

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 April 9, 2018

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 6:33 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), Dan Kramer, Nick Porter, Mark Antos, Jim Williams, David Lombardo, and Nate Howell

APPROVAL OF AGENDA

Motion by Member Gryder, 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 Cullick, to approve the minutes of the March 12, 2018 meeting. With a voice vote of five ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report. Mr. Asselmeier noted that a bill of Eighty-Eight Dollars and Seventy-Eight Cents (\$88.78) was on the report from Automotive Specialties, Inc. for working on the Ford truck. Mr. Asselmeier explained that a squirrel or mouse climbed under the hood and gnawed through one (1) of the electrical wires causing the ABS and parking brake lights to turn on without being engaged.

Motion by Member Gilmour, seconded by Member Cullick, to forward the claims to the Finance Committee. With a voice vote of five ayes, the motion carried.

PUBLIC COMMENT

None

PETITIONS

Petition 18-05-Keith and Kathleen Warpinski's Request for a Map Amendment Rezoning Their Property on the North Side of Walker Road Approximately 0.31 Miles East of Route 47 in Kendall Township (PIN 05-21-400-011) from A-1 to R-1

Mr. Asselmeier summarized the request. Keith and Kathleen Warpinski are requesting a map amendment rezoning the subject property from A-1 to R-1 in order to have the ability to construct a single-family home on their property located approximately zero point three one (0.31) miles east of Route 47 on the north side of Walker Road.

Two (2) houses are located east of the property; one (1) house is located to the south of the property; one (1) house is located west of the property.

Staff recommended approval of the request because the request complied with the future land use map contained in the Land Resource Management Plan.

Petition information was sent to Kendall Township on February 20, 2018. The Kendall Township Planning Commission met on February 7, 2018 and the Township Board met on February 20, 2018. Both bodies recommended denial of the request. No written reason for recommending denial was provided. Kendall Township verbally informed Staff that they would not submit a formal objection to the proposed map amendment.

Petition information was sent to the United City of Yorkville February 20, 2018. The Yorkville Planning and Zoning Commission met on March 14, 2018 and unanimously recommended approval of the proposal. The Yorkville City Council reviewed this proposal on March 27, 2018 and expressed no objections.

ZPAC met on this proposal on March 6, 2018 and unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal on March 28, 2018. They asked why the petitioners were pursuing a map amendment instead of an A-1 building permit. The petitioners' attorney responded that the publication and notification requirements were stricter for map amendments. Also, the County Board had a similar petitioner in 2017 and favored the map amendment approach instead of an A-1 building permit. The Kendall County Regional Planning Commission unanimously recommended approval of the proposal.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on April 2nd. The petitioners' attorney was the only person that testified on the proposal; no one from the public submitted comments or questions at the hearing. The Kendall County Zoning Board of Appeals unanimously recommended approval of the request.

Member Gilmour asked why Kendall Township recommended denial of the proposal. Mr. Asselmeier responded that Kendall Township did not want any more houses constructed in the area and questioned how the existing houses were allowed to be constructed.

Member Gryder discussed the farm tile that runs through the property and some neighbors had concerns about flooding.

Member Kellogg asked if the forty (40) acre property to west could divide property and create a new buildable lot. Mr. Asselmeier responded that the Plat Act allows property owners to cut five (5) acres off of a larger property. However, the Kendall County Zoning Ordinance requires two hundred feet (200') of frontage along a road. Also, because no housing allocations exist for the property, the owner would have to rezone the property in order to construct a home.

Dan Kramer, attorney for the petitioner, explained the previous versions of the forty (40) acre rule. Mr. Kramer did not believe the neighboring parcels could be subdivided without going through the subdivision process. He noted the location of the BP gas pipeline on the property; the home would need to be setback approximately two hundred feet (200'). There is small tile on the property. Easements for trails will be preserved on the north and south sides of the property.

Member Gryder asked about Yorkville's plan. Mr. Kramer noted that Yorkville's plan calls for low density residential development.

Motion by Member Gilmour, seconded by Member Gryder, to forward the petition to the County Board.

Yeas (4): Cullick, Davidson, Gilmour, and Gryder
Nays (1): Kellogg
Abstain (0): None
Absent (0): None

The motion carried. Because Kendall Township has not submitted an objection or approval in writing, this matter will go to the County Board on May 15th which is after the formal objection period ends.

Petition 18-10-LaSalle National Trust #47016 Represented by Drew Daniels Requests a Temporary Use Permit to Operate a Temporary Concrete Ready-Mix or Asphalt Plant at 11443 U.S. Route 34, Yorkville, Bristol Township (PINs: 02-30-200-023, 02-19-400-009, and 02-19-400-010)

Mr. Asselmeier summarized the request. The LaSalle National Trust #47016 owns three (3) parcels of the property on the north side of U.S. Route 34 across the street from the Fox Hill Subdivision. Plote Construction Company was awarded the Illinois Department of Transportation, U.S. Route 34 Reconstruction and Widening Project. Plote Construction Company desires to use a portion of the property owned by the LaSalle National Trust #47016 for an onsite concrete plant. At its closest point, the proposed facility will be three hundred eighteen feet (318') from the nearest occupied principal structure which required a variance because this type of facility had to be a minimum one thousand feet (1,000) from the nearest occupied structure.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on April 2nd. One (1) neighbor expressed opposition to the proposal because he believed adequate space existed to move the proposed plant the required distance from occupied principal structures without a variance. The resident also expressed concerns regarding noise and dust. A ten foot (10') noise wall will be constructed on the south side of U.S. Route 34 by the Fox Hill Subdivision. Discussion also occurred regarding setting the start time of crushing until 8:30 a.m. However, the Zoning Board of Appeals decided against that restriction due to labor costs and the noise already caused by the road project. Jason Engberg, Senior Planner for the United City of Yorkville, expressed Yorkville's support of the proposed variance

The Kendall County Zoning Board of Appeals approved the variance, in part, because, if the variance had been denied, Plote Construction Company would do crushing in the right-of-way closer to the existing homes. The Kendall County Zoning Board of Appeals unanimously approved the requested variance subject to the following conditions:

1. The site shall be developed in accordance with the attached site plan.
2. The Petitioner shall resolve all outstanding alleged Zoning Ordinance violations prior to the commencement of operations.
3. The Petitioner shall secure all applicable permits prior to the construction and use of the proposed plant.

4. The Petitioner shall comply with any restrictions or conditions imposed as part of the temporary use permit.
5. The variance allowed by this Variance Ordinance shall expire at the same time as the temporary use permit expires.
6. Between six inches (6") and twelve inches (12") of top soil be shall hauled onto the concrete crushing area upon conclusion of operations.

Bristol Township has not submitted comments on the proposal.

The proposed use requires a temporary use permit from the Kendall County Planning, Building and Zoning Committee in addition to the proposed variance. Pursuant to Section 4.19 of the Kendall County Zoning Ordinance, the operation of a concrete ready mix or asphalt plant, when necessary or incidental to a major construction project in any Agricultural, Business, or Manufacturing District is a temporary use and must meet the following criteria or obtain a variance:

1. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
2. The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure. (Variance Granted 4-4-18 by Kendall County ZBA)
3. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
4. The plant shall produce product only for the specific parcel for which the temporary use is permitted. For plants constructed to support a major road project, the plant shall be located adjacent to the roadway.
5. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
6. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

Because the requested variance and temporary use permit are sought to expedite a public project on a highly trafficked State-maintained highway, Staff recommended approval of the variance and temporary use permit subject to the following conditions:

1. This temporary use permit shall be valid until December 31, 2019, at the location and configuration shown on the attached site plan marked as Exhibit A.
2. The plant shall be located a minimum of three hundred eighteen feet (318') from any occupied principal structure.
3. All facilities placed or located on the site shall be removed and the site restored to its original condition on or before the expiration date of this temporary use permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
4. The plant shall produce product only for the U.S. Route 34 project adjacent to the subject property and Eldamain Road U.S. 34 to River Road Project.
5. The hours of operation must be 7am-5:30pm Monday thru Friday.
6. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
7. All outstanding Zoning Ordinance violations shall be resolved prior to the commencement of operations.

8. All applicable permits shall be secured prior to the construction and use of the proposed plant.
9. All restrictions imposed by the variance allowing the operations to be up to three hundred eighteen feet (318') from any occupied principal structure shall be followed.
10. If the variance allowing the operations to be up to three hundred eighteen feet (318') from any occupied principal structure is revoked, this temporary use permit shall be revoked simultaneously.

Chairman Davidson asked if the wells were capped. Nick Porter, Plote Construction Company, said the wells were sealed.

The subdivision south of Route U.S. 34 is inside Yorkville.

Member Gilmour favored the one thousand foot (1,000') distance because of the location and number of nearby homes. Discussion occurred about the noise involved with the project. Mr. Porter said that they will put the operations as far north as they are able. Plote Construction Company is not leasing the tillable area.

The permit will be valid until December 31, 2019.

The sound wall will be permanent and will go west of the subdivision.

Motion by Member Gryder, seconded by Member Kellogg to forward the proposal to the County Board. Mr. Asselmeier informed the Committee that this matter does not go to the County Board; the Committee makes the final determination on temporary use permits. Member Gryder withdrew his motion and Member Kellogg withdrew his second.

Motion by Member Gryder, seconded by Member Kellogg, to approve the temporary use permit with the conditions proposed by Staff.

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

The motion carried.

Petition 18-12-Mary C. Auer's Request for the Revocation of a Special Use Permit for a Gravel Mining Operator Awarded by Ordinance 72-08 on the East Side of West Beecher Road Approximately 2.5 Miles South of Galena Road in Bristol Township (PIN: 02-06-400-005)

Mr. Asselmeier summarized the request. On March 5, 2018, Mary Auer submitted a request to revoke a special use permit for gravel mining on her property located approximately 2.5 miles south of Galena Road on the east side of W. Beecher.

In 2017, through Ordinance 2017-24, the County Board revoked the special use permit for gravel mining on the property immediately to the east of the subject property. Mr. Asselmeier provided a map showing the area in question.

The subject property is zoned A-1 Agricultural. If the special use permit is revoked, the subject properties would retain the A-1 Agricultural zoning classification.

Motion by Member Kellogg, seconded by Member Cullick, to forward the petition to the County Board.

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

The motion carried. This matter will go to the County Board on April 17th.

Amended Petition 17-29-Kendall County Planning, Building and Zoning Committee's Request for a Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier summarized the request. At the March 15th Committee of the Whole meeting, the Committee referred Petition 17-29 pertaining to increasing the notification distance for applications for special use permits on A-1 zoned property to one thousand feet (1,000') and requiring that only adjacent property owners be notified of special use applications on properties not zoned A-1 to the Planning, Building and Zoning Committee.

It is Staff's interpretation that the Committee of the Whole would like further review of the notification requirements of specific A-1 special uses. On October 24, 2017, Staff prepared a memo regarding requiring some special uses to have a larger notification area than other special uses in the A-1 Zoning District. This memo, the current list of A-1 special use permits, and maps of specific case studies used for previous meetings were reviewed by the Committee.

The current practice of Kendall County is to require notification of all property owners within five hundred (500') feet of requests for special use permits on properties zoned A-1 and that adjacent property owners are notified of applications for special use permits on properties not zoned A-1. This requirement is not listed in the Kendall County Zoning Ordinance.

On September 11, 2017, the Planning, Building and Zoning Committee originally proposed increasing the notification requirement to two thousand, six hundred feet (2,600). When ZPAC reviewed the original proposal, they requested the Planning, Building and Zoning Committee to amend their proposal. The Planning, Building and Zoning Committee amended the proposal to the proposed one thousand foot (1,000') notification requirement.

ZPAC reviewed the revised proposal on December 5th. The Kendall County Regional Planning Commission reviewed the proposal on January 24th. The Kendall County Zoning Board of Appeals held the public hearing on this proposal on January 29th. All of the advisory board unanimously recommended setting the notification requirement at five hundred feet (500') for special use permits on A-1 zoned property and only adjoining property owners be notified of special use permit applications on non-A-1 zoned property. The record of decision from this hearing and the minutes of all of the advisory committees can be found at https://www.co.kendall.il.us/wp-content/uploads/Petition_17-29.pdf.

The reasons for the recommendation were:

1. A one thousand foot (1,000') requirement was larger than neighboring counties (ZPAC).
2. The cost of Six Dollars and Seventy-Four Cents (\$6.74) to do the mailings to more people would be a burden to petitioners (ZPAC, RPC, ZBA).
3. The added time for the applicant to mail the notices (ZPAC).
4. The added time for Staff to process the additional green cards (ZPAC).
5. No method exists to notify everyone that thinks they should be notified (ZPAC)
6. Anyone could attend the hearing and the testimony of the person that received notice has equal weight as a person that did not receive the notice (ZBA).
7. Neighbors tell neighbors; social media allows neighbors to communicate and mailing the notice is not the only way neighbors find out about hearings (ZBA).

One member of the ZBA favored the proposal in agricultural areas, but did not see how the Department could separate an A-1 zoned area near residential use with an A-1 zoned property in the middle of agricultural lands.

This amended proposal was mailed to each township on December 5th and each township was notified of the recommendation of the Kendall County Zoning Board of Appeals on January 30th. No township filed a formal objection or submitted any comments on the proposal.

The Planning, Building and Zoning Committee reviewed this proposal on March 11th. The PBZ Committee, by a vote of 3-2, approved forwarding the proposal to the Committee of the Whole.

This proposal applies on only special use permit applications, major amendments to special use permits, and non-owner initiated special use revocations.

Discussion occurred about creating a new zoning district. Mr. Asselmeier said that the creation of a new zoning district would require review and update of the Land Resource Management Plan to reflect the location of the new zoning district.

Discussion occurred about reviewing and possibly amending the list of special uses in the A-1 District. The consensus of the Committee was that this review could occur at a later date.

The Committee was concerned that breaking up notification by use could be seen as arbitrary.

Motion by Member Kellogg, seconded by Member Cullick to amend the notification distance for applications for special use permits on A-1 zoned property to seven hundred fifty feet (750').

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

The motion carried.

Motion by Member Davidson, seconded by Member Cullick, to recommend the amended proposal and that the amended proposal be forwarded to the Committee of the Whole.

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

The motion carried. This matter will go to the Committee of the Whole on April 12th.

NEW BUSINESS

Request from the Kendall County Regional Planning Commission to Amend Petition 18-07 Pertaining to Establishing Procedures for Renewing Special Use Permits

Mr. Asselmeier summarized the request. The Kendall County Regional Planning Commission met on March 28th and reviewed Petition 18-07 regarding establishing procedures for renewing special use permits. The PBZ Committee previously approved initiating this text amendment on February 13th.

The Kendall County Regional Planning Commission expressed concerns that the County Board could amend special use permits at the time of renewal or review. The Commission was concerned that such changes could be arbitrary and that business owners could see a loss of their investment if the County Board changed the rules on a special use permit holder. The Commission also did not like the language regarding previous owners in the proposal. The Commission's proposed changes are attached.

The Kendall County Regional Planning Commission also requested that Staff examine the renewal procedures of neighboring counties. DeKalb, Kane, DuPage, and McHenry require renewals to go through the complete special use application process. Grundy County requires special use permits go through the entire process only if a violation occurred. If no violation occurred, then the special use permit was automatically renewed.

Chairman Davidson said that he wanted super majority votes to amend or revoke special use permits. Chairman Davidson requested the input of the Kendall County Regional Planning Commission.

The consensus of the Committee was to keep the language regarding previous owners because businesses can change their legal name or identity.

The consensus of the Committee was to have the Kendall County Regional Planning Commission provide comments and changes.

Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2018 NPDES – MS4 Requirements in the Amount of \$1,700 Plus Reimbursable Costs (Costs + 10%)

Mr. Asselmeier summarized the proposal. Kendall County is required to submit certain documents annually as required by its NPDES Permit. The proposed scope of work and costs are the same as the 2017 work.

Motion by Member Gryder, seconded by Member Kellogg, to forward the proposal to the County Board.

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

The motion carried. This matter will go to the County Board on April 17th.

Approval of an Intergovernmental Agreement between the Village of Plattville and the County of Kendall to Administer the County's Ordinances for Zoning, Building Code, Subdivision Control, Comprehensive Plan, and Stormwater Management within the Jurisdiction of the Village of Plattville for a Term of One (1) Year in the Amount of \$1.00 Plus Associated Costs Paid by the Village of Plattville to the County of Kendall

Mr. Asselmeier summarized the proposal. The intergovernmental agreement between Kendall County and the Village of Plattville expires in June. The Planning, Building and Zoning Department does not propose any changes to the body of the agreement. The Planning, Building and Zoning Department proposes changes to Exhibit A to reflect the transfer of certain powers and duties of the Hearing Officer to the Zoning Board of Appeals.

Unlike the Village of Millbrook, the Village of Plattville agreed to the insurance language contained in the 2016 agreement and included in the 2017 agreement.

Motion by Member Gryder, seconded by Member Cullick, to forward the proposal to the County Board after approval of the Village of Plattville.

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

The motion carried. The proposal will be mailed to the Village of Plattville.

Review and Approval of Fees for Special Use Related Applications to Reflect Transfer of Hearing Authority from the Hearing Officer to the Zoning Board of Appeals

Mr. Asselmeier summarized the proposal. On March 21st, the County Board approved Ordinance 18-04 transferring certain powers and duties from the Hearing Officer to the Zoning Board of Appeals. The existing fee schedule of the Planning, Building and Zoning Department references the Hearing Officer for certain applications. Staff requests that the reference to the Hearing Officer be changed to the Zoning Board of Appeals.

In addition, the Zoning Board of Appeals is currently paid on a per meeting basis regardless of the length of time a hearing occurs. Staff requests that the language regarding the One Hundred Dollars (\$100) for each additional hour be removed from the fee schedule as well.

Motion by Member Kellogg, seconded by Member Gryder, to forward the proposal to the County Board.

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

The motion carried. This matter will go to the County Board on April 17th.

Approval of a Procedure for Prosecuting Ordinance Violations

Mr. Asselmeier read his memo on the subject. The State's Attorney's Office would like the Committee to approve a motion deciding whether alleged planning, building, zoning, and related

violations will go to court or to the Hearing Officer before the State's Attorney's Office starts reviewing the ordinances for corrections.

The County Administrator and the State's Attorney's Office favor sending alleged violations to court. Animal Control recently approved a motion sending their alleged violations to court.

Discussion occurred regarding the work load of the State's Attorney's Office. Administrative adjudication cases can be appealed to court.

Motion by Member Gryder, seconded by Member Cullick, to create a procedure forwarding ordinance violations to the State's Attorney's office for prosecution.

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

The motion carried.

Discussion of Holding a Training Seminar for Township Planning Commissioners and Other Interested Parties

Chairman Davidson suggested that the Planning, Building and Zoning Department hold a training session for township planning commissioners.

Four (4) townships do not have plan commissions.

The suggestion was made to make the information available to the townships instead of having a training session and doing the presentation multiple times a year.

The suggestion was made to send a letter to township supervisors asking them to appoint township planning commissioners and that the County will provide periodic training.

OLD BUSINESS

Approval of a Resolution to Release All Claims on a Bank Account Owned by Whitetail Ridge Golf Club, LLC at First National Bank in the Amount of \$3,000.00 Pursuant to Condition 18 of Ordinance 2016-11 (Granting a Special Use Permit at 9111 Ashley Road in Kendall Township to Operate a Banquet Hall)

Mr. Asselmeier summarized the request. Whitetail Ridge Golf Club, LLC established a bank account at First National Bank in the amount of Three Thousand Dollars (\$3,000) as required by Ordinance 2016-11. The owner of 9092 Ashley Road has not submitted a request for an appraisal or proof that an appraisal occurred. Whitetail Ridge Golf Club, LLC has completed the requirement of the applicable restriction imposed by Ordinance 2016-11 and the County's claims could be withdrawn. At the March meeting, the Committee gave the owners of 9092 Ashley Road an additional month to consider whether or not an appraisal would be pursued.

The consensus of the Committee was to give the owners of 9092 Ashley Road one (1) more month to decide whether or not they would like an appraisal of their property.

Motion by Member Kellogg, seconded by Member Gryder, to have the Planning, Building and Zoning Department send a registered letter to the owners of 9092 Ashley Road indicating that

the Planning, Building and Zoning Committee will issue a recommendation on this issue at the May meeting.

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

The motion carried. This matter will go to the County Board on April 17th.

The Planning, Building and Zoning Department will investigate the allegations stated in Ms. Schnabel's letter.

Approval of Amendments to Petition 17-28 Pertaining to Outdoor Target Practice and Shooting Zoning Regulations

Mr. Asselmeier distributed the email and redlined version of the proposal from the State's Attorney's Office to the Committee and noted that the document was considered attorney-client privilege.

The consensus of the Committee was to have members review the document after the meeting and bring any questions about the State's Attorney's Office comments and suggestions to the May Committee meeting.

Authorize State's Attorney to Initiate Litigation against Mark Antos and Any Other Owners for the Removal of the Culvert Crossing of Aux Sable Creek near 13360 McKanna Road, Minooka, Illinois - Committee Could Also Grant Mr. Antos' Request to Complete Bridge by the End of Spring or Summer 2018

Mr. Asselmeier read the memo from Brian Holdiman on the subject. Mr. Antos requested to have until the end of spring or summer 2018 to complete the bridge.

Mark Antos, owner, said that the weather has not allowed him to pour the deck of the new bridge. Mr. Antos requested time to construct the bridge.

Member Kellogg explained the time it takes at the State's Attorney's Office and courts to prosecute the case. He also expressed concern that the low water crossing was not constructed as originally permitted. Member Kellogg expressed his concerns about the County's liability on this matter.

Mr. Antos noted that the creek has not dried up in recent years. Mr. Antos said completion was getting the deck poured and getting the low water crossing out of the creek.

The consensus of the Committee was to give Mr. Antos until the beginning of June to remove the culvert crossing. Mr. Antos will bring an update to the June 11th Committee meeting with the intention that the project be completed by July 1st.

Planning, Building and Zoning Staffing Issues-Recommendation on Senior Planner Job Description

Mr. Asselmeier provided the redlined version of the job description of the Senior Planner. The Senior Planner would assume the duties of the Zoning Administrator and the Plat Officer. The

Senior Planner would also supervise the part-time staff of the Planning, Building and Zoning Department.

Motion by Member Gryder, seconded by Member Kellogg, to recommend approval of the job description of the Senior Planner as proposed and to place the item on the preliminary agenda at the Committee of the Whole.

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

The motion carried.

Update on 45 Cheyenne Court-Committee Could Approve Forwarding Violation to Either State's Attorney's Office or Hearing Officer

Mr. Asselmeier provided updated information on 45 Cheyenne Court. He noted that the Committee previously approved sending a letter to the owner and the owner responded to that letter. A neighbor expressed concerns regarding the time taken to complete the project.

The consensus of the Committee was to have the Planning, Building and Zoning Department send the owner of 45 Cheyenne Court a letter requesting a timeline for project completion and to invite them to the next meeting to discuss the timeline.

REVIEW VIOLATION REPORT

The Committee reviewed the Violation Report.

Mr. Asselmeier noted that the inoperable vehicle at 190 Boulder Hill Pass, Montgomery was moved the day after the March Planning, Building and Zoning Committee meeting.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the Non-Violation Report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Approval of a Proclamation Declaring May Historic Preservation Month in Kendall County

Mr. Asselmeier noted that the proposed proclamation was the same as last year's proclamation with the exception of the year change. The Historic Preservation Commission would like the proclamation read at the May 1st County Board meeting.

Motion by Member Kellogg, seconded by Member Cullick, to forward the proclamation to the County Board.

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

The motion carried. The proclamation will go to the County Board on May 1st.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

None

PUBLIC COMMENT

Jim Williams, Boulder Hill, commended the Committee for their work. Mr. Williams discussed his efforts to get issued resolved. Discussion occurred about publicizing ordinances.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

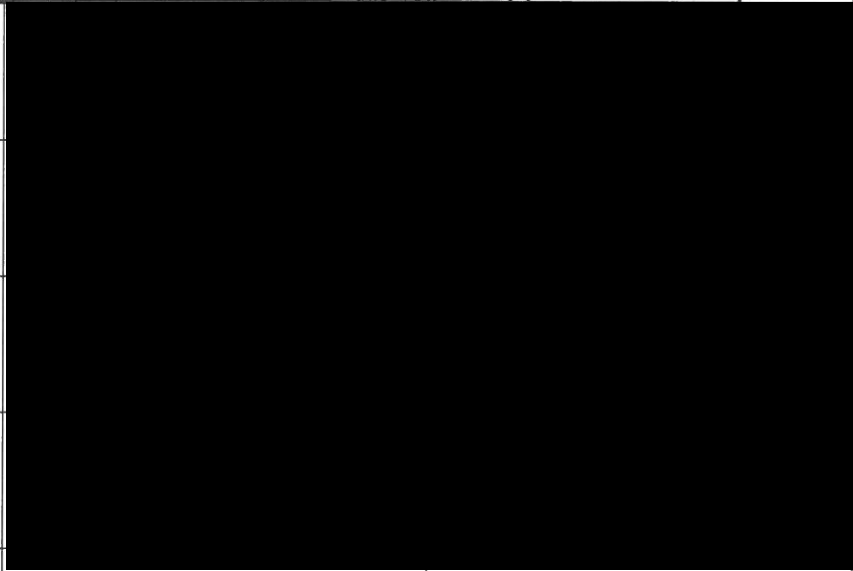
ADJOURNMENT

Member Cullick motioned to adjourn, seconded by Member Gilmour. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 8:40 p.m.

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

Encs.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
APRIL 9, 2018**

NAME	ADDRESS	EMAIL ADDRESS
Dan Kramer		
Jim R. Williams		
DAVID LOMBARDO		
Nick Porter		

April 9, 2018

To: Matt Asselmeier

RE: Bond for appraisal of 9092 Ashley rd

CC: Judy Gilmour, Matt Kellogg, Scott Gryder, Bob Davidson, Lynn Cullick, Scott Koeppel

Dear Mr. Asselmeier

Thank you for confirming what we already knew. Mr. Asselmeier, you hit the nail on the head when you wrote that Kendall county 'could' pursue legal action. Could is like saying maybe we will or maybe we won't. Our experience throughout this process, dating back to May 2016, is the latter, won't. It seems like quite a bit of effort, hoops we must jump through, for nothing outlined, detailed in writing, in the restrictions and thus no guarantee. The Walkers/Whitetail Ridge do not abide by what they so willingly agreed to and when they violate restrictions there are no penalties or consequences. They got what they wanted and there is nothing any of you can or will do. It is dumbfounding that the county has the power to approve something like this in an area not slated for commercial use but the county does not have the power nor the means to enforce their own words. You put homeowners in a place in which they must police special use owners by phone calls, emails, board meetings, and/or taking photos, and for what, there is no punishment, no ramifications! I for one do not appreciate being put in a position to keep the Walkers honest with phone calls, photos and meetings. Honesty is something most of us would say should come naturally, intuitively, and not forced to act in accordance with what they agreed to, whether verbal or written.

Although several of the PBZ members have encouraged us to pursue this avenue, listed below are just a few of the experiences that have left us with little faith and trust.

- The Kendall Township wording, detailing the purposes for Evergreen trees *"to provide screening to the property across the street and to serve as a buffer to prevent noise from leaving the property"* and a berm *"to add additional screening and noise prevention onto surrounding properties"* were conveniently left off the restrictions. Where are the checks and balances to prevent something like this from occurring? Not one board member out of the 8 voting board members caught this, nor did the any of the administrative staff?
- An October 15, 2016 wedding was held on the property before a change of occupancy permit was issued. **Violation of Restriction #2**, which states *"A change of occupancy permit shall be secured for all buildings associated with the banquet hall use prior to events occurring on site."* Change of occupancy permit was issued on 10/21/16, after we brought it to the attention of the Kendall County Board at the October 18, 2016 (Tuesday morning) board meeting.
- A wedding (10/15/16), a baby shower (10/9/16), a chamber of commerce event (10/18/16), and an open house (February 19, 2017) were all held on the property before the Evergreen trees were planted and a "berm" was constructed. Restrictions #16 & #17 were recommended in June 2016 and the Walkers had the same time frame (3 months) to complete restrictions #16 & #17 as was spent on 1) seal coating the driveway, 2) replacing the roofs on 2 barns, 3) constructing a large patio from the reception hall barn to the Chapel with a landscaped

courtyard between the 2 buildings, 4) installing sewer/plumbing for bathrooms & food prep in the steel barn, 5) remodeling of the reception barn and Chapel.

- The chamber of commerce event was held on a weekday, (Tuesday, October 18, 2016), not a weekend
- September 22, 2017 an uber driver sat at the end of my north driveway waiting to pick up a fare at the Ashley Farms. How do I know this . . . because after seeing him drive through the property across the street, pull in my driveway and sit with his interior lights on, I confronted the driver. I asked if there was a problem, he responded no. He said he was an uber driver waiting to pick someone up from across the street, at the wedding, and was early. I informed him this was a private drive and he would need to wait elsewhere. He brushed me off with a yay, yay, I repeated myself and he finally sped off in a huff.
- Cars parked along Ashley Road on October 7, 2017 during a Saturday evening wedding. From day one, Mr. Kramer and Jon Sterret stated that the hayfield on the southern portion of the property will remain in case there is ever additional parking that is needed for use. Additionally, Mr. Davidson confirmed in the July 11th, 2016 PBZ meeting that there would be no parking along Ashley Rd.
- October 8th an event was held, called Spirits on the Farm, in which live music was played with speakers outside the west main barn, on the patio. **Violation of Restriction #14** *"No music shall occur outside the confines of any structure on the property with the exception of processional and recessional music for a wedding ceremony."* A video demonstrating this is posted on their own facebook page. It can be found under videos (listed on the left side of page), click on the video: *Spirits on the Farm is under way. 2nd session is 4-6, come on out!* 800 views – October 8, 2017. Here is the link:
<https://www.facebook.com/AshleyFarmWeddings/videos/vb.503975679808968/692636350942899/?type=2&theater>
If by chance you cannot find the video, I have a copy of it.
- A guest from the October 8th, Spirits on the Farm trespassed on our property. The individual exited their south gravel driveway and parked at the entrance of their north blacktop driveway (the ingress) across the street. He then walked over onto my property to take a photo, but I guess the angle wasn't good enough, because he then climbed our fence on the southwest corner of our property and snapped his award winning photo.
- And the latest . . . a bond was posted on February 28th 2017, 224 days after the passage of said ordinance. **Violation of Restriction #18** that states *"the petitioner shall submit to the county within sixty (60) days of the approval of this special use ordinance . . ."* Again, 60 days not 224 days.

Everything listed above is why we do not feel that our interest will ever be protected.

Tom and Vicki Schnabel