

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 June 12, 2017

CALL TO ORDER

The meeting was called to order by Vice Chairman Matt Kellogg at 6:34 p.m.

ROLL CALL

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

Committee Members Absent: Bob Davidson (Chairman)

Also Present: Matt Asselmeier (Senior Planner), Scott Koepfel (Interim Acting Director of Planning, Building and Zoning), Robert Velazquez (Representing Semper Fi, Inc.), Dan Kramer (Representing Robert Delaney and Massimo Bianchini), Todd Milliron, Gregg Ingemunson (Representing the owner of Bristol Tap), Cheryl Bullock, Dale Johnson, Dave Tremain, Donna Krahn, Robert Walker (Bristol Township Supervisor), Roger Arntzen, Christine Springer, Lori Haff-DeLancy, Rick Hoover, Dale Johnson, Cheryl Belot, Jim Menard (Representing landowner surrounding 1996 Cannonball Trail), Janice Smith, Donna Krahn, Doug Harms, Mike Duncan Aaron Rybski, Lauren Belleville and Joe Phillips

APPROVAL OF AGENDA

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

Chairman Bob Davidson arrived at this time (6:35 p.m.)

APPROVAL OF MINUTES

Motion by Member Cullick, seconded by Member Kellogg, to approve the minutes from the May 8, 2017 meeting. Mr. Asselmeier stated the renewal of a special use permit to have a billboard at U.S. 34 and Hafenrichter is nearly finished; Staff is waiting on a document showing the location of billboard on the property and the application fee. Mr. Asselmeier also stated that the owner of the banquet facility at 9111 Ashley Road agreed to attend the July Committee meeting. With a voice vote of five ayes, the motion carried.

EXPENDITURE REPORT

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

PUBLIC COMMENT

Todd Milliron, Yorkville, expressed concerns regarding the Delaney petition's request for a six (6) month layover. He believed that if the petitioner was not ready, then the petitioner should reapply. Mr. Milliron also expressed concerns regarding the Semper Fi petition. He believed that petition requires restrictions and oversight.

Gregg Ingemunson, representing the owner of the Bristol Tap, expressed concerns that neighbors were not aware of the special use hearing. He does not believe that odor could be controlled. No restrictions were placed on other landscape waste composting facilities regarding odor.

Robert Walker, Bristol Township Supervisor, expressed concerns that neighbors were unaware of the petition. Mr. Asselmeier stated that the notice was published in the Kendall County Record on May 4th. The petitioner sent notices to neighbors within five hundred feet (500'). The notification sign was placed at the petitioner's property on May 15th.

Christine Springer, a Realtor from Yorkville and Bristol resident, stated concerns regarding the impact of odors on property values.

Lori Haff-Delancy, a Realtor and Bristol resident, expressed concerns regarding the impact of odors on property values. She also expressed concerns regarding truck traffic in the area.

Rick Hoover, Royal Oaks Drive, asked who would cleanup the property if the landscape waste composting facility goes out of business.

Dale Johnson, South Street, believed that approving this proposal would be shortsighted. The odor could negatively impact Bristol Tap and water park. He would like to see a cleanup bond adjusted for inflation and not be in today's dollars.

Roger Arntzen, Bristol, asked for an environmental study. He expressed concerns about pollution in Blackberry Creek and groundwater. Mr. Arntzen discussed issues with smoke and odors an inconvenience law.

Cheryl Belot, Bristol, expressed concerns about noise. She also asked if vibrations would occur.

Jim Menard, representing the landowner surrounding 1996 Cannonball Trail, requested that the one-eighth (1/8) mile requirement for starting closure of the facility be included in the restrictions.

Janice Smith, Bristol, expressed concerns about not receiving notification. He was also concerned about odors and truck traffic.

Donna Krahn, Bristol, attended the Regional Planning Commission meeting. She asked about the petitioner's method for checking his material and what was the legal recourse of the neighbors if problems arise.

Doug Harms, Royal Oaks Drive, expressed concerns about odors. He believed that this use should be in a more agricultural area and the impact of the proposed use on property values.

Mike Duncan, Bristol, stated that he supports entrepreneurs. He did not believe that an exception should be given in this case because of resale value of neighboring properties. Mr. Duncan also expressed concerns regarding non-point source pollution related to the proposed

use and the impact of this pollution on wells and the knowledge of the Committee on this issue. In his opinion, there are better locations for this business in Kendall County.

Robert Velazquez, 1996 Cannonball Trail, thanked everyone for expressing their concerns. He wanted to create an environmentally friendly way to use the waste from his landscaping business. The material will be eighty percent (80%) mulch and twenty percent (20%) compost. Mr. Velazquez's operation will only use approximately two (2) acres for the proposed business. He plans to live at the property. Truck traffic will be small. He will be selective of which entities he allows to dump at the property. Mr. Velazquez will hold a bond for cleanup as required by the Illinois Environmental Protection Agency.

Todd Milliron added that Kendall County had a bad experience with businesses using windrows, particularly the Hamman property.

PETITIONS

16-14 Robert Delaney (Petitioner Requests a Layover for a Period of Six Month)

Request: Special Use Permit to Operate an Outdoor Shooting Range

Location: 16502 Church Road, Lisbon Township

Mr. Asselmeier stated that the petitioner desires a layover of the petition for six (6) months in order to examine whether or not the costs involved allow for the continuation of the project. The Committee is waiting on the petitioner to submit a lead management plan. The hours of operation also need to be finalized.

Member Kellogg expressed concerns that commercial shooting activities were occurring on the property based on online advertisement. The petitioner's attorney, Dan Kramer, stated the petitioner is still evaluating lead retrieval methods and applicable costs.

Member Gryder asked if the petitioner was operating a business at the property. Mr. Kramer stated that the petitioner is not operating a business at the property; his friends and family shoot at the property.

Discussion occurred regarding setting a layover period. Mr. Kramer expressed concerns about securing financing for the lead remediation system in thirty (30) days.

The Committee requested clarification on the difference between "customers" and "guests" as they relate to the easement to reach the subject property.

Motion by Member Cullick, seconded by Member Gryder, to layover the petition until the July 2017 PBZ meeting.

With a voice vote of five ayes, the motion carried.

17-09 Semper Fi Land, Inc. (Robert Velazquez)

Request: Special Use Permit to Operate a Landscape Waste Composting Facility

Location: 1996 Cannonball Trail (PIN: 02-15-101-003), Bristol Township

Mr. Asselmeier summarized the petition, stated the findings of fact, and read the thirty-one (31) proposed restrictions. The proposed site plan shows trees to the south and east of the operations and not along the entire south property line or southwest property line.

Mr. Velazquez stated that his company would not produce twenty-six thousand (26,000) cubic yards of waste annually. Some semis would deliver waste to the property. Mr. Velazquez said that he would turn over the product once or twice a year.

Member Davidson expressed concerns over how long it takes for water samples to go to environmental health. He also would like to see water sampling more frequently than once per year.

Member Kellogg asked if the petitioner would use any staining or coloring. Mr. Velazquez said that mulch will be natural.

Member Gilmour asked who else would bring materials to the property. Mr. Velazquez stated that other landscape companies would be allowed to bring materials, they would be a select few. Mr. Velazquez anticipates five-ten (5-10) trucks per week, including smaller trucks. Mr. Velazquez also explained how tub grinders work; he would not operate the tub grinder daily.

Member Gilmour expressed concerns regarding the Illinois Environmental Protection Agency to timely enforce applicable regulations. Aaron Rybski, Kendall County Health Department, explained their procedures for investigating complaints. Mr. Rybski felt confident that the restrictions related to the Health Department were appropriate.

Discussion occurred regarding the planting of trees as a buffer.

Member Kellogg asked about the requirement of the business to close within three (3) years if a new home is constructed and occupied for a period of sixty (60) days. Mr. Asselmeier stated that Yorkville got that requirement from the State law. Yorkville did not want to initiate closure if a model home was constructed and not occupied.

Member Kellogg asked where did the twenty-six thousand (26,000) cubic yards figure originated. Mr. Velazquez based the figure on the amount of material gathered and the time it takes to make compost. Mr. Velazquez agreed that a lower amount could be used.

Member Gilmour asked where the water and soil sample results were recorded. Mr. Rybski explained where the results were kept and the procedure for addressing concerns if water and soil sample came back with issues.

Member Kellogg thanked the petitioner for applying and going through the process himself without assistance.

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

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

The motion failed.

The Committee requested a legal opinion regarding whether or not the PBZ Committee can kill an application.

The Committee recessed from 8:31 p.m. to 8:35 p.m.

NEW BUSINESS

Hideaway Lakes Campground Discussion

Member Gilmour reported that the Law, Justice & Legislation Committee requested that the special use permit be revoked due to the criminal activity at the property.

Member Davidson asked Mr. Kramer to take a copy of the list of Sheriff's Department concerns to Mr. Tanner and have Mr. Tanner attend the July meeting.

Lauren Belleville, from the Kendall County Health Department, discussed the Health Department's concerns with the property. The Health Department will have a list of alleged violations at the July PBZ meeting.

Discussion of Possible Amendment to Stormwater Ordinance Related to Plano Stormwater Concerns Relate to Foli Park and MTH Parking Lot Project and Kendall County Forest Preserve District Trail in Millbrook South Forest Preserve

Member Kellogg left at this time (8:50 p.m.).

Mr. Asselmeier read his memo regarding the Plano stormwater concerns and the concerns of MTH regarding their parking lot. Dave Tremain discussed his parking lot issue. Mr. Asselmeier will work with Mr. Tremain to see if the issue can be addressed.

Approval of Resolution Granting a Three (3) Year Extension to the Recording of the Final Plat of Subdivision for Camelot Farm (Petition 08-18)

Motion by Member Gryder, seconded by Member Gilmour, to recommend approval of the resolution granting a three year extension to the recording of the Final Plat of Subdivision for Camelot Farm.

With a voice vote of four ayes, the motion carried.

The proposal will be forwarded to the County Board for their June 20th meeting.

Approval of Annual Facility Inspection Report for NPDES Permit for Stormwater Discharges from Separate Storm Sewer System (MS4)

Member Cullick left at this time (9:00 p.m.)

Motion by Member Gryder, seconded by Member Gilmour, to recommend approval of the annual facility inspection report for NPDES Permit for stormwater discharges from Separate Storm Sewer System (MS4).

With a voice vote of three ayes, the motion carried.

The proposal will be forwarded to the County Board for their June 20th meeting.

Approval to Transfer 2003 Inspection Vehicle from Planning, Building and Zoning Department to Facilities Management Department

Motion by Member Gryder, seconded by Member Gilmour, to recommend approval of the transfer of the 2003 inspection vehicle from Planning, Building and Zoning Department to Facilities Management Department.

With a voice vote of three ayes, the motion carried.

The proposal will be forwarded to the County Board for their June 20th meeting.

Six Month PBZ Financial Report Review

The Committee reviewed the six month financial report and expressed no concerns.

Comparison of Enforcement Procedures and Fines for Ordinances under PBZ Jurisdiction

The Committee reviewed Mr. Asselmeier's memo on the subject. The Committee requested that Staff handle the ordinances one at a time.

Request by Ad-Hoc Zoning Ordinance Committee for PBZ Acting Interim Director to Send a Letter to the United City of Yorkville RE: Differences between the Future Land Use Maps of Yorkville and Kendall County

The consensus of the Committee was that PBZ Acting Interim Director send a letter to the United City of Yorkville RE: Differences between the future land use maps of Yorkville and Kendall County when he gets an opportunity

OLD BUSINESS

Amendments Regarding Outdoor Shooting Range Regulations

Mr. Asselmeier provided a proposal to amend the outdoor shooting range regulations; the proposed regulations include archery regulations.

Member Davidson requested that the proposal be forwarded to the rest of the County Board for their suggestions and that all ideas should be brought back to the PBZ Committee for further review.

Approval of Amended Intergovernmental Agreement Between the Village of Millbrook and Kendall County

Mr. Asselmeier informed the Committee that the Village of Millbrook would like to amend Section 6 of the proposed Intergovernmental Agreement. They would like the Village's auto liability and general liability insurance to be secondary coverage. The Village of Plattville approved the agreement at their May meeting. The Committee had the consensus that the Village of Millbrook's auto liability and general liability should be primary insurance coverage. Staff was directed to inform the Village of Millbrook of the Committee's opinion.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission will have a booth at PrairieFest on the Saturday of the event. The Historic Preservation Commission has not had any quorum issues.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

Committee reviewed the revenue report.

CORRESPONDENCE

Letter from Illinois Department of Agriculture Regarding Noxious Weed Law

Mr. Asselmeier read a memo regarding the Illinois Department of Agriculture's letter regarding the Noxious Weed Law. The Committee requested to contact the township road commissioners to see how they are handling noxious weed complaints.

Churchill Club Stormwater Issue

Mr. Asselmeier read a memo regarding the Churchill Club Stormwater Issue. Staff is working with the Village of Oswego to develop a response to the issue.

PUBLIC COMMENT

Joe Phillips, Whitewillow Road, thanked the Committee for bringing the Delaney matter to a head. He stated classes were held on the property and a Groupon exists for classes at the property.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Gryder motioned to adjourn, seconded by Member Gilmour. With a voice vote of three ayes, Chairman Davidson adjourned the meeting at 9:35 p.m.

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