

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of January 8, 2018

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 6:30 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Bob Davidson (Chairman), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner) and Dan Kramer

APPROVAL OF AGENDA

Motion by Member Cullick, seconded by Member Gilmour, to approve the agenda as presented. With a voice vote of five ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Gilmour, seconded by Member Gryder, to approve the minutes of the December 11, 2017 meeting. With a voice vote of five ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report. Motion by Member Kellogg, seconded by Member Gilmour, to approve the claims report. With a voice vote of five ayes, the motion carried.

Member Gryder requested a copy of the income sheets showing the breakdown of revenues for an inspection. Member Gryder was concerned that income to pay the plumbing inspector was not available when the County paid the plumbing inspector's invoices.

PUBLIC COMMENT

None

PETITIONS

Petition 18-01-Request from Erich and Amy Kaiser for the Revocation of a Special Use Permit Awarded by Ordinance 2008-09 Allowing the Operation of Landscaping Business at 17609 Galena Road (Parcel Identification Number 01-06-100-006) in Little Rock Township

Mr. Asselmeier summarized the request. The petitioners purchased the property in 2015 and do not have a desire to operate a landscaping business at the property. The property is located on the north side of Galena Road.

Chairman Davidson asked who was the original applicant. Mr. Asselmeier responded Landscape Designs; the Kaisers are the second or third owner removed from Landscape Designs ownership of the property.

Motion by Member Kellogg, seconded by Member Gryder, to recommend approval of the revocation of the special use permit as requested.

Yeas (5): Cullick, Davidson, Gryder, Gilmour, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the County Board on January 16th.

Petition 18-02-Request from Daniel J. Kramer on Behalf of Christie Marie Sheldon for a Conditional Use Permit for Construction of One (1) Single-Family Home on a Parcel Less than Forty (40) Acres in Size at 16395C Griswold Springs Road (Parcel Identification Number 01-29-377-001) in Little Rock Township

Dan Kramer summarized the request. The property is heavily wooded and cannot be farmed. Mr. Kramer said that the appropriate easements were in place to ensure access to Griswold Springs Road. Mr. Kramer noted that the Health Department provided a letter stating that the property was suitable for septic service.

Motion by Member Kellogg, seconded by Member Gilmour, to approve the conditional use permit as requested with the conditions listed in the January 8, 2018 letter.

Yeas (5): Cullick, Davidson, Gryder, Gilmour, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

NEW BUSINESS

Renewal of Mobile Home Conditional Use Permit-10825B Corneils Road

Motion by Member Kellogg, seconded by Member Cullick, to approve the renewal of the conditional use permit for a mobile home at 10825B Corneils Road.

Yeas (5): Cullick, Davidson, Gryder, Gilmour, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Renewal of Mobile Home Conditional Use Permit-13443 Fennel Road

Motion by Member Gilmour, seconded by Member Cullick, to approve the renewal of the conditional use permit for a mobile home at 13443 Fennel Road.

Yeas (5): Cullick, Davidson, Gryder, Gilmour, and Kellogg
Nays (0): None

Abstain (0): None
Absent (0): None

The motion carried.

Renewal of Mobile Home Conditional Use Permit-14281 Anderson Road

Mr. Asselmeier reported that the property owner requested the conditional use permit be revoked. Motion by Member Gryder, seconded by Member Gilmour, to revoke the conditional use permit for a mobile home at 14281 Anderson Road.

Yeas (5): Cullick, Davidson, Gryder, Gilmour, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Update on Future Land Use Map Updates on Property Adjacent to Route 47 in Lisbon Township

Mr. Asselmeier presented the proposed changes to the Future Land Use Map and the reasoning behind the classification of each portion of the parcel. The consensus of the Committee was that the southeast corner of the intersection of Routes 47 and 52 should be classified as Mixed Use Business because the new grain operation at that location is a permitted use in the M-2 District. The consensus of the Committee also was that the commercial area at the intersection of Routes 47 and 52 should be expanded to the west.

Mr. Asselmeier will obtain the name of the creeks in the area.

Discussion of Solar Panel Regulations

Mr. Asselmeier presented the solar panel regulations for Tazewell County and Kankakee County and the proposed solar panel regulations for Will, Boone, and DeKalb Counties. The consensus of the Committee was that Staff should obtain copies of LaSalle County's regulations and the solar panel regulations for local municipalities. Any request for a solar panel farm would go through the special use permitting process with the requirement that renewal be sought within one (1) of approval of the special use permit because a solar panel ordinance could not be approved before the tax incentives expired. The Committee asked how the Comed ROW and electrical sub-stations are taxed. Mr. Asselmeier will provide this information at the next meeting.

The consensus of the Committee was to have Mr. Asselmeier draft a proposal based on the similarities of the solar panel regulations presented at that meeting.

Discussion of Scheduling a Future Planning, Building and Zoning Committee Meeting in Boulder Hill

Chairman Davidson advised the Committee not to hold a meeting in Boulder Hill because the Committee would receive complaints about issues that was beyond the control of the Committee. The consensus was to table having a meeting in Boulder Hill.

Kendall County Regional Planning Commission Annual Meeting-February 3, 2018 at 9:00 a.m.

Mr. Asselmeier informed the Committee regarding the date and time of the Kendall County Regional Planning Commission's Annual Meeting.

OLD BUSINESS

Approval to Initiate Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments.

Mr. Asselmeier summarized the proposal. He noted that the Regional Planning Commission and ZPAC were given sixty (60) days to meet on text amendments involving their powers.

Member Gryder expressed concerns that applicants would have to meet with agencies separately. Mr. Asselmeier stated that ZPAC and the Regional Planning Commission would continue to review subdivisions and the number of meetings would decrease.

Motion by Member Kellogg, seconded by Member Gryder, to approve initiating the text amendments as proposed.

Yeas (5): Cullick, Davidson, Gryder, Gilmour, and Kellogg

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried. This matter will go to ZPAC February 6th.

Review of Code Hearing Unit Regulations

Mr. Asselmeier read his memo on the subject and provided proposed changes to the existing Code Hearing Unit regulations. He explained that defendants could still appeal decisions to the court and that staffing costs could increase for the Planning, Building and Zoning Department, State's Attorney's Office, and Sherriff's Department.

The consensus of the Committee was to leave everything the same because of the costs and because violations would not get resolved in a timely manner.

The Committee also reviewed the Inoperable Vehicle Ordinance, the Junk and Debris Ordinance and the Fine Structure. The Committee requested Mr. Asselmeier to check with the State's Attorney's Office regarding the definition of inoperable vehicle. The Committee would like vehicles to be road worthy.

Update on Bridge Issue at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)

Mr. Asselmeier stated that the State's Attorney's Office prepared a letter to Mr. Antos and Mr. Antos informed Brian Holdiman that his goal was to have the bridge completed by May 1st.

The consensus of the Committee was to ask the State's Attorney's Office for an "or else process". The Committee did not want to delay the completion of the bridge and questioned whether or not a judge's ruling could expedite Mr. Antos completing the bridge in a timely manner.

Request for Guidance RE: Conditional Use Permits

Mr. Asselmeier read his memo on the subject. He divided each conditional use into permitted or special use based on potential negative impacts to neighborhoods.

Member Kellogg requested a table listing each use.

The Committee will review this information at the next meeting.

Review Violation Report

The Committee reviewed the Violation Report.

Review Non-Violation Report

The Committee reviewed the Non-Violation Report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

February 21, 2018 Event

Mr. Asselmeier reported that as of the afternoon of January 8th, fifteen (15) people have RSVP'd for the event.

Approval of Historic Tax Credit Resolution

Mr. Asselmeier read his memo on the subject. At their meeting on November 20th, the Historic Preservation Commission recommended approval of the proposed resolution. This matter was laid over at the December meeting. The new federal tax bill preserved the Historic Tax Credit program. The consensus of the Committee was that this matter was resolved.

REVIEW PERMIT REPORT

Review Monthly Building Report

The Committee reviewed the permit report.

Review of Fiscal Year 2016-2017 Building Report

The Committee reviewed the Fiscal Year 2016-2017 Building Report.

Questions were raised regarding the location of the wind turbine, the inspections for Commercial B-Zone, and the reason for the change of occupancy at 69 Boulder Hill Pass. Committee members also wanted to know the breakdown of land cash payments between the Forest Preserve District and School Districts. Mr. Asselmeier will provide this information at the next meeting.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

Correspondence Related to Churchill Club Stormwater Issue

Mr. Asselmeier read the emails on this matter. The Village of Oswego is leading the investigation of this issue and sent a violation letter to the owner. The Village of Oswego did not receive any correspondence from the owner of the horse farm during the month of December.

Email from Michael Denyko to Health Department and Planning, Building and Zoning Department RE: 2600 Light Road

Mr. Asselmeier read the correspondence. The tenant is out of the house and the Planning, Building and Zoning Department is examining options.

PUBLIC COMMENT

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

Motion by Member Gilmour, seconded by Member Gryder, to enter into executive session for the purposes of reviewing minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

Yeas (4): Cullick, Davidson, Gryder, and Gilmour

Nays (1): Kellogg

Abstain (0): None

Absent (0): None

The motion carried. The Committee recessed at 8:04 p.m.

Chairman Davidson called the Committee back to order at 8:18 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Bob Davidson (Chairman), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner)

NEW BUSINESS

Approval of a Determination That That (1) The Need for Confidentiality Still Exists as to All or Part of Those Minutes of Meetings Lawfully Closed Under the Illinois Open Meetings Act and/or (2) The Minutes of Meetings Lawfully Closed Under the Illinois Open Meetings Act or Portions Thereof No Longer Require Confidential Treatment and Are Available for Public Inspection

Member Gilmour requested that this matter be placed on the February agenda with the list of minutes that will be considered for release.

ADJOURNMENT

Member Cullick motioned to adjourn, seconded by Member Gryder. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 8:21 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner