

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 August 13, 2018

CALL TO ORDER

The meeting was called to order by Chairman Davidson at 6:32 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick (arrived at 7:06 p.m.), Bob Davidson (Chairman), Judy Gilmour, Scott Gryder (arrived at 7:01pm), and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Jasmine Brown Watkins (Office Assistant), Linda Fosen, Steven Holcomb, Linette Holcomb, Richard Wagner, Eileen Wagner, Ray Blaszcsek, Jen Blaszcsek, Steve Larson, Kris Larson, Kurk Friestad, Scott Friestad, Scott Wallin, Dave McConnell, Bob Friestad, Greg Gaura, Greg Gaura's Wife, Tom Muth, Kristen Friestad, and Tom Horak

APPROVAL OF AGENDA

Motion by Chairman Gilmour, seconded by Member Matt Kellogg, to approve the agenda as presented. With a voice vote of three (3) ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Judy Gilmour, seconded by Member Matt Kellogg, to approve the minutes of the July 9, 2018 meeting. With a voice vote of three (3) ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report. Motion by Member Kellogg, seconded by Member Gilmour, to forward the claims to the Finance Committee. With a voice vote of three (3) ayes, the motion carried.

PUBLIC COMMENT

Kurk Friestad, Chicago Road, stated that he wanted to keep the County agricultural in the southern portion of the County and is opposed to the proposed changes. He believed the changes open the door for removing agriculture. Chairman Davidson responded that, if owners never sale their land, the proposal will not affect them. However, owners have a right to sell their land. Chairman Davidson also stated a comprehensive plan was necessary to prevent problems in the future like homes on or near a four (4) lane highway. He did not believe factories or businesses will come to the area until sewer and water is brought to the area. The comprehensive plan will be looked at every five (5) years and can be changed. Kurk Friestad responded that changing the ground from agriculture will not be beneficial now or in the long term. Member Kellogg stated the comprehensive plan gives guidance for an investor coming into the area. Also, land owners have rights and the County cannot prevent them from doing certain activities with their land. He stated that doing nothing was not a good idea. Mr. Friestad did not believe water and sewer will be coming to area in the near future.

Steven Halcomb, Sherrill Road, questioned the public policy for the Committee. He stated his household and his in-law's household did not receive any correspondence in the mail regarding the proposal. He asked what incentives exist for the county to have mining in Lisbon Township. He also asked if any study occurred examining which properties produce the greatest agricultural yields per acre and which properties have the most rock for mining.

Chairman Davidson agreed that many property owners were not notified. Mr. Asselmeier stated that, in his opinion, State law does not require notification because the zoning of the property will not change if this proposal is approved. Mr. Asselmeier also stated that nobody in Section 32 of Lisbon Township was notified by mail. Mr. Asselmeier stated that a property owner can still go to the Village of Lisbon, annex their property, and rezone their property under the Village of Lisbon's regulations, if this proposal is rejected.

Linda Fosen, Townhall Road, did not agree with the proposed changes of a half (1/2) mile corridor on Route 47 and the removal of the rural settlement classification on the map. She asked for clarification of rural settlement. Mr. Asselmeier stated there was a small area on the map that was classified as a rural settlement with agriculture surrounding it, but under the new proposal it will be classified as mixed use business.

Scott Friestad, Quarry Road, stated there is currently over one thousand two hundred (1200) acres in the mining district not including the future mining areas. He stated that the new proposal included more acres and was excessive. He encouraged the Planning, Building and Zoning Committee to vote against the proposal.

Scott Wallin, Ashley Road, was concerned about keeping the land agriculture and also changing the landscape to commercial. He stated that, if one (1) person sells their property, more people will also sell their property. He also requested the Committee to vote against the proposal.

Dave McConnell, Whitewillow Road, stated that he lives near one (1) of the quarries. He stated he understands preserving natural resource. However, this proposal is not helping preserve natural resources. He did not believe the big companies care about the neighboring property owners. Also, just because property owners are selling, it does not mean the County should invite more mining.

Bob Friestad, Whitewillow Road requested everyone in the audience opposed to the proposal to stand. He stated the number of people standing should mean something to the Committee.

Member Gryder arrived at this time (7:01 p.m.)

Linette Halcomb, Sherrill Road, stated that she comes from a family of farmers. She stated that changing the property from agriculture to mining hurts the food production that is necessary for living. Mrs. Halcomb questioned if the residents of Lisbon were aware of the proposed changes. She stated that excessive mining was not safe for the town or the residents. Furthermore, she stated the proposal was not just a comprehensive plan, but deals with changing the future. She requested board to vote no.

Member Cullick arrived at this time (7:06 p.m.)

PETITIONS

Petition 18-04- Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request. The proposed changes include the following:

1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining.
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial.
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial.
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial.
5. Removing Rural Settlement Classification from Map.
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business.
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan.
8. Incorporate the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

Member Gilmour asked about the Village of Lisbon's sewer system. Mr. Asselmeier responded that the Village of Lisbon did not have the financial resources to assist with paying for laterals to houses; the sewer plant was not operational. Also, the Village of Lisbon relies on the tipping fees from the quarries to fund municipal operations. Chairman Davidson explained at least one (1) of the quarries was not currently active.

Member Kellogg asked if the Prairie Parkway had been abolished by the State. Chairman Davidson and Member Gryder confirmed the center line had been removed.

Member Gilmour questioned if other meetings have been held in Plattville. Mr. Asselmeier responded the meetings were held at the Kendall County Office Building for Comprehensive Land Plan and Ordinance Committee, Kendall County Regional Planning Commission, and Kendall County Zoning Board of Appeals. Also, the Village of Lisbon's Mayor and Clerk attended the Plattville meeting. Mr. Asselmeier was unaware if any of the municipalities conducted their own meeting.

Member Gilmour asked if the public was present for the Kendall County Regional Planning Commission hearing. Mr. Asselmeier responded that one (1) member of the public was present and spoke.

Member Gilmour asked how the mailing list was created. Mr. Asselmeier stated the mailing list was generated by the GIS system using the information about the properties near the corridor. Member Gilmour stated that she understood the law and, if the zoning was not changed, the

mail notification was not required. However, she was concerned that some people were not notified.

Member Gryder asked how many people objected to the proposal. Mr. Asselmeier stated all of the land owners that attended meetings objected to the proposal. Mr. Asselmeier explained that the original proposal dealt with the half (1/2) mile corridor along Route 47.

Chairman Davidson stated the State's Attorney needed to clarify the notification requirement and if the proposal can continue.

Mr. Asselmeier stated the next Planning, Building and Zoning Committee meeting is September 10th at 6:30 p.m. Subsequent meetings are on October 9th and November 13th. The public will be sent notification of when the proposal will be on the agenda for a future meeting.

Motion by Member Cullick, seconded by Member Gryder, to forward the notification question the State's Attorney's Office for review and to lay over the Petition until the meeting following receipt of the State's Attorney's opinion.

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

The motion carried. The notification question will be forwarded to the State's Attorney's Office and the Petition will be laid over until the meeting after the State's Attorney's Office provides an opinion. The public will be notified of the next meeting date on this proposal.

Petition 18-20-Fox Metro Water Reclamation District

Mr. Asselmeier summarized the request.

The Fox Metro Water Reclamation District is considering improvements at their plant on Route 31. Rather than amending their special use permit, Fox Metro is requesting that the southern portion of the property, presently zoned R-1 with a special use permit for a sewage treatment facility, be rezoned to M-1. A wastewater treatment facility is a permitted use in the M-1 District and the rezoning would place the entire Fox Metro property in the same zoning classification. The proposed rezoning is also occurring to get the entire Fox Metro property to match the future land use shown on the County's Future Land Use Map.

If the map amendment is approved, any improvement to the Fox Metro facility would still require site plan approval per Section 13 of the Kendall County Zoning Ordinance.

The Petitioner previously received special use permits to operate a sewage treatment facility onsite through the 1974 comprehensive County rezoning and Ordinances 2011-13 and 2011-35.

The existing use of the property as a wastewater treatment facility has occurred since the 1920s. The Petitioner has no desire to change the land use of the property. Even if the Petitioner did desire to change the land use of the property, a large amount of remediation and site work would be required to transform the property into a residential or other light manufacturing use.

In addition to Kendall County's ordinances, the operations at the subject property are heavily regulated by both federal and state laws.

Because the Future Land Use Map in the Land Resource Management Plan calls for the subject property to be Mixed Use Business and the M-1 zoning classification corresponds to the Mixed Use Business designation, Staff recommends approval of the proposed map amendment. If the map amendment is approved, the special use permits and R-1 related variances granted by Ordinances 2011-13 and 2011-35 would be repealed. Any additional R-1 related variances would also be repealed upon rezoning.

Oswego Township expressed no opposition to the proposal.

The Oswego Fire Protection District expressed no opposition to the proposal.

The Village of Montgomery expressed no opposition to the request.

ZPAC unanimously recommended approval of the request.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on June 27, 2018. The Kendall County Regional Planning Commission recommended denial with a vote of three (3) in favor and five (5) in opposition. Mr. Nelson voted no because he wanted the Zoning Office to have greater authority to approve minor amendments to special use permits when small changes to site plans are proposed on a larger site. Mr. Nelson also noted that a portion of the property was used as a wastewater treatment plant before zoning was created. Several Commissioners voted no because they believed that the public should comment on expansions in the future. Ms. Zubko would have no problem approving a change to the site plan for the building expansion if it were part of a special use permit amendment. The rezoning gives great latitude over the use of the land with less oversight.

The Kendall County Zoning Board of Appeals held a public hearing on this matter on July 30, 2018. No one from the public testified in favor or in opposition to the proposal. The Zoning Board of Appeals unanimously recommended approval of the request map amendment. The record of the hearing can be found on the County's website.

Member Kellogg questioned what the difference between the proposed law and the current law. Mr. Asselmeier stated that, if the proposal was approved, any changes made to the facility would require the Fox Metro to come back to the County and change their site plan. Fox Metro would not be required to go through the special use permit amendment process every time they changed their site plan.

Chairman Davidson questioned if Fox Metro bought property west of Route 31. Mr. Asselmeier stated Fox Metro only owns the property east of Route 31.

Member Gryder questioned if the change would be consistent with Caterpillar and the zoning in the area. Mr. Asselmeier responded that the proposal only applied to the Fox Metro's property and it would be hard for the property to be converted to another use.

Member Kellogg questions the representatives from Fox Metro if major changes were needed at the facility. The representative responded that some changes were required and the company

is currently setting up a plan to deal with those changes. Also, Fox Metro would still have to go through the site plan approval process.

Member Gryder asked what are some of the things the County would not have the ability to control if the change was approved. Mr. Asselmeier explained that Fox Metro would need site plan approval from the County to make changes to the site unless they constructed one (1) house on the property.

Motion by Member Kellogg, seconded by Member Gryder, to recommend approval of the requested map amendment.

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

The motion carried. Because Oswego Township and the Village of Montgomery have already submitted documentation expressing no opposition the proposal, the request will go to the County Board on Tuesday, August 21, 2018, at 9:00 a.m.

Petition 18-23-Richard and Valvina Kaminski

Mr. Asselmeier summarized the request.

When Kendall County did the County-wide rezoning in 1974, the Kendall County Board designated the property at 985 Harvey Road and the adjacent property west of 985 Harvey Road as A-1 with a special use permit. The specific special use was not defined, but was probably landscaping related.

The owners of the properties, Richard and Valvina Kaminski, desire to cleanup the zoning of the properties and requested that all special use permits be revoked.

If the proposed revocation is approved, both properties would be zoned A-1 Agricultural.

Motion by Member Kellogg, seconded by Member Gryder, to recommend approval of the requested revocation.

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

The motion carried. The request will go to the County Board on Tuesday, August 21, 2018, at 9:00 a.m.

Kristen Friestad, Quarry Road, stated that changing the map would hurt her future. She stated, if someone has enough money, they can request for a map amendment and the County's hands would be tied if the Future Land Use Map said that an area should have a non-agricultural use. Chairman Davidson stated that Ms. Friestad has property rights along with anyone who buys

property. Mr. Asselmeier responded that someone could take the County to court and the judge would decide the zoning if the County rejected a map amendment request.

NEW BUSINESS

Discussion of Burning at 8055 Whitfield Road

Greg Gaura stated that the owner of 8055 Whitfield Road has a fire pit close to the complaint's home since 2016. He stated that he contacted the Code Inspector and a notice was sent to the owner, however, someone continues to bring in landscaping and burn it in the back of the property.

Member Gryder stated many residents are having similar issues. However, the Board's hands are tied. Member Gryder questioned if the County could implement a tighter property code to deal these issues. Mr. Asselmeier stated the owner would need to be caught bringing in yard waste and burning the yard waste.

Member Kellogg stated Mr. Gaura they should call the EPA or Sheriff's Office. Mr. Asselmeier stated it was difficult to prove where the waste originates. Mrs. Gaura stated the owner brought in big trucks of waste and the smell comes through her vents. The burning is causing her health problems.

Mr. Asselmeier stated, if Mr. Gaura signed an affidavit, the State's Attorney would determine if enough evidence existed to take the case to court would decide

Member Gilmour questioned how long the issue had been occurring. Mr. Gaura responded two (2) years. Inspector Brian Holdiman went to the complaint's home regarding issue.

Member Kellogg stated the owner from 8055 Whitfield Road was suppose to have a permit for burning and they should contact the Sheriff's Office and EPA.

Member Gryder questioned how the County would get the information on the complaints. Mr. Asselmeier responded that the Department, but they could obtain them from the Sheriff's Office and ask the Health Department.

Member Gilmour stated that, when the Inspector went to the property, he was told the owner was making a recreational fire.

Member Kellogg stated the EPA has more power than the County to enforce this regulation. He also suggested the Gaura's contact the Sheriff's Office.

Approval of an Intergovernmental Agreement between the Village of Millbrook 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 Millbrook for a Term of One (1) Year in the Amount of \$1.00 Plus Associated Costs Paid by the Village of Millbrook to the County of Kendall

Mr. Asselmeier summarized the proposal and stated the proposal was the same as last year. Discussion occurred regarding the difference in the insurance requirements between the agreement with Plattville and Millbrook.

Motion by Member Kellogg, seconded by Member Gilmour, to recommend approval of the proposal pending comments from the Village of Millbrook.

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

The motion carried. The Village of Millbrook will be sent the proposal. If they do not propose changes, the proposal will go to the County Board.

Approval of a Request from the City of Sandwich for a Letter of Support of the City of Sandwich's Application for an Illinois Environmental Protection Agency 319 Watershed Plan Grant for the Little Rock Creek Watershed-Committee Could Also Recommend that Kendall County Contribute Financially to the Required Grant Match

Tom Horak, City Engineer of City of Sandwich, requested a partnership with Kendall County for the City of Sandwich's Watershed Plan Grant application. He did not request a financial contribution at this time.

Member Kellogg questioned the percentage of the watershed in Kendall County. Mr. Horak could not provide a percentage.

Member Gryder asked Member Gilmour if the Forest Preserve was involved with this project. Member Gilmour responded that she did not believe the Forest Preserve was involved.

Chairman Davidson questioned what restrictions will be applied to the creek. Mr. Horak responded that the idea was to come up with a plan to improve the water quality and get the homeowners involved in the plan. The plan would also involve sampling that would help determine the pollutants in the creek. The goal is not to force anyone to do anything but get people to work together for the greater good of preserving clean water.

Motion by Member Kellogg, seconded by Member Gilmour, to recommend approval of the request.

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

The motion carried. The request will go to the County Board on Tuesday, August 21, 2018, at 9:00 a.m.

OLD BUSINESS

Approval of an Agreement with Teska Associates, Inc. for Work Related to the Zoning Ordinance Consolidation Project (Project Would Unify the Zoning Ordinance into One Searchable Document, Correct Typographical Errors, and Correct Citation Errors) at a Cost Not

to Exceed \$8,000; Related Invoices to be Paid from Planning, Building and Zoning Consultant's Line Item(101-2-002-6363)-Committee Could Forward Proposal to the State's Attorney's Office for Review

Motion by Member Kellogg, seconded by Member Gryder, to forward the proposal to the State's Attorney's Office for review.

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

The motion carried.

Update on Removal of Culvert Crossing an Aux Sable Creek near 13360 McKanna Road: Property is Owned by Mark Antos

Mr. Asselmeier provided updated pictures of the bridge. He stated that Mr. Antos intended to have the low water crossing removed by the end of August. Chairman Davidson questioned if gravel on south side of bridge would also be removed. Member Kellogg stated the Committee should request the gravel to be removed. Mr. Asselmeier will contact Mr. Antos.

Update on 21 Dawn Avenue

Mr. Asselmeier provided information from Code Inspector Brian Holdiman that the lot has been restored. The complaint was submitted by Zack Christian regarding broken tile. Mr. Asselmeier stated the Department cannot prove tile was damaged. Member Gryder stated he was familiar with the property and tile did run through the property. Chairman Davidson stated the Department needed to reach out to the property owner and obtain a letter from the owner that no tile was damaged. Discussion occurred regarding a refund of the building permit fee. Mr. Asselmeier will check if the fee was refunded.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

Approval to Forward Violation of Section 10.01.A.2 of the Kendall County Zoning Ordinance (Lack of Required Fencing Around M-1 Zoned Property) at 790 Eldamain Road to the State's Attorney's Office

Chairman Davidson stated that the owners had one (1) year to address the problem, but have not taken any action. Mr. Asselmeier stated the Planning, Building and Zoning recommends sending the violation to the State's Attorney's Office because of lack of communication from the owner.

Motion by Member Kellogg, seconded by Member Cullick, to send the violation to State's Attorney's Office.

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

The motion carried.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

The letter from the Historic Preservation Commission to the U.S. Army Corps of Engineers was presented. The Historic Preservation Commission is in the early stages of planning a meeting with other historic preservation groups; the meeting is tentatively scheduled for February.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

Member Kellogg asked about the new subdivision on Route 52. Mr. Asselmeier responded that the developer was currently seeking rezoning. ZPAC reviewed the proposal at their meeting earlier in August and the proposal will be on the next agenda for the Kendall County Regional Planning Commission. Joliet and Shoreword have sent letters expressing no objection to the proposal. The proposed subdivision is approximately one hundred three (103) acres with thirty-nine (39) proposed residential lots.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report. Revenue is up compared to the same period in the previous fiscal year.

CORRESPONDENCE

None

PUBLIC COMMENT

Chairman Davidson stated that Hide-A-Way Lakes is under contract to be sold and the new owners are seeking a meeting with Staff. He stated there should be a hold on the special use renewal and amendment proposal. Member Gilmour questioned if the special use followed the owner or the property. Chairman Davidson stated the special use permit goes with the property. Mr. Asselmeier stated the proposed text amendment is currently at the townships for review. Also, the proposed text amendment was recommended for denial by the Zoning Board of Appeals and Kendal County Regional Planning Commission. Mr. Davidson stated that owners are afraid of the simple majority rule contained in the proposal. Also, even if the zoning is changed, the people already with special use permits will be grandfathered.

Steven Halcomb commended Member Cullick and Member Gilmour for their leadership.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

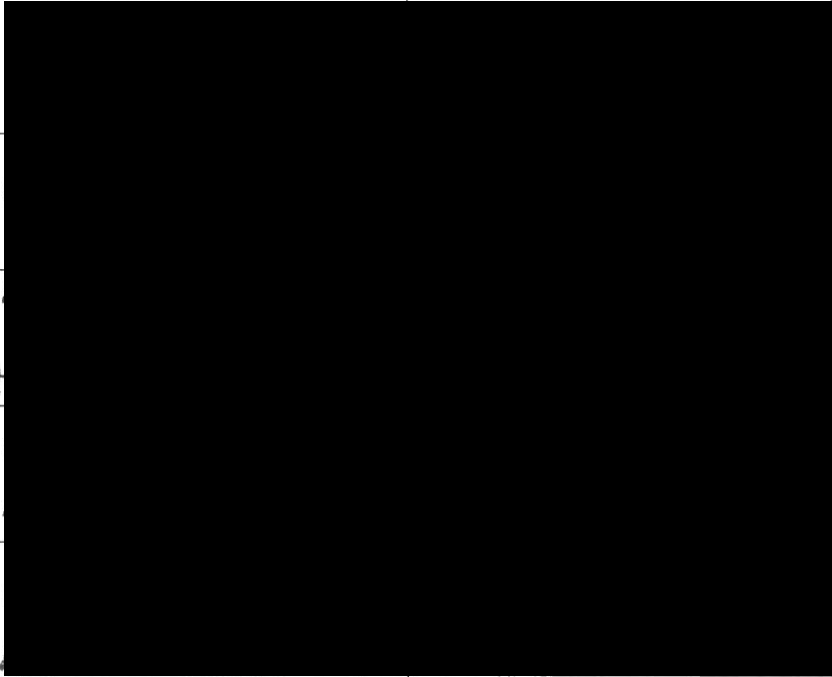
ADJOURNMENT

Motion by Member Gilmour, seconded by Member Cullick, to adjourn. With a voice vote of five (5) ayes the motion passed unanimously. Chairman Davidson adjourned the meeting at 8:38 p.m.

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

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
AUGUST 13, 2018**

NAME	ADDRESS	EMAIL ADDRESS
Linda Fosen		
STEVEN & LINETTE HALCOMB		
RICHARD & EILEEN WAGNER		
RAY & JEN BLASZCZEK		
STEVE & KRIS LARSON		