

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

Minutes of Thursday, August 2, 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: SuzAnne Ehardt, Director - Planning and Development Department; interested public; and the press

MINUTE APPROVAL

Mr. Munaretto made a motion, seconded by Mr. Heisler, to approve the regular session minutes of the July 19, 2007 Planning and Development Committee meeting. Ms. McCann asked that the minutes be amended in the "Old Business" section to reflect that the size of signs was also discussed. She also questioned if the Committee should have a second meeting this month to review the budget. Members reviewed the budget process and how it moves through the various committees. It was noted that a meeting may be scheduled just prior to the August 21st County Board meeting to review the Planning and Development Budget. The minutes were approved as amended with a unanimous voice vote of all ayes.

PUBLIC PARTICIPATION

Mr. Rich Dankert of 18212 Oak Grove Road, Alden Township, Harvard Illinois addressed the Committee and voiced his concern with a dirt bike track located across the street from his property. He stated that this has become a commercial operation with professional trucks and dirt bikes arriving on the property in the early a.m. and running until late in the evenings on the weekends. The constant dust, noise, traffic etc. has ruined the enjoyment of his property. He has contacted the Sheriff's department and a deputy investigated the issues and found several ordinance violations. The IEPA, Soil & Water and the Planning and Development Department has also cited the owner. Mr. Dankert stated that the owner continues to run the operation and apparently disregards the violations. When speaking with the owner, the owner's response is a "dirt bike" operation is exempt. Mr. Dankert questioned how such an operation would become exempt from state laws. He stated the property is zoned ag and to his knowledge to operate a dirt bike track a conditional use or rezoning would be necessary. He noted the importance that all rights be protected.

Ms. Ehardt reviewed how these issues are currently being addressed. She stated that enough proof has been gathered to move to a court case. She stated that this issue includes various aspects that fall within several departments. Planning and Development will address zoning and Stormwater violations, while noise is a health department issue through an intergovernmental agreement with the IEPA. She stated the first option is to go to ordinance violation (OV) court, noting that if the case is filed in chancery court it could take 6 months or more before a court date is even scheduled. Most individuals taken to OV court do comply, although a few don't seem to care. Once a case goes to chancery court it is out of our control, she noted cases have been known to be tied up in such court for six to eight years. Ms. Donner asked if there would be a way to get an emergency injunction to stop the dirt bike operation. Mr. Dankert stated he has talked with the Sheriff and expressed his willingness to go to court and bring witnesses if necessary. He noted that this operation has been going on since early this year and the owner has taken 17 prime farming acres and turned it into this dirt track consisting of several feet high jumps and bumps with surrounding water. He stated he is willing to do whatever is necessary to bring this under some control. Chairman Wheeler stated this appears to be an illegal dirt bike track and with the evidence now available the P & D Department will move forward. She asked that Ms. Ehardt keep the Committee informed as to what happens with this case. Ms. McCann commented that the owner could apply for a conditional use permit. Mr.

Munaretto stated that the Committee may want to review our ordinance to see how to address these concerns in the future.

PUBIC PARTICIPATION (CONTINUED): Ms. Michelle Kuhlman of Woodstock Illinois, addressed the Committee and reviewed her concerns with zoning notifications that are sent to adjoining property owners. She stated she would like to see such notices sent to more of the neighbors who would also be interested in such issues. She also stated that the notification does not provide enough information on property owner's rights or procedures for hearings. She noted that the process can be very confusing and the County should provide clarification or guidelines so the public can be better informed. She suggested including website information or a brochure with the notification. She noted that with more information the public could participate in a positive way.

PRESENTATIONS: None

SUBDIVISIONS: *Plat of Amendment – Botterman Farms:* Ms. Ehardt reviewed the Plat of Amendment for Botterman Farms Subdivision located in Coral Township. The proposal is to revise the septic and well area on Lot #12 of the subdivision. The Plat is in accordance with all requirements of the zoning district. Mr. Jung made a motion, seconded by Ms. Donner, to approve the Plat of Amendment for Botterman Farms and authorize the Chairman and Code Enforcement Officer to sign said Plat. The motion carried with all members present voting aye on a voice vote.

Tentative Plat – Knoebel Woods: Ms. Ehardt reviewed the Tentative Plat for Knoebel Woods located in Nunda Township. The proposed development will divide approximately 19.84 acres into 12 lots all in accordance with E-I zoning. The site has an elevation difference of approximately 32 feet and slopes upward from east to the west. Two detention areas are proposed. One entrance road is proposed off of Behan Road, which will end in a cul-de-sac. The Nunda Township Road Commissioner is in agreement with all aspects of this Tentative Plat and has affixed his signature. All platting requirements have been met. School Districts #46 and #155 will accept cash in lieu of land. Mr. Jung made a motion, seconded by Mr. Heisler, to recommend acceptance of the Tentative Plat for Knoebel Woods as presented and authorize the Chairman to sign said plat. Mr. Heisler asked if the roadways could be tied to an adjoining subdivision. Ms. Ehardt responded that currently there is no way to tie the roads together and it was determined that this was the best layout for the roads at this time. Chairman Wheeler stated the property is close to a conservation area and there has been some compromise between the McHenry County Conservation District (MCCD) and the developer. She noted that this is a sensitive piece of property and MCCD appears to be pleased with the proposal at this point. After discussion, a vote on the motion was called. The motion carried with all members present voting aye on a voice vote.

OLD BUSINESS

Members asked that when packets are delivered to their homes they be notified of such delivery.

NEW BUSINESS

Resolution – Intergovernmental Agreement with the Village of Wonder Lake: Ms. Ehardt stated that the Village of Wonder Lake has requested the County finalize any outstanding building permits to recently annexed areas. These are building permits that were issued by the County prior to the annexation. Through an intergovernmental agreement, the Village of Wonder Lake would authorize the County to finalize these outstanding permits. The agreement would be in effect through December 31, 2007. Mr. Munaretto made a motion, seconded by Ms. Heisler, to recommend the County Board approve a Resolution authorizing an Intergovernmental Agreement with the Village of Wonder Lake. Members questioned if the County would be compensated for this work. Ms. Ehardt stated that all outstanding permits had been issued by the County and this agreement would allow the County to complete its work. On a roll call vote, the motions carried with all members voting aye (McCann, Heisler, Jung, Munaretto, Donner and Wheeler).

Ms. Ehardt reviewed a memo regarding notices to appear that had been issued with a court appearance date of August 27, 2007. A total of 35 notices were issued. Staff expended 75 hours on this project. She also reported

that under the new ordinance there will be an increase in temporary signs. She will keep the Committee informed as to fees and fines and any additional information.

REPORTS TO COMMITTEE, AS APPLICABLE

Stormwater – The next meeting is scheduled for later this month.

CMAAP – Ms. McCann reported she recently attended a regional meeting in Sycamore at which there was a lot of discussion about getting action items completed. Ten sub-committees have been formed. Ms. McCann will update the Committee as more information becomes available.

MCCD – No report.

Planning Commission – A presentation will be made to the full County Board on August 7th. Each sub-committee will present a report. Mr. Munaretto commented that Mr. Jung should have also provided a report to the P & D Committee as the liaison member – noting such information should flow through the Committee to the County Board. Chairman Wheeler noted that the full County Board should be updated on the work of the Regional Planning Commission, she also asked that all members be included on the notification list.

Imagine McHenry County - Ms. Donner noting nothing to report

Agritourism - Mr. Munaretto stated that work is being done to draft a recommendation document. The Task Force will meet one more time to review the document which will be forwarded to the Planning and Development Committee for discussion/consideration in October. Final recommendations will then be sent to the County Board.

MISCELLANEOUS:

Ms. Ehardt reported that the zoning brochure is now on the website along with information on the zoning process. She also clarified that anyone can have an attorney at hearings at any time. However, if the attorney will be presenting their case, the prior notice is required.

Ms. McCann stated that she is concerned as gravel pits become internationally owned, the Township must still maintain the roads with no financial agreements with the gravel pit owners. Ms. Ehardt stated the Ordinance requires access onto an appropriate road, however in some instances Township Road Commissioners have waived the requirement.

Ms. McCann asked that the committee discuss dirt bikes. Mr. Munaretto stated the Committee should find a way to better restrict this activity. Chairman Wheeler agreed noting this will be a tough issue and there will be a lengthy discussion if the Committee decides to take on this challenge. She recommended that staff explore other County Ordinances that have been adopted to address this concern.

Chairman Wheeler reported that the Committee may hold a meeting on August 21st – just prior to the County Board meeting, to review the P & D budget. The members will be informed if this meeting is scheduled.

EXECUTIVE SESSION:

None.

ADJOURNMENT

Mr. Heisler made a motion, seconded by Ms. Donner, to adjourn at 9:31 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION:

Resolution authorizing an Intergovernmental Agreement with the Village of Wonder Lake

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