

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois*

**Meeting Minutes of March 28, 2018**

Chairman Ashton called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Roger Bledsoe, Larry Nelson, Ruben Rodriguez, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: Tom Casey and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Dan Kramer, Pat Kinnally, Roger Smith, and George Ostreko

**APPROVAL OF AGENDA**

Mr. Wormley made a motion, seconded by Mr. Bledsoe, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

**APPROVAL OF MINUTES**

Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the February 28, 2018, joint meeting minutes with the Comprehensive Land Plan and Ordinance Committee and the February 28, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

**PETITION**

**Petition 18-05-Keith and Kathleen Warpinski**

Mr. Asselmeier summarized the request. The petitioners desire a map amendment in order to be able to construct a house on the property.

ZPAC reviewed the proposal on March 6<sup>th</sup> and unanimously recommended approval.

The Kendall Township Planning Commission and Kendall Township Board reviewed the proposal in February and recommended denial. Kendall Township will not be submitting a formal objection.

The United City of Yorkville's Planning and Zoning Commission met on March 14<sup>th</sup> and recommended approval. The United City of Yorkville's City Council met on March 27<sup>th</sup> and expressed no objections to the proposal.

Dan Kramer, attorney for the petitioners, stated that Kendall Township recommended denial because at least one (1) planning commissioner objected to the construction of another house in the area.

Mr. Kramer stated that the petitioners did not pursue an A-1 building permit because the Kendall County Board had a similar case last year and they required the property owner to obtain a map amendment. In addition, the notification and publication requirements for a map amendment are stricter than the rules for an A-1 building permit.

Mr. Kramer also noted that easements for the proposed trails will be recorded.

Mr. Wormley asked about the pipeline easement running through a portion of the property. Mr. Kramer explained how the pipeline easement was created.

Mr. Nelson asked the width of the property. The width is approximately is approximately two hundred thirty-seven feet (237').

Mr. Wormley asked about the water table. Mr. Kramer stated the soil was classified for septic.

Ms. Wilson noted that certain agricultural uses would be more restrictive if the property were rezoned to R-1.

There were no public comments on this proposal.

Mr. Asselmeier stated that he did not receive anything in writing from Kendall Township. There were no calls from any surrounding residents.

Ms. Wilson made a motion to recommend approval of the map amendment as proposed, seconded by Ms Zubko.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on April 2<sup>nd</sup>.

### **Petition 18-07 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

The Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. Therefore, Staff prepared the attached proposal establishing procedures for renewing special use permits.

The Planning, Building and Zoning Committee reviewed this proposal on February 13<sup>th</sup> and unanimously approved initiating the text amendment process.

This proposal was mailed to each township on February 15<sup>th</sup>. To date, none of the townships have submitted comments.

This proposal was mailed to each existing special use permit holder that has a review/renewal provision in their special use permit on February 16<sup>th</sup>. To date, only (1) special use permit holder had detailed questions. Three (3) others were satisfied with the proposal after the proposal was explained.

ZPAC reviewed this proposal on March 6<sup>th</sup> and unanimously recommended approval.

Several Commissioners expressed concerns about the ability of the County Board to amend special use permits without the request or approval of the property owner, even though the property owner complied with the terms of the special use permit. This action could have negative consequences for business owners that invested large sums of money into their businesses. Concerns were raised that such changes could be arbitrary.

The Hearing Officer still exists for administrative adjudication; the Planning, Building and Zoning Committee could refer an alleged violations to the Hearing Officer or the State's Attorney's Office.

Several Commissioners expressed concerns regarding the language about previous owners of special use permits. Commissioners felt that the automatic renewal provisions should apply to the current owner and the current owner should not have the special use permit jeopardized by the actions or violations of previous owners.

Ms. Wilson asked if the County Board could request changes at any time. Mr. Asselmeier stated that the intent of the proposal was that the County Board could do amendments at the time of renewal. Item 2.b would be amended to reflect that change.

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

Dan Kramer said that he agreed with changes proposed by Mr. Nelson.

Mr. Nelson moved to table the proposal and to have the proposal sent to Commissioners as a Word document. Discussion occurred regarding the intent of the Planning, Building and Zoning Committee in proposing the text amendment. The motion died for lack of second.

Mr. Rodriguez asked about the procedures of other counties. Mr. Asselmeier will investigate this matter.

Mr. Wormley made a motion to refer the proposal back to the Planning, Building and Zoning Committee for additional study, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed.

### **Petition 18-03 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In 2017, the Kendall County Board created a Boards and Commissions Review Ad-Hoc Committee to examine the number, type, and duties of the various committees utilized by the County. This Ad-Hoc Committee evaluated the roles and responsibility of each of the committees associated with the Planning, Building and Zoning Department. The Ad-Hoc Committee expressed concerns about the number of meetings certain applicants had to attend in order to obtain approval of map amendments and special use permits. In addition to

County meetings, applicants for map amendments and special use permits might need to attend various township and municipal meetings.

Accordingly, the Board and Commissions Review Ad-Hoc Committee, at their meetings on August 29<sup>th</sup> and November 30<sup>th</sup> recommended the following applications not require formal meetings of ZPAC or the Kendall County Regional Planning Commission:

1. Map Amendments
2. Special Use Permits
3. Major Amendments to Special Use Permits
4. Text Amendments to the Zoning Ordinance Not Impacting the Powers and Duties of ZPAC and/or Kendall County Regional Planning Commission

Members of ZPAC and the Kendall County Regional Planning Commission would continue to receive notifications of the above types of applications and individual members of these committees could submit comments on the proposals, but neither body would be required to meet and issue recommendations on these types of applications.

ZPAC would continue to meet for the following types of applications:

1. Site Plan Reviews
2. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals

The Kendall County Regional Planning Commission would continue to meet for the following types of applications:

1. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
2. Changes to the Land Resource Management Plan
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals
7. Requests by the County Board and/or Planning, Building and Zoning Committee for Research on Planning, Zoning, and Development Related Topics

The Committee of the Whole discussed this proposal at their meeting on December 14<sup>th</sup> and no one objected to the proposal.

The Planning, Building and Zoning Committee reviewed this matter at their meeting on January 8<sup>th</sup> and unanimously recommended approval of initiating the text amendment as proposed.

ZPAC reviewed this proposal on February 6<sup>th</sup> and unanimously recommended approval.

Ms. Wilson asked, if this proposal was implemented, would the Kendall County Regional Planning Commission meet on petitions similar to Petition 18-07. Mr. Asselmeier responded that the Kendall County Regional Planning Commission would not meet for similar proposals.

Mr. Nelson asked, if the Kendall County Regional Planning Commission did not meet, would the timeframe for adopting a proposal be shortened. Mr. Asselmeier said that the timeframe for adopting a proposal would not be shortened unless the Kendall County Regional Planning Commission requested additional information.

Ms. Zubko asked if ZPAC members receive each petition and submit comments. Mr. Asselmeier responded that petitions are emailed to ZPAC members, but most ZPAC members wait until the meeting before stating their comments.

Ms. Zubko asked if the County Board was aware that the Planning, Building and Zoning Committee did not need to meet to review petitions under State law. Mr. Asselmeier responded that the Ad-Hoc Commissions and Committees Committee was informed which zoning related committees were required by State law and which ones were of the County's discretion.

Chairman Ashton expressed concerns about the RPD subdivisions approval. He believed that the terms of RPDs should be reviewed by the Kendall County Regional Planning Commission.

Mr. Nelson explained his experience with obtaining a special use permit.

Commissioners noted that one (1) of the reasons for transferring special use hearings to the Zoning Board of Appeals was to obtain more input and opinion. This proposal seems contradictory to that previous opinion.

Mr. Nelson made a motion to refer the proposal to the Comprehensive Land Plan and Ordinance Committee. The motion died for lacked of a second.

Mr. Asselmeier stated that the Planning, Building and Zoning Committee, as the petitioner, was the only entity that could approve amendments to the petition.

Ms. Wilson made a motion to recommend approval of the proposal, seconded by Ms. Zubko

Yes – None (0)

No – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

Absent – Casey and Shaw (2)

The motion failed. The petition received a negative recommendation from the Planning Commission.

The reasons for the negative recommendation were:

1. The Kendall County Regional Planning Commission would like the proposal to go to the Comprehensive Land Plan and Ordinance Committee to work out issues.
2. The Kendall County Regional Planning Commission had concerns regarding the due process for petitions.
3. The Kendall County Regional Planning Commission felt that Kendall County Regional Planning Commission meetings were the appropriate setting for creating conditions and restrictions for special use permits (express the values of the community).
4. Removing the Kendall County Regional Planning Commission meeting from the timeline for adoption does not slow down the approval process; the Senior Planner indicated that no extra time was needed for Kendall County Regional Planning Commission meetings.

5. The Kendall County Regional Planning Commission had concerns about a lack of thorough vetting of the implications of proposals if the Kendall County Regional Planning Commission did not meet and review proposals.

#### **CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

#### **NEW BUSINESS**

None

#### **OLD BUSINESS**

#### **Consideration and Action on Amendments to Petition 18-04 Regarding Amending the Future Land Use Map for Property Near Route 47 in Lisbon Township-Commission Could Vote to Schedule a Public Hearing on the Petition**

Chairman Ashton noted that changes were made to the proposal. A mixed use business area will be added along U.S. Route 52 down to the Village of Lisbon.

The Village President of Lisbon attended the Comprehensive Land Plan and Ordinance Committee meeting earlier in the evening.

Ms. Wilson expressed her surprise about the opposition to the proposal from the residents of the area.

#### **Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)**

Mr. Asselmeier stated that the Planning, Building and Zoning Committee met on March 12<sup>th</sup> and the proposal has changed drastically. The proposal was sent to the State's Attorney's Office for review.

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 17-33 transferring certain powers and duties from the Hearing Office to the Zoning Board of Appeals passed at the County Board. Petition 17-29 increasing the notification requirements for applications for special use permits on properties zoned A-1 was sent back to the Planning, Building and Zoning Committee from the Committee of the Whole.

#### **OTHER BUSINESS/ANNOUNCEMENTS**

None


#### **ADJOURNMENT**

Ms. Wilson made a motion, seconded by Mr. Wormley, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:31 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP  
Senior Planner

Enc.

**KENDALL COUNTY REGIONAL  
PLANNING COMMISSION MEETING  
MARCH 28, 2018**

NAME	ADDRESS	EMAIL ADDRESS
<i>Don Kuman</i>		
<i>Pat Kinnally</i>		
<i>George Osineko</i>		
<i>Peggy Smith</i>		