are negligent in their duties because of manpower and the "it's not in my backyard" mentality. I think the point that needs to be made is that we understand that you can't fix all the legal or illegal issues surrounding these events, but you can put a stay on these events until details can be worked out. These events disrupt our personal lives and neighborhood. Please take a stand for the majority and do not issue any more permits. This may end up in the courts and I'm 100% positive that there will be many more residents testifying on the County's behalf than for the event sponsors. Previous rulings and opinions concerning this property, zoning and what these events should be called will further strengthen the counties case. The sheer numbers and advertising of the events imply that these are commercial and intensive and negatively influence surrounding uses. This is a secondary use for the property and has negatively impacted the character of the neighborhood and peace and enjoyment of all adjacent homes." He called the Sheriff's Department to complain about the noise from the recent event held this past weekend. He mentioned that there seems to be an intimidation factor because people drive slowly past his house after the events and get out of their vehicle and they stare at him. They have made comments to him in the past. At this past event there were four men riding horses down Dunham Road after 9:00 p.m. He stated that when the Sheriff's Department showed up, the music from the event stopped. The deputy was already out of his vehicle and heard the loud music. Approximately 40 minutes after the Sheriff's Deputy left his property, the loud music started again.

Valerie Ksiazek of Union, Illinois addressed the committee. She mentioned that Mr. Frazier has stated many of the points she was going to make. Three neighbors, including her, filed a complaint against the neighbor sponsoring the event this past weekend. She stated that she cannot sit on her back patio and have peace and quiet and enjoy the holiday weekend because of the noise emitted from the event as it escalates during the event. When she called the Sheriff's Department to file a complaint, the operator was very rude to her. Her property is ¼ mile away from the event and the noise is very loud. Two Sheriff's deputies, along with Sheriff Nygren, responded to her call. The permit stated the event was until 7:00 p.m. At 7:30 p.m. she noticed two squad cars driving around the back of the event property with their lights flashing and they turned on their sirens to try and get people to vacate the property. During the last Planning and Development Committee meeting she mentioned the port-a-potties that were left on the property. One of her neighbors witnessed the port-a-potties being cleaned on June 29, 2011 which was 4 ½ weeks after the June horse racing event at this property.

Elaine Ramesh of Barrington Hills, Illinois joined committee members and stated that she was speaking as an equestrian. She acknowledged that there is a specific problem in Union, Illinois. She asked members to consider, when they decide how to deal with this matter, to continue to recognize that there is a very great deal of equestrian activity in the County now as there has been in the past. There are more than 30 horse boarder barns in the county, and more than ten local equestrian clubs. They have horse shows and take part in the County Fair. She asked that the committee keep the equestrian community in mind when they try to resolve this issue. Historically horse racing has been a part of the County. She is aware of two horse racing tracks in the County, one in Marengo and one in Woodstock, which were in existence at various times in the past. She requested members to keep in mind the heritage of the County and perhaps we are looking at it in a wrong way. We may be looking at it as a nuisance that needs to be resolved, but on the other hand, everyone is seeking economic activity. The event in question is a business and someone is making a profit. Perhaps the County could leverage this and have an amusement tax when there are participants that are greater than 500. She mentioned that even though this activity may bother neighbors, it is evidence that the equine industry is strong, flourishing, and desired in the County.

Kelly Watson of Marengo, Illinois addressed the members and mentioned that she agreed with everything that Ms. Ramesh stated. She stated that Dr. Kane and she are willing to help the committee in trying to resolve this issue. There is a big difference in the equine world with regards with the horse racing event at the Union location compared to what some of their facilities provide. They teach riding lessons and provide many services for children and families. Many of their horse shows are very different from the event at issue. She stated that many people in the equine community are willing to help in any way they can to come up for a resolution for this activity.

Luis Mendez of Union, Illinois addressed the committee members and mentioned that he is the owner of the property where a horse racing event occurred this past weekend. He is aware of the complaint that was made and he talked with the Sheriff and according to him everything seemed all right. His judgment was that the noise level was fine. As far as the statements made concerning when the event finished, he stated that they have so many people show up and they do their best to try and get everyone out by the time the permit says. At 7:30 p.m. he estimates that 85% to 90% of the cars that were at the event were cleared out. He stated that they were flashing lights, not turning on sirens, to try and get people out. The statement made concerning this being a business, they have taken steps to make it a business. The training facility is now an LLC. As far as taxes, this is something they are willing to discuss with the County. He mentioned that if anyone had any questions, he is willing to talk with them after the meeting.

Chairman Hill stated that today's meeting has a full agenda and public comment is closed.

PRESENTATIONS: None.

SUBDIVISIONS: None.

OLD BUSINESS: None.

NEW BUSINESS:

Interview for appointment to the McHenry County Housing Commission: Members interviewed Jerry Monica for consideration for appointment to the McHenry County Housing Commission. Committee members entered into a discussion regarding the appointment of Jerry Monica for the Housing Commission. Mr. Donley made a motion, seconded by Ms. Draffkorn, to recommend the appointment of Jerry Monica as an ex-officio member of the Housing Commission with a term to expire on April 30, 2013. His appointment will replace the appointment previously held by Mary Lu Seidel. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Heisler, Schuster and Hill).

UDO Technical Review Memorandum: Representatives from Camiros, Ltd. joined committee members and provided a presentation outlining their findings of their technical review of the McHenry County ordinances that will be consolidated into a new McHenry County Unified Development Ordinance (UDO). Mr. Sandquist mentioned that the Memorandum is based on their review of the existing ordinances, plans and procedures. It is also based on data collected from public comments at two public meetings, interviews with key stakeholders, shadowing enforcement staff, and from ZBA hearings. Ms. Stungys stated that they will be providing the technical review in two parts; today's presentation will cover

the administrative provisions and legal issues. The following sections will be reviewed concerning their Technical Review Memorandum as follows: general approach; administration; planned developments; zoning districts; site development standards; site improvement standards; and ordinance outline.

The general approach is to make sure that the UDO is user-friendly. Illustrations, tables and flowcharts will be used throughout the document. There will be a very comprehensive set of definitions defining uses and general terms that are in the UDO for ease of interpretation. There will be numerous cross-references to ordinances that are not a part of the UDO with examples being Stormwater Management Ordinance; Access Management Ordinance; Health Ordinance; and the Historic Preservation Ordinance. The UDO outline will have a logical system of compartmentalization of the provisions.

Concerning administration, they suggest a general approach to organize the administrative provisions into four articles. Article 3 will concern the UDO Administrators; Article 4 will address the application process; Article 5 concerns the zoning applications; and Article 6 will address subdivision applications. They suggest a parallel structure for each of these articles which will provide up-to-date descriptions of how to conduct a public hearing and requirements for the record.

They suggest updating the zoning amendments standards so they match the criteria established by Illinois courts. Property owners may apply for both map and text amendments and text amendments will require only published notices.

Throughout the interviews and meetings, they continually heard about conditional use permits, how they expire, and how the process for a new conditional use is required in order to delete a conditional use. They suggest making this process simpler by using a sunset clause. They suggest four ways in which a conditional use could sunset: (1) if new construction is required for the conditional use, if construction has not begun on the site, you will have two years otherwise the conditional use will expire; if you are putting a conditional use on an existing building, or if it does not need a building and it is on an unimproved piece of land, if it is vacant for one year and conditional use process is not started; concerning non-conformities, if a conditional use has been started and going, but ceases operations for a continuous period of one year, the conditional use would expire (flexibilities would be built in which are tailored to the County for matters that are seasonal in nature, or because of acts of God); and the final one being at the request of the property owner. It is suggested that all of this could be done administratively.

Concerning variations, they suggest removing the limits on the types of variations that can be applied for. A list of prohibited variations would be included in the UDO. They suggest a better integration of administrative variations that are currently in place.

Two new processes for zoning applications are suggested, those being an official record of interpretations and a site plan review.

It is their intent for the gradual elimination of nonconformity provisions. This will confirm the integrity of the UDO, as well as the zoning map. This will reduce the number of nonconformities in the County. They want to clarify permitted changes and/or alterations which will reduce variation requests. Concerning nonconforming lot provisions, the UDO will include the difference between a nonconforming lot and an illegal lot, and allow for enforcement of illegal lots. It will allow a discontinued or abandoned nonconforming use to extend its validity only for a good cause, and will allow flexibilities.

Concerning the zoning map, they suggest creating a simple administrative process for map corrections and eliminate annual recertification of the zoning map. The current UDO requires an annual re-certification of the zoning map that is not required in Illinois and may create an additional burden for administration. They recommend eliminating this provision. Ms. McCann agreed with their suggestion to eliminate this provision. Mr. Sandquist mentioned that they could still provide the committee with an annual report which will give a summary of the map. Ms. Schuster feels there needs to be a document brought through the committee process in order for a record to be made of the summary of the map.

Concerning the zoning map and applicability, they want to make it clear in the UDO that zoning applications only apply to zoning regulations including variations, zoning amendments, and appeals limited to decisions on zoning regulations.

They suggest that the Sign Ordinance be a part of the zoning regulations based on how the County gets its power to regulate signage. They suggest amendments in variations to change the sign standards to ensure the ordinance is legal and in line with Illinois statute.

Concerning contiguous lots, one suggestion they have is to require either a deed restriction, or to require them to consolidate the lots as one zoning lot. They suggest that the County create its own deed restriction form and state on the form that if the deed restriction is removed, they have to notify the County that they are doing so. This will help with the applicability of all the various UDO provisions.

With reference to subdivision applications, they suggest defining the approval process, including the timelines for going through subdivision approval, along with defining who reviews, who comments, and who approves subdivision applications.

Concerning the composition of the Staff Plat Review Committee (SPRC), it is suggested that the Stormwater Chief Engineer become a voting member of this Committee. There are additional agencies to be considered as voting members of the SPRC which may include the fire protection district, school district, and the township highway commissioner.

With regard to planned developments, they suggest revising the planned development process completely because there currently is limited application for the three planned developments the County currently has in place which are the Estate District PD-E; Residential District PD-R; and Commercial, Office, Research, Light Industrial CORI. They suggest creating a more modern planned development process which would be considered a conditional use in all districts, except for A-1, A-2, I-1 and I-1 districts which are reserved for very specific uses. This will allow for exceptions to the district regulations and would require public amenities and benefits for exceptions. They propose four steps to revise the planned development process as follows: pre-application consultation with staff; presentation of a concept plan to the Planning and Development Committee; preliminary plan process; and the final plan presented to the County Board that has to be in line with the preliminary plan.

They propose utilizing a generic use approach with each use defined, include use development standards section to address potential impacts, and list permitted and conditional uses within the districts in easy-to-read table format. The benefits to the generic use approach would be extensive and detailed use lists are eliminated, there is greater flexibility to review and permit uses within the broad context of use definitions, and may permit emerging new uses without text amendment. They will put in safeguards to prevent general uses from becoming too vague and to protect from granting undesirable uses too much leeway. A use specifically listed within any use table cannot be a part of a generic use category, and a use interpreted as part of one generic use category is not permitted under another. Also, definitions will be carefully crafted for each use and will include examples and will also include uses not permitted within the category.

They suggest that the County's sign regulations be completely revised. The UDO should make it clear what a permanent, temporary, exempt and prohibited signs are and then regulate them, as applicable, by the maximum height, maximum sign area, permitted districts, setback requirements, maximum projection, minimum clearance and permitted location. Concerning multi-tenant buildings, they suggest a master sign plan so that every tenant in the building has a coordinated uniform appearance of signs. Concerning freestanding signs, they suggest restricting pole signs to non-residential districts, maximum area and height adjusted for each district, allow special circumstances to allow for larger signs (near expressways, etc.), and maintain monument sign dimensional requirements. They suggest separating wall signs into four categories as follows: projecting signs; awnings/canopies; wall signs; and window signs. Currently all temporary signs are considered exempt under one category of temporary signs. They recommend creating regulations that define each type of sign. They suggest regulating the type of sign, not the content of the sign. With reference to electronic signs, these types of signs require special regulations. They recommend allowing electronic message signs, but prohibit electronic display screen signs. They suggest allowing electronic signs at permitted district locations, require spacing between signs, limit the brightness of the signs, and set a timeframe for the changing of messages. With regard to billboards, they suggest creating separate regulations (location, size, etc.); requiring that they must comply with the Highway Advertising Control Act of 1971 along highways where billboards are erected; determine if electronic billboards are permitted and require standards for illumination, brightness and minimum duration of the message; and provisions for "trade-offs" of nonconforming existing billboards.

Camiros will be providing this presentation to the ZBA this afternoon at 1:30 p.m.

Concerning cross referencing in the UDO, Ms. Schuster requested that they use as few references as possible. Mr. Donley stated that he felt one of the items they were going to do with the new UDO was to tighten up the ordinances and conditional use does the opposite. Every time they use the words "conditional use" they are giving people options and ways to get around the ordinances. He thought one of their intents was to put everything in categories so the words "conditional use" did not appear everywhere. He would like to see them eliminate conditional uses. He feels that they need to define agri-tourism, but there should be an agri-tourism zoning class, not conditional use for agri-tourism. He questioned what agri-entertainment was which was noted on page 25 of the proposed UDO. Ms. Sosnowski stated that in a re-draft of a zoning code, you will never be able to completely eliminate a process for a CUP or SUP because when you look at each individual district, you are not going to be able to define every possible use that you may be able to consider for a particular district and want to allow those as a variety. As an example, if you eliminate the CUP permit process, you will lose your local control. A CUP process should be more difficult to go through than to be able to apply for a re-zoning. To fix the problem is to make sure that the different types of businesses you reference, or the different types of activities are distinctly defined that there isn't the ability to apply for agri-tourism and have anything qualify as that. Mr. Donley feels that there should be no such thing as conditional uses, but it should be rare and they need to define what conditional use is. Ms. Strungys stated that they suggest each district be defined by their form and function and create a use list for each of them and permit as much as allowed by right. There are certain conditional uses they may never want to eliminate and each one should be reviewed on a case-by-case basis.

Ms. Schmidt stated that she was in favor of the sunset clause on CUPs. Mr. Moore mentioned that they need to recognize all the conditional uses and use variations that were granted in the County for decades without time limits and they are still on the books. It would be advantageous to remove them from the books without a great deal of difficulty as they are listed in their conditional use database. He questioned whether or not this should be addressed separately as a map amendment and it was mentioned that this will be addressed with the revisions to the UDO. Representatives from Camiros and Baxter & Woodman will be attending the next Planning and Development Committee meeting to present the second part of their recommendations for the County's UDO.

REPORTS TO COMMITTEE:

Chicago Metropolitan Agency for Planning: None.

Community Development Block Grant Commission (CDBG): Ms. Draffkorn reported that the Commission is contemplating reorganizing the CDBG and making it smaller. There are currently 17 members. They may consider having County Board members who are on the CDBG be the voting members which would then make the agency members non-voting members. They also suggest meeting quarterly. Chairman Hill stated that the CDBG still wants agency members to have input on behalf of the community and their input would be brought before the Planning and Development Community. Chairman Hill and Ms. Draffkorn will be bringing a proposal to the P&D Committee to not eliminate the CDBG. One of the largest roles of the CDBG was to make sure they had their spend-down on a monthly basis in order to be in compliance. All CDBG appointments are coming up for renewal this month, except one. The Commission's policy is for members to serve until they are replaced or re-appointed. Chairman Hill mentioned that this would be a good time for the CDBG to be reorganized. Reorganization proposals will be brought to this committee at a future meeting.

Historic Preservation Commission: None.

Housing Commission: None.

MISCELLANEOUS: None.

EXECUTIVE SESSION: None.

ADJOURNMENT: Noting no further business, Ms. Draffkorn made a motion, seconded by Mr. Heisler, to adjourn the meeting at 10:48 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION:

Recommend the appointment of Jerry Monica to the McHenry County Housing Commission

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Approved: 7-21-11