

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

Minutes of Thursday, June 21, 2007

Barbara Wheeler, Chairman
Mary L. Donner Jim Heisler
John Jung, Jr. Mary T. McCann
Peter Merkel Marc Munaretto

Chairman Wheeler called the Planning and Development Committee meeting to order at 8:15 a.m. The following members were present: Barbara Wheeler; Mary Donner; Jim Heisler; John Jung, Jr.; Mary McCann; and Marc Munaretto. Peter Merkel was absent. Also in attendance: Planning and Development Department staff members; Peter Austin, County Administrator; Dan Ryan and Nick Provenzano, County Board Members; Kenneth Koehler, Chairman, McHenry County Board; Richard Kelly, ZBA Chairman; interested public; and the press

MINUTE APPROVAL

Mr. Heisler made a motion, seconded by Ms. Donner, to approve the regular session minutes of the Planning and Development Committee meeting of June 7, 2007. The minutes were approved as submitted with a unanimous voice vote.

PUBLIC PARTICIPATION

Ms. Colleen Riess of Crystal Lake addressed the Committee and voiced her concerns with a builder and the development of a property east of her. She stated that the building permit displayed indicated a different location and did not include a permit for septic. The builder appeared to be putting in the septic system prior to approval. The builder was developing the property on the weekends which made it difficult to receive a timely response to calls made to resolve the issue. Ms. Riess stated she was told to call back on Monday. When she did contact someone she was told she would need the address of the property or the PIN which she did not have since the property did not have an address. She was then told she would need to come in and locate the site on a map. She stated this builder appeared to be developing the property without a proper permit and was illegally dumping at the site. She stated that staff was not willing to address her concerns.

Ms. Ehardt noted that she did talk with Ms. Riess regarding her concerns. She stated that the address on the permit indicated the applicant's residence rather than actual location of the site, but that there was a permit to construct a single family residence on the property. She stated that the dirt on the property is the result of the digging at that location. The Health Department is checking into septic issues. She also noted that she is scheduled to inspect this property today. Chairman Wheeler asked Ms. Ehardt to report back on her inspection findings.

Mr. Munaretto stated perhaps some training on customer service should be reviewed with staff. Ms. Ehardt agreed and noted that the Sheriff's Dispatch is aware that she is available after hours to respond to complaints. She stated there may have been some confusion as to what department the caller wanted, noting if the caller was concern with the septic issues this would have been handled by the Health Department. Ms. McCann added that this builder had missed a recent court date. Chairman Wheeler stated this would not be an item for discussion at this time.

PRESENTATIONS:

None.

SUBDIVISIONS:

None.

OLD BUSINESS:

None.

Approved: 7.19.07

NEW BUSINESS

Discussion ZBA Procedures and Processes: Mr. Kelly joined the Committee to review ZBA procedures. Ms. McCann stated she has received a number of complaints on the notification signage and where the sign is placed. She noted that the current size is too small and at times the location is not easily viewed from the roadway. Ms. Ehardt responded that the sign size has always been 11X17. The background color was changed from red to white a few years ago in an effort to make it more readable. Mr. Kelly stated that there are three different methods used to notice ZBA hearings; (1) through the local newspaper, (2) posting of the zoning sign on the site involved in the request, and (3) notification is sent to all adjoining property owners. During the hearings witnesses give statements and are cross examined, public comments are allowed 3 minutes each. A member of the public is also allowed to bring an attorney to the hearing but they need to notice that they are represented by an attorney. The Public Comment portion of the meeting is not considered expert testimony. Mr. Kelly noted that all procedures are reviewed at the beginning of a hearing. Mr. Provenzano asked if public comment is taken into consideration when voting on a petition. Mr. Kelly confirmed that everything is taken into consideration. Ms. McCann noted that at times people attending do not listen to the procedures and instructions and sometimes decorum during a hearing can become a challenge. She stated perhaps it would be beneficial to include the procedure brochure in the mailing to adjoining property owners. Mr. Munaretto stated that some individuals may not be aware or understand that the hearing is a judicial process and is conducted similar to a trial with rules and regulations. Chairman Wheeler asked if scheduling hearings for the evening might be beneficial. Mr. Kelly stated that hearings have been extended to evening hours if there is a need. Ms. Ehardt stated that most hearings do not require extended time and usually staff is aware of when there will be large attendance that may require additional hearings. Chairman Koehler stated that one of the biggest concerns for County Board members is knowing when due process is over and what is considered additional testimony. Mr. Munaretto noted that most individuals addressing the County Board on a zoning matter should be presenting their opinions and focusing their efforts at the ZBA. Mr. Ryan stated that the public does not have the opportunity to address the County Board when a petition is on the agenda prior to the Board voting on that petition. Ms. McCann stated it would be helpful to post the ZBA process and procedures on the web along with the notifications. Chairman Koehler suggested adding a visual aid for the procedures and schedules. Mr. Provenzano stated a human contact would also be helpful in clarifying ordinances and the various procedures. Ms. Ehardt stated that the department is considering "flex" hours that could extend the department's hours of operations on at least one night a week. If it proves helpful the department would consider additional evening hours or perhaps a half day on Saturdays. Members questioned the voting process and Mr. Kelly stated that there are times separate votes are taken on a rezoning issue and a conditional use request made by a petitioner. It was also noted that contract zoning is illegal. Mr. Munaretto asked how developers mitigate. Ms. Ehardt stated this process is done during the staff plat review process. It was also noted that the process is handled differently in municipalities where they are allowed to impose exactions through the zoning process. Ms. McCann provided examples to two maps and noted that use of the GIS map provides better information including land contours, while the other map appears to be perfectly flat. She noted that the use of a GIS map would provide better information to the ZBA. Mr. Kelly left the meeting at 9:24 a.m. stating he would be available at a future meeting if necessary. Ms. Ehardt reported that a petitioner signs a right to on-site inspections and every ZBA members has the right to visit the site. Ms. Donner asked if a County Board Member would have the right to inspect a site. Ms. Ehardt stated the State's Attorney would need to respond to this question. Chairman Wheeler stated perhaps the State's Attorney could provide a review or training session on how a County Board Member can address a ZBA issue. Members agreed such a session would be helpful. Ms. Ehardt stated perhaps such a training session would best be done during a Committee of the Whole. During this meeting the whole process could be presented. Members also suggested including a summary statement and additional information from the ZBA when they deny a petition or make no recommendation. More information is needed from the ZBA as to why they made their determinations. Members agreed that additional education for Board members would be helpful.

Revised ZBA Rules and Procedures: Ms. McCann made a motion, seconded by Mr. Jung, to recommend the County Board approve a Resolution authorizing a revision to the ZBA Rules and Procedures. Ms. Ehardt explained the revision is to the appeal section and reflects the ZBA Ordinance wording. The proposed wording in Article VII: Section 1.A is as follows: "Any person aggrieved by any decision made with respect to this zoning ordinance by the Code Enforcement Officer may appeal to the Zoning Board of Appeals. Such appeal shall be taken within thirty

(30) days of the decision being appealed, by filing with the Code Enforcement Officer a notice of appeal, specifying the grounds thereof. The Code Enforcement Officer shall forthwith transmit to the Zoning Board of Appeals the *Petition for Appeal* and all other papers constituting the record upon which the action appealed from was taken.” After a discussion a voice vote was taken. The motion carried with all members present voting aye.

Resolution authorizing a Budget Line Item Transfer within the Planning and Development Department’s FY 07 budget and the reactivation of a full-time Plumbing Inspector Position: Ms. Donner made a motion, seconded by Ms. McCann, to recommend the County Board approve a Resolution authorizing budget line item transfer within the Planning and Development Department’s FY 07 budget and the reactivation of a full-time Plumbing Inspector Position. Ms. Ehardt explained that currently such inspections are conducted through a contractual service and there are funds available in the contractual services budget to cover the expense of reinstating this position. By reactivating this position plumbing inspections could be conducted on a full-time basis, 5 days a week. There would also be better control and oversight to inspections. After a discussion, a roll call vote was taken. The motion carried with all members present voting aye (McCann, Donner, Jung, Heisler, Munaretto and Wheeler).

REPORTS TO COMMITTEE, AS APPLICABLE

Stormwater – None.

CMAP – Funding issues are becoming a problem and continuation of this organization is questionable.

MCCD – None.

Planning Commission – None.

Imagine McHenry County – Members are considering new roles and options

Agritourism – Mr. Munaretto stated he is excited about the progress being made by the Task Force. Six meetings were planned and the 5th meeting is scheduled for Monday 6/25/07. During this meeting the members will be discussing food service issues. The 6th meeting scheduled in July summarize issues reviewed. After the last meeting of the Task Force a draft report will be presented to the P & D and Public Health and Human Services Committees for consideration. From that report a series of recommendations will be developed.

MISCELLANEOUS

Mr. Austin reported that the Village of Huntley is scheduled to meet on June 21, 2007 at 7 p.m. and will be considering a Water Aquifer Supply Report and approval of a Water Capital Project. He will be attending this meeting and will update the Committee.

Chairman Wheeler reported that the next Committee meeting is scheduled for July 5th and if possible this meeting will be canceled.

County Board Chairman Koehler noted that with the continued growth of the County, it may be helpful to consider creating a Public Service Officer position to address citizen complaints and concerns involving leaf burning, noise and nuisance issues.

EXECUTIVE SESSION: None

ADJOURNMENT

Ms. Donner made a motion, seconded by Mr. Heisler, to adjourn at 10:16 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION:

Resolution authorizing a revision to the ZBA Rules and Procedures
Resolution authorizing budget line item transfer within the Planning and Development Department’s FY 07 budget and the reactivation of a full-time Plumbing Inspector Position