

**CHANNAHON PLANNING AND ZONING COMMISSION
MEETING**

May 13, 2013

Chairperson Karen Ciarlette called the meeting to order at 6:04 pm.

Ms. Ciarlette led the Pledge of Allegiance.

Ms. Ciarlette asked for a Roll Call.

Commissioners present: Karen Ciarlette, James Proffitt, Phil Loizon and Casey McCollom.

Also present was Director of Community Development Mike McMahon and Village Attorney David Silverman.

A quorum was declared not present. On advice from the Village Attorney, Ms. Ciarlette opened the public hearing and stated no action would be taken until a quorum was present.

Ordinance to Amend Special Use Ordinance 649 in regard to a Preliminary Planned Unit Development and a proposed gravel and stone mining operation – Public Hearing

Ms. Ciarlette asked for a motion to open the Public Hearing.

Mr. Proffitt made the motion to open the Public Hearing. Seconded by Mr. McCollom.

VOTE: ALL AYES

MOTION CARRIED

Ms. Ciarlette swore in everyone in the audience who planned to give testimony.

Ms. Ciarlette asked Mr. McMahon read the staff memo.

Mr. McMahon presented the Ordinance and read the staff memo.

Ketone Partners, LLC is the contract purchaser of approximately 263 acres of vacant land located south of the intersection of U.S. Route 6 and Bluff Road. This is the former Material Services Property (Property).

Ketone is proposing to acquire the Property and resume mining operations designed so that in the future the Property can be developed into a low-density, residential subdivision with commercial along U.S. Route 6 and Bluff Road. The proposed development will feature a lake surrounded on three sides by residential. Each lot will be in excess of one acre in size located either adjacent to the lake or Heritage Bluffs Golf Course. The residential development will be private, gated, with private roads and connected to Village water and sewer. A homeowners association will be established to enforce covenants and to maintain the roadways and common areas.

The purpose of the proposed Special Use Permit (SUP) Ordinance is to amend the original SUP Ordinance #649 that was approved in April 1991. It's the opinion of the Village Attorney that Ordinance #649 is still valid and allows for mining of stone and gravel and other uses.

Both the Village and Ketone desire to amend SUP Ordinance #649 with the new residential and commercial development plan, sewer and water facilities and mining operation standards. Attached is summary of the changes from the Ordinance #649 to the proposed SUP Ordinance.

Some of the major provisions of the new SUP Ordinance are as follows:

- The original development plan outlined a medium to high-density residential subdivision with up to 732 dwelling units. The new plan limits the residential units to no more than 100 single family homes on one acre minimum size lots.
- The amount of commercial acreage is cut in half.
- The Property is subject to a Village recapture for sanitary sewer in an amount of \$550,000.
- The residential and commercial developments will be connected to the Village water and sewer system.
- A tipping fee of \$.05 per ton will be paid to the Village and will be applied as a credit to the recapture amount owed.
- No mining operations shall be conducted on tracts aggregating more than 10 acres in any given year unless a state mining permit is first obtained. This is up from 2 acres in one year.
- No blasting operations or the storage of any blasting agents or explosives be conducted on the Subject Property.
- Daily mining operations shall be from 6:00 a.m. to dusk Monday through Saturday. Hours of operation shall cease two hours earlier during the months of November, December, January, February and March. Mining Operations conducted within six hundred feet of a residence shall be conducted between the hours of 6:00 a.m. and 5:00 p.m. Monday through Saturday. This is a reduction in hour from the original mining plan.
- Grinding and crushing operations, ready-mix operations and batching plants shall take place no nearer than one thousand 1000' from any residence. All other Mining Operations shall take place no closer than 200' feet from any residence.
- Prior to the removal of the existing tree line on the western half of the property, a berm of no less than 15' and no more than 20' in height shall be constructed along the western boundary 30' from the residential lots. The berm shall have a 3 to 1 slope on its eastern face and a 4 to 1 on its western face.
- A 6' foot berm will be constructed along the property line adjacent to homes fronting on Bluff Road prior to the commencement of mining.
- All berms will be landscaped in accordance with a landscaping plan approved by the Village prior to installation. All berms are intended to be maintenance free consisting of naturalized plantings, prairie grasses and flora allowed to grow to their natural height selected by Owner. Berms shall be planted with over story trees with no less than 1 tree per each 40 linear feet of berm between 1 1/2" 2 1/2" caliper.
- A 6' foot tall chain link fence may be constructed at the foot of the western berm on its western face prior to the commencement of mining operations.
- Prior to the commencement of mining operations, the Owner will take water quality and water table samples and test those samples to establish a new baseline. Mining operations will be conducted so as to not adversely affect the water levels or water chemistry in wells located within the Village. The Village shall have the right to sample the monitoring wells from time to time.
- If mud or debris from the site is dispersing onto U.S. Route 6 or Bluff Road, the Owner shall take all steps necessary to clean up the roadways within one-half mile of the entrance.

If the Planning and Zoning Commission elects to make a recommendation of approval to the Village Board, staff has provided the following findings of fact setting forth the reasons for the recommendation. The findings shall set forth with particularity in what respects the proposal would be in the public interest including but not limited to findings of fact on the requirements set forth in this section.

- A. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.
- B. The planned unit development meets the requirements and standards of the planned unit development regulations.
- C. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.
- D. Open space areas and recreational facilities are provided.
- E. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.
- F. The planned unit development will be compatible with the adjacent properties and the neighborhood.
- G. The planned unit development fulfills the objectives of the Comprehensive Plan and planning policies of the Village.

Mr. Silverman stated that Commissioner Phil Loizon entered the meeting at 6:10pm.

Ms. Ciarlette declared a quorum present.

Ms. Ciarlette asked if anyone in the audience wished to give testimony.

From this point individuals in the audience gave testimony about neighboring potable water wells and mining; noise and dust issues with the previous mining operations; installation of berms and fences; issues with the installation of a sanitary sewer line by the Village and its effect on water wells; Truck traffic on Route 6 and Bluff Road, etc.

In all about twelve individuals gave testimony. Everyone who spoke was not in favor of any mining taking place on the property. Nineteen individuals signed in.

At one point Mr. Silverman again made it clear that there already is a Special Use Permit in place for mining and we are here to discuss amending that SUP to address some of the issues that were discussed tonight but primarily to change the residential component of the development.

After a lengthy discussion, Ms. Ciarlette then asked if anyone else wished to give testimony.

Seeing no one rise and hearing no more comments, Ms. Ciarlette asked for a motion to close the public hearing.

James Proffitt made the motion. It was seconded by Mr. Loizon.

VOTE: ALL AYES

MOTION CARRIED

Mr. Loizon asked if we have time to process this or do we have to vote tonight.

Mr. Silverman stated the applicant has a due diligence dead line and has asked this go to the Village Board for a decision next week.

Mr. Proffitt stated he thinks the Board of Trustees needs to review all the issues raised tonight and come up with a new proposal reflecting these issues so the people know they have been heard.

Mr. Loizon stated he needs time to digest all that was said tonight.

Ms. Ciarlette stated we are going to carry this over to a future meeting.

Mr. Silverman asked the audience to leave their contact information so we can contact everyone if there is a special meeting.

Mr. McMahon explained he will contact everyone on the signup sheet concerning future meetings and the agenda will be posted.

Approval of the April 8, 2013 Minutes

Mr. Proffitt had a correction of the acreage of the Material Services site from 236 to 263 acres. Mr. Loizon made a motion to approve the April 8, 2013 meeting minutes as corrected. Seconded by Mr. McCollom.

VOTE: ALL AYES

MOTION CARRIED

Adjournment

Ms. Ciarlette asked for a motion to adjourn.

Mr. Proffitt made a motion to adjourn the meeting. Seconded by Mr. McCollom.

VOTE: ALL AYES

MOTION CARRIED