

**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 October 10, 2017**

**CALL TO ORDER**

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

**ROLL CALL**

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

Committee Members Absent: Scott Gryder

Also Present: Matt Asselmeier (Senior Planner), Bill Kunke, Ken Hostert, William Page, Mark Page, Dwain Friehe, Bill Hacker, Sam Ruzick, Thomas Barone, Peter Pasteris, Jackie Kowalski, Mark Antos, Jeff Findlay, John Trotter, Paul Kovacevich and Tom Grant

**APPROVAL OF AGENDA**

Motion by Member Kellogg to move the request from Tri-Star Development, the bridge issue at 13360 McKanna Road and all of the items listed under Old Business to before New Business, seconded by Member Gilmour. With a voice vote of four ayes, the motion carried.

**APPROVAL OF MINUTES**

Motion by Member Cullick, seconded by Member Kellogg, to approve the minutes from the September 11, 2017 meeting. With a voice vote of four ayes, the motion carried.

**EXPENDITURE REPORT**

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

The Committee reviewed the proposed budget for the Planning, Building and Zoning Department for fiscal year 2017-2018. The Committee did not have any questions or comments.

**PUBLIC COMMENT**

Bill Kunke, Minooka, discussed his concerns about dumping at 15875 Ridge Road. He discussed the matter with Greg Chismark and the impact of the dumping near the waterway. Mr. Chismark agreed to do a study on the issue. Mr. Asselmeier read Mr. Chismark's email on the subject. Mr. Kunke discussed the loss of crops and cost of cleanup if the issue is not addressed. Mr. Kunke reiterated his concerns from the September Planning, Building and Zoning Committee meeting.

**PETITIONS**

None

## **NEW BUSINESS**

### **Request from Tri-Star Development to Construct a R-1 Zoned One- Family Residential Subdivision Instead of a RPD Zoned Subdivision in Seward Township**

Paul Kovacevich and Tom Grant presented information on a proposed subdivision in Seward Township. A portion of this property was originally planned to be a golf course. Because of the size of the lots and layout of the land, Mr. Kovacevich would like to construct the subdivision using the Subdivision Control Ordinance instead of RPD Zoning. Mr. Kovacevich would like to have larger lots; he believes that the market is lacking a subdivision with this size lots.

Discussion occurred regarding stormwater detention and the creek. Stormwater infrastructure would have to be reviewed based on the topography of the land.

Discussion occurred regarding septic issues. The septic issues will have to be addressed in detail at the time of application.

Member Kellogg suggested moving the driveway west.

Mr. Asselmeier advised Mr. Kovacevich to discuss this proposal with Seward Township and with neighboring property owners. Mr. Grant agreed to these suggestions.

### **Request for Guidance RE: Bridge at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)**

Mr. Asselmeier summarized the situation.

Mark Antos stated that late spring or early summer he would move dirt and plant seed. He would like to pour the bridge before it gets too cold.

Jeff Findlay spoke on this matter later in the meeting (8:25 p.m.). He stated that Mr. Antos does not maintain the crossing in the creek and the crossing does not match drawings from 1998. He would like Mr. Antos to have the bridge in the proper location.

John Trotter explained that he would like this issue addressed before next year's crops are damaged.

Chairman Davidson will visit the site.

## **OLD BUSINESS**

### **Request for Guidance RE: Mobile Home at 1072 Tyler Road**

Mr. Asselmeier reported he has been in contact with the property owner and that the property owner agreed to pay the annual renewal fee on October 11<sup>th</sup>. If the owner does not pay the fee, this matter will be placed on the November Planning, Building and Zoning Committee agenda.

### **Approval of Public Hearing Signs**

Mr. Asselmeier presented the revised public hearing street signs. The consensus of the Committee was that they liked the color; the language did not change from the previous signs. The PBZ Department will order signs with the new color from the Highway Department.

### Discussion of Property Maintenance Regulations

Staff provided an email from Brian Holdiman stating that he would like to work on this item during the winter months, if the Committee wanted him to research this topic. Member Kellogg asked what percentage of the complaints came from the Boulder Hill area. A significant percentage of complaints appeared to come from the Boulder Hill area.

Mr. Asselmeier reported that he will attend the Boulder Hill community meeting on October 11<sup>th</sup>.

### Discussion of Banquet Facility at 1998 Johnson Road

Staff provided a copy of the special use permit, three (3) letters on the topic from the property owner and his attorney and several complaints regarding the banquet facility at 1998 Johnson Road. No noise complaints have been reported since the middle of September when Mr. Pasteris installed his new sound system.

Pete Pasteris, owner 1998 Johnson Road, described the sound system he installed. The disc jockeys have to plug into the system. The speakers are over the dance floor. One (1) customer already requested a refund. Mr. Pasteris invited Committee members to the property. He is considering installing permanent, insulated walls.

Thomas Barone, Johnson Road, heard something Saturday night, but he did not call the Sheriff's Department. The noise is less. Mr. Barone requested greater enforcement of the provisions of special use permits.

### Request for Guidance RE: Southfield Estates Flooding Issue

Fran Klaas, County Engineer, summarized his findings from the elevation measurements. The infrastructure related items are very close to plan. The Page house was supposed to have a lookout basement instead of a walkout basement. The basement elevation is less than one foot (1') from the height of the overflow. The pond and outlet structure are on private property. Mr. Klaas discussed the issue with Greg Chismark. Mr. Chismark suggested slight modifications to the pond and outlet structure which could be considered pond maintenance and would not need a stormwater permit. Mr. Klaas suggested a slightly bigger outlet pipe and normal water level pipe. Mr. Klaas suggested that the County and Township could be involved. The homeowner is definitely involved.

Dwain Friehe, Cherry Road, asked if an estimated pipe size existed for this project. Mr. Klaas responded that he suggested going from a twenty-four inch (24") pipe to a thirty inch (30") pipe. There is a forty-two inch (42") pipe on Cherry Road. Mr. Friehe indicated that the whole area has water issues. Mr. Friehe suggested creative landscaping and berms; Mark Page said that he examined doing berming, but the hydraulics did not work.

Bill Hacker, Cherry Road, stated that the outlet is on his property. His suggestion was to do maintenance on the pond by removing leaves, tree limbs and debris.

Chairman Davidson expressed concerns that this project is on private property. Member Kellogg expressed similar concerns.

Mark Page, Winchester Court, stated his house was planned to have a walkout basement. He does not want to do any work with the County's approval.

Ken Hostert, Na-Au-Say Township Road Commissioner, said that the structures are not on Road District property. The property was constructed with a walkout basement instead of a lookout basement as planned. Since the County approved the plans and conducted the inspection, he requested that the County increase its standards on review of as-builts. Mr. Hostert complained that the County's tolerance is two feet (2'). He offered to cover one-third (1/3) of the costs of the project if the County and homeowner each provided one-third (1/3) of the cost.

No estimate existed on the cost of the project. Member Cullick expressed concerns regarding not knowing the cost of the project.

The consensus of the Committee was that Mark Page would have the issue studied and give the Committee an estimate on the costs to fix the issue and the Committee would review that estimate.

#### Village of Millbrook Related Items

Mr. Asselmeier read the memo from Scott Koeppel on the subject. Mr. Koeppel requested a fee to cover the County's auto liability to conduct inspections in Millbrook. Millbrook and Kendall County also have different liability insurance. Mayor Kowalski will forward this information to the Village's insurance provider.

Member Cullick suggested creating an escrow account to cover the deductible.

The consensus of the Committee was that Millbrook should not pay mileage.

The consensus of the Committee was to place the intergovernmental agreement on the October 17<sup>th</sup> County Board meeting.

#### Request for Guidance RE: Dumping at 15875 Ridge Road

Mr. Asselmeier read an email from Greg Chismark on the subject. Because the owner disturbed less than one (1) acre of ground, the Kendall County Stormwater Management Ordinance was not applicable. Mr. Chismark indicated that he would be willing to conduct a tributary area review for Two Hundred Dollars (\$200).

The consensus of the Committee was that Mr. Chismark should conduct this review and report the findings at the November Planning, Building and Zoning Committee meeting.

### **NEW BUSINESS**

#### Request from ZPAC that the Planning, Building and Zoning Committee Amend Petition 17-29 RE: Notification Requirement for Special Use Applications in the A-1 District to a Smaller Notification Distance

Mr. Asselmeier read his memo on the issue. ZPAC requested that the Committee lower the notification distance requirement.

Discussion occurred regarding specific uses that may require additional notification. Member Gilmour expressed concerns that the Committee does not know what uses could be controversial in every neighborhood and every situation.

The consensus of the Committee was to have Staff generate a list of special uses that should have a longer distance requirement, specifically two thousand six hundred feet (2,600') and which uses should have notification requirements of one thousand feet (1,000').

Approval of Fiscal 2017-2018 Meeting Calendar

Mr. Asselmeier presented the proposed meeting calendar for the Planning, Building and Zoning Committee. The meetings in February, October and November will be on Tuesdays.

Motion by Member Gilmour, seconded by Member Cullick, to recommended approval of the fiscal year 2017-2018 meeting calendar.

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

The motion passed.

Recommendation on 2018 Comprehensive Weed Work Plan

Mr. Asselmeier read his memo on the subject. The County is required to submit a plan to the Department of Agriculture by November 1<sup>st</sup>.

Motion by Member Gilmour, seconded by Member Kellogg, to recommended approval of the 2018 Comprehensive Weed Work Plan.

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

The motion passed. This matter will go before the County Board on October 17<sup>th</sup>.

Review of Commercial Wind Farm Regulations

Mr. Asselmeier reported that Member Kellogg requested a review of the commercial wind farm regulations at the September Committee meeting. Member Kellogg stated that he would look over the regulations.

Motion by Member Cullick, seconded by Member Kellogg, to layover this matter until next month.

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

The motion passed. This issue will be an agenda item at the November Planning, Building and Zoning Committee meeting.

Approval of Resolution Placing a Noise Warning Statement on the Building Permit Application Form

Mr. Asselmeier read his memo on the subject. The Ad-Hoc Zoning Ordinance Committee recommended approval of the proposal. This matter is on hold pending the composition of the Ad-Hoc Zoning Ordinance Committee.

Clarification of Membership, Chairmanship and Duties of Ad-Hoc Zoning Ordinance Committee, Including Recommendation on Eliminating the Ad-Hoc Zoning Ordinance Committee

Mr. Asselmeier read his memo on the subject.

Member Kellogg stated that he did not want to be on the Ad-Hoc Zoning Ordinance Committee. Member Cullick also stated that she did not want to be on the Ad-Hoc Zoning Ordinance Committee.

Discussion occurred about the direction of the Ad-Hoc Zoning Ordinance Committee. The consensus was that the Ad-Hoc Zoning Ordinance Committee should be abolished and created again in the future, if needed. The Ad-Hoc Zoning Ordinance Committee should meet at the discretion of the Planning, Building and Zoning Committee.

Motion by Member Kellogg, seconded by Member Gilmour, to recommend eliminating the Ad-Hoc Zoning Ordinance Committee.

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

The motion passed. This matter will be placed on the October 17<sup>th</sup> County Board Agenda.

Approval of Initiating Text Amendments to Section 13 of the Kendall County Zoning Ordinance Pertaining to the Powers and Duties of the Kendall County Regional Planning Commission

Mr. Asselmeier read his memo on the subject. The consensus of the Committee was to wait with acting on this item until the Ad-Hoc Boards and Commissions Review Committee issues its report.

Approval of Initiating Text Amendments to Sections 3 and 13 of the Kendall County Zoning Ordinance Pertaining to the Powers and Duties of the Zoning and Platting Advisory Committee (ZPAC)

Mr. Asselmeier read his memo on the subject. The consensus of the Committee was to wait with acting on this item until the Ad-Hoc Boards and Commissions Review Committee issues its report.

Approval of Initiating Text Amendments to Section 13 of the Kendall County Zoning Ordinance Transferring the Review of Special Use Applications from the Special Use Hearing Officer to the Zoning Board of Appeals

Mr. Asselmeier read his memo on the subject.

Motion by Member Davidson, seconded by Member Kellogg, to recommend initiating text amendments to Section 13 of the Kendall County Zoning Ordinance transferring the review of special use applications from the Special Use Hearing Officer to the Zoning Board of Appeals.

Ayes (3): Davidson, Gilmour and Kellogg  
Nays (1): Cullick  
Absent (1): Gryder

The motion passed.

Request for Guidance RE: Conditional Use Permits

Mr. Asselmeier read his memo on the subject. The State's Attorney's Office believes that conditional uses should be either permitted or special uses because State law does not give Counties the authority to have conditional uses. The consensus of the Committee was to place this item on the November Planning, Building and Zoning Committee agenda.

Request for Guidance RE: Proposed Ordinance Amending the Code Hearing Unit Regulations (Should These Regulations be Part of the Zoning Ordinance?)

Mr. Asselmeier read his memo on the subject and expressed concerns about placing the Code Hearing Unit Regulations inside the Zoning Ordinance because of unforeseen consequences of the definitions section. The Kendall County Regional Planning Commission will consider initiating this text amendment. The consensus of the Committee was to place this item on the November Planning, Building and Zoning Committee agenda.

**UPDATE FOR HISTORIC PRESERVATION COMMISSION**

The Historic Preservation Commission will be holding a meeting with other historic preservation groups in the County on February 21<sup>st</sup> at 7:00 p.m. at the Historic Courthouse. The purpose of the meeting is to discuss the activities of these groups.

**REVIEW PERMIT REPORT**

The Committee reviewed the permit report.

**REVIEW REVENUE REPORT**

The Committee reviewed the revenue report. Revenues are higher from this time last year.

**CORRESPONDENCE**

Correspondence Related to Churchill Club Stormwater Issue

Mr. Asselmeier read the emails and letter on this matter. The Village of Oswego is leading the investigation of this issue and sent a violation letter to the owner.

August 31, 2017 Letter from Kathleen Miller to Roy Mosley RE: City of Plano Stormwater Management Ordinance Variance Request at 509 W. Main Street, Plano

Mr. Asselmeier read the letter. MTH is pursuing a variance to the City of Plano's Stormwater Management Ordinance in order to construct a parking lot at the property. If Plano approves the variance, the applicants will pursue a variance to the County's Stormwater Management Ordinance.

**PUBLIC COMMENT**

None

**COMMENTS FROM THE PRESS**

None

**EXECUTIVE SESSION**

None

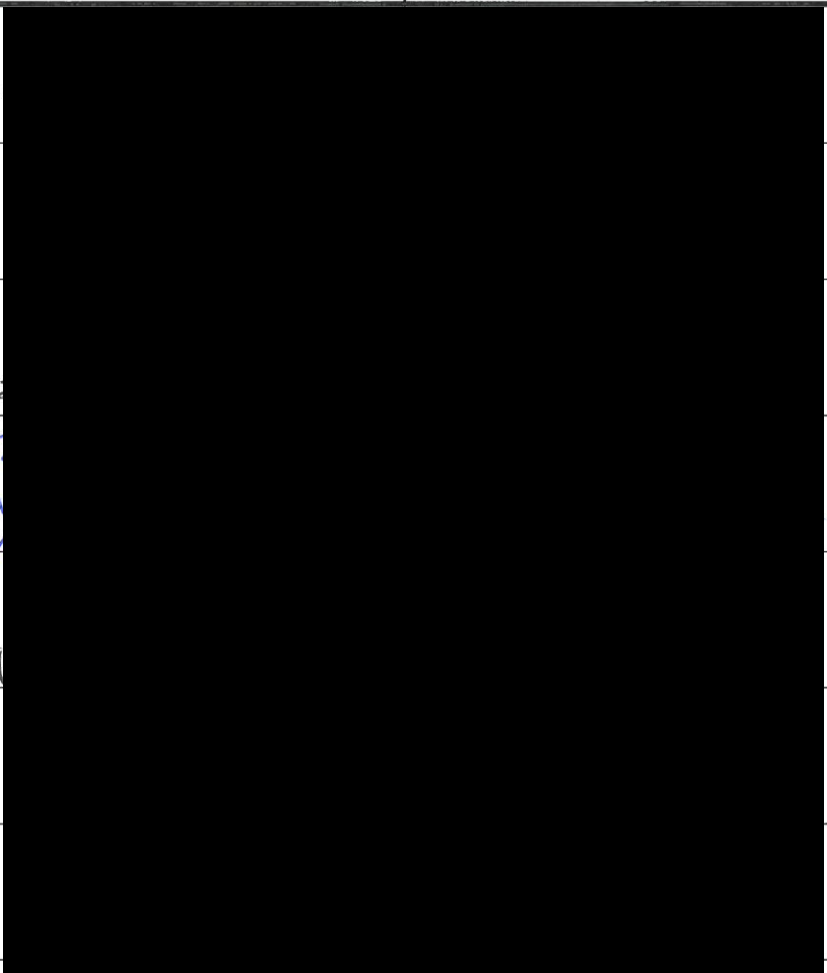
**ADJOURNMENT**

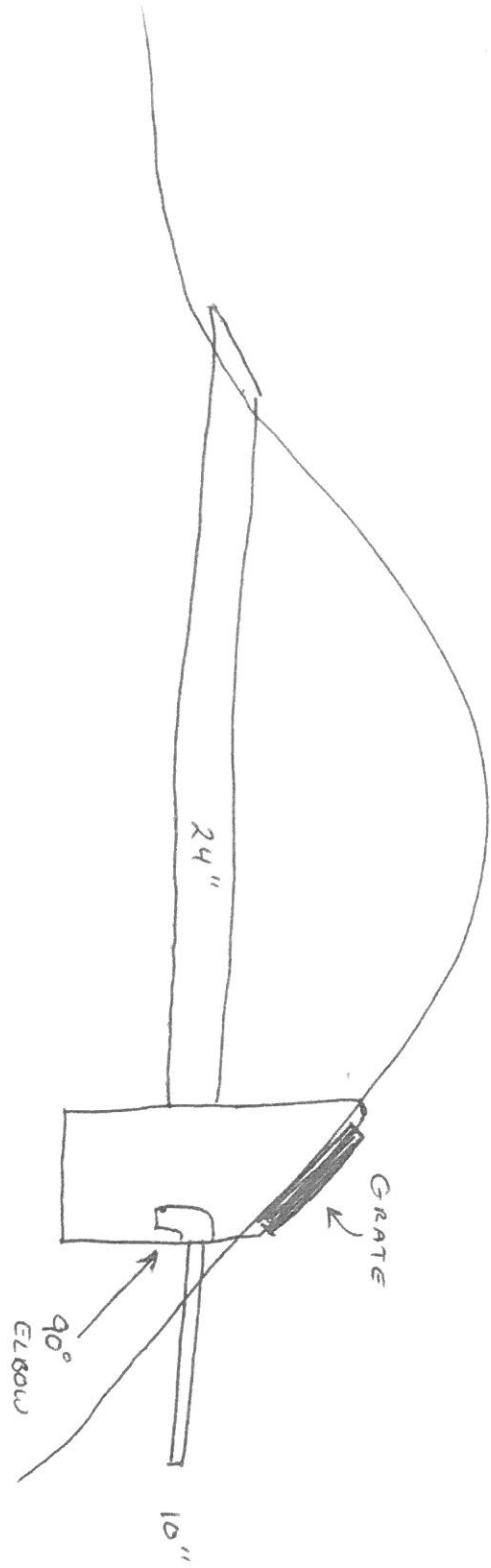
Member Cullick motioned to adjourn, seconded by Member Gilmour. With a voice vote of four ayes, Chairman Davidson adjourned the meeting at 9:31 p.m.

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



**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
OCTOBER 10, 2017**

NAME	ADDRESS	EMAIL ADDRESS
Bill Kunkle		
Mark Page		
Sam Ruzick		
Tom Grant		
Tom Barow		
Jeff Findley		
John Trotter		





**Kendall County**  
**Administrative Services Department**  
111 West Fox Street  
Yorkville, Illinois 60560

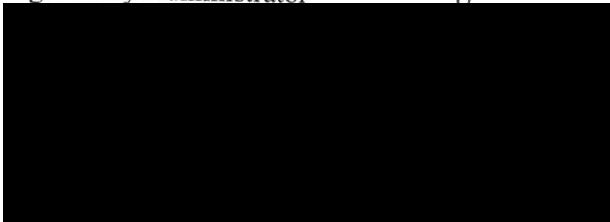
Planning, Building and Zoning Committee,

PB&Z staff has been working with Mayor Jackie Kowalski of Millbrook on getting an updated agreement for Kendall County PB&Z Department to perform inspections for the Village of Millbrook. There are two items that need to be changed from the previous agreement with Millbrook. The first is that Millbrook's liability insurance is different from Kendall County's insurance. According to Wine Sergi the differences are not impactful.

Coverage	Kendall County	Millbrook
General Liability	<b>\$10,000,000/\$10,000,000</b>	<b>\$8,000,000/\$16,000,000</b>
Public Official Liability	<b>\$10,000,000/\$10,000,000</b>	<b>\$2,500,000/\$8,000,000</b>

The second issue is that the previous agreement called for Millbrook to pay for auto insurance for Kendall County while doing inspections in Millbrook. According to Wine Sergi this isn't possible. Kendall County must insure their own vehicles. PB&Z staff would like the PB&Z committee to suggest a fee per inspection to cover auto liability. The premium per year for the PB&Z vehicle is \$213.00 and the deductible is \$10,000.

Scott Koepfel  
Acting County Administrator



## interoffice memorandum

**to:** FILE  
**from:** Scott Arends  
**subject:** Culvert Crossing over Aux Sable Creek  
**date:** July 16, 1998

Mark and Elyse Antos have submitted plans for a low water culvert crossing on Aux Sable Creek. They have not provided any hydrologic or hydraulic information. The overtopping elevation of the proposed crossing is 3 feet above the invert of the channel. The crossing consists of six 21-inch inside diameter concrete pipe culverts. The channel geometry within the project reach is 35 feet top width, 23 feet bottom width and 6 feet high banks. The proposed culvert crossing will replace an existing 3 feet high gravel ford with no culverts.

Considering over-the-road relief flow, the worst case analysis would be for a discharge that just overtops the culvert crossing. Since the top of road grade is at  $\frac{1}{2}$  channel depth, the maximum water surface profile increase would be contained within the channel banks. Therefore, the crossing meets the Departments standards as listed in Section 3700.70 a) of our Part 3700 Rules. I recommend that a permit be issued for this work.

NOTE: This culvert crossing is intended to serve as a temporary access. The applicant has informed me that they will apply for permit to construct a bridge crossing in approximately 1 year.

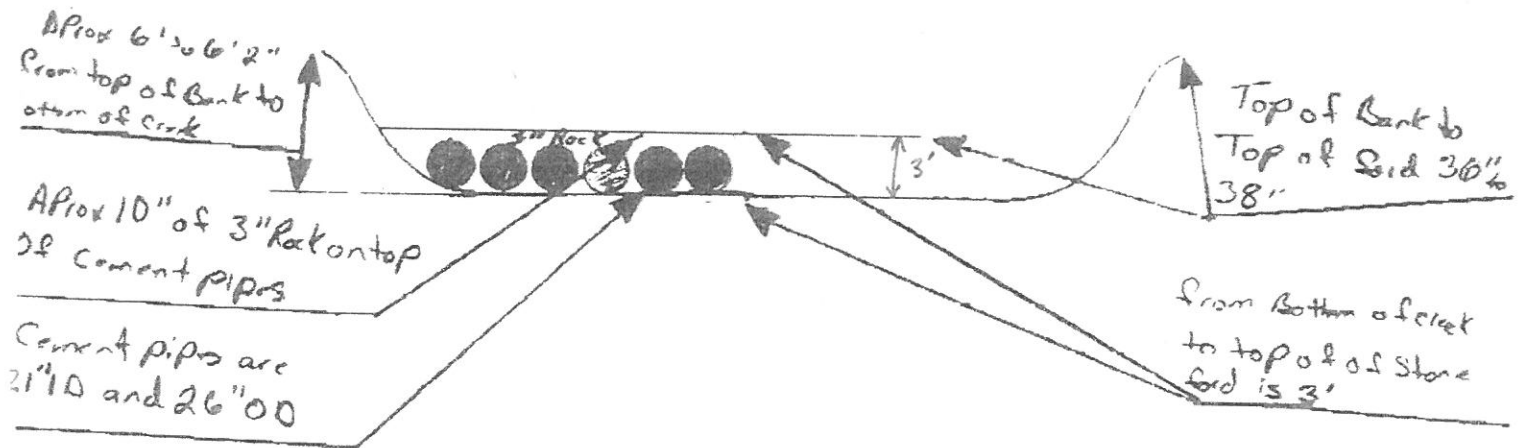
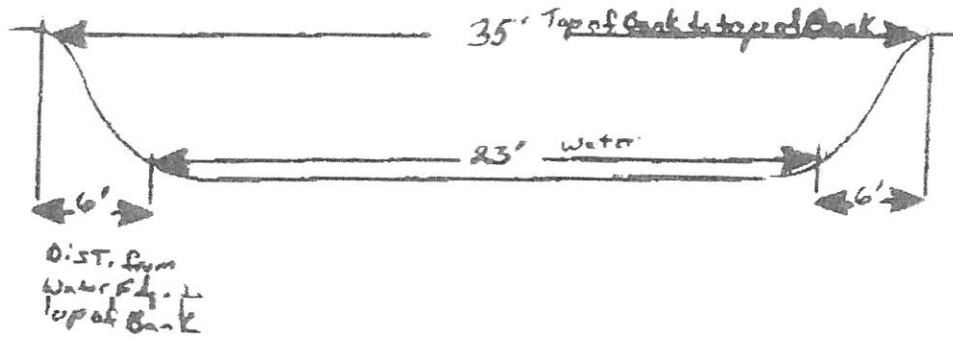
*BT*  
7/22/98

Attn: Scott Arons, Water Dept

Mark + Elyse Antos

Aux Sable Creek Srd  
Crossing in MINNACA

Please Page me at [REDACTED]



PERMITTED PLAN

RECEIVED  
OFFICE OF WATER RESOURCES  
SPRINGFIELD, ILLINOIS

MER JUL 16 1998 DRV

AS \_\_\_\_\_  
PGM D \_\_\_\_\_ PI \_\_\_\_\_  
PLNG \_\_\_\_\_ RM \_\_\_\_\_

1. Application Number (to be assigned by Agency) 19982084      2. Date 27 May 1998      3. For agency use only (Date Received)

Day      Month      Year

4. Name and address of applicant  
Mark & Elyse Antos  
[Redacted Address]

5. Name, address, and title of authorized agent  
[Redacted Name and Address]

Telephone no. during business hours      A/C [Redacted]      Telephone no. during business hours      A/C ( ) \_\_\_\_\_  
A/C [Redacted]      A/C ( ) \_\_\_\_\_

6. Project Description and Remarks: Describe in detail the proposed activity, its purpose, and intended use. Also indicate the drainage area at the watershed to the downstream limit. Use attachments if needed.

We would like to modify an existing ford in the Aux Sable Creek that runs thru our property. When we bought our 23 acres there was a gravel ford crossing thru the Aux Sable Creek to get farm tractors across. We are building our house across creek so we need to raise the ford. We took 3" rock out of original ford, placed 21" ID culvert pipes on it and put original 3" rock back on culverts. We then found out we couldn't modify existing ford without a permit from you. The culverts do not restrict any

7. Names, addresses, and telephone numbers of all adjoining and potentially affected property owners, including the owner of the subject property if different from applicant.

Ron & Patti Bleuer  
[Redacted Address]

cont. page

8. Location of activity

Legal Description:

Aux Sable Creek      NE      9      35      8E      3rd  
Name of waterway at location of the activity      1/4      Sec.      Twp.      Rge.      P.M.

Address: McKanna Road  
Street, road, or other descriptive location

Minooka      Minooka  
In or near city or town      Name of Local Governing Community

Kendall      IL      60447  
County      State      Zip Code

9. Date activity is proposed to commence as soon as possible      Estimated Time of Construction 1 day

10. Is any portion of the activity for which authorization is sought now complete?  Yes       No      If answer is "Yes" give reasons in Item 6.

Month and Year the activity was completed April 1998      Indicate the existing work on drawings.

11. List all approvals or certifications required by other federal, interstate, state, or local agencies for any structures, construction, discharges, deposits, or other activities described in this application. If this form is being used for concurrent application to the Corps of Engineers, Illinois Department of Natural Resources, and Illinois Environmental Protection Agency, these agencies need not be listed.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
<u>Kendall County Building and Zoning Department</u>	<u>Building Permit</u>	<u>SD9807</u>	<u>April, 1998</u>	<u>Pending</u>

PERMIT  
DS1998136  
D 7/22/98 SMA

12. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein?  Yes       No (If "Yes", explain in Item 6.)

13. Application is hereby made for authorizations of the activities described herein. I certify that I am familiar with information contained in the application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

[Redacted Signature]

Signature of Applicant or Authorized Agent

Elyse Antos  
Typed or Printed Name of Applicant or Authorized Agent

RECEIVED  
DIVISION OF WATER RESOURCES  
SPRINGFIELD, ILLINOIS  
MAY 28 1998  
MER  
AS  
PGM D  
PLNG  
PI  
RM  
SMA SMA  
BTR  
SSGKS

BTR  
SSGKS

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water flow at all and actually improve flow because the water doesn't have to filter through 3" rock, it goes directly through the culverts. If the water gets very high it can flow right over the top of the culverts. There has always been a crossing there so we have not disturbed any vegetation.

Drawings on page 3

- 1- Original gravel crossing, side view
- 2-Original gravel crossing, top view
- 3-Proposed ford crossing, top view
- 4-Proposed ford crossing, side view

High water level- 574.50

Low water level- 572.66

If you have any questions please call.

Thank You,



Elyse Antos

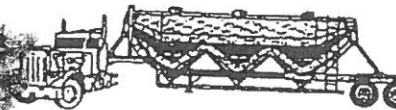


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# ANTOS & SONS TRUCKING, INC.

Pager  
Phone  
Fax



5/27/98

TEMPORARY  
UNTIL BRIDGE  
INSTALLED IN @ 1/7/98

Original Farm Implement and Tractor crossing

original ford crossing Grade Shown on Survey File NO. 8159

Top of ford crossing in Survey 573.40

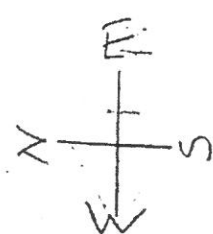
24'

3" Gravel Ford

Top view of original Ford Crossing

Top of Proposed ford crossing

21" x 8' wide concrete pipe 2 wide x 12 pipes



4 to 4" Above gravel  
by Springs Pains

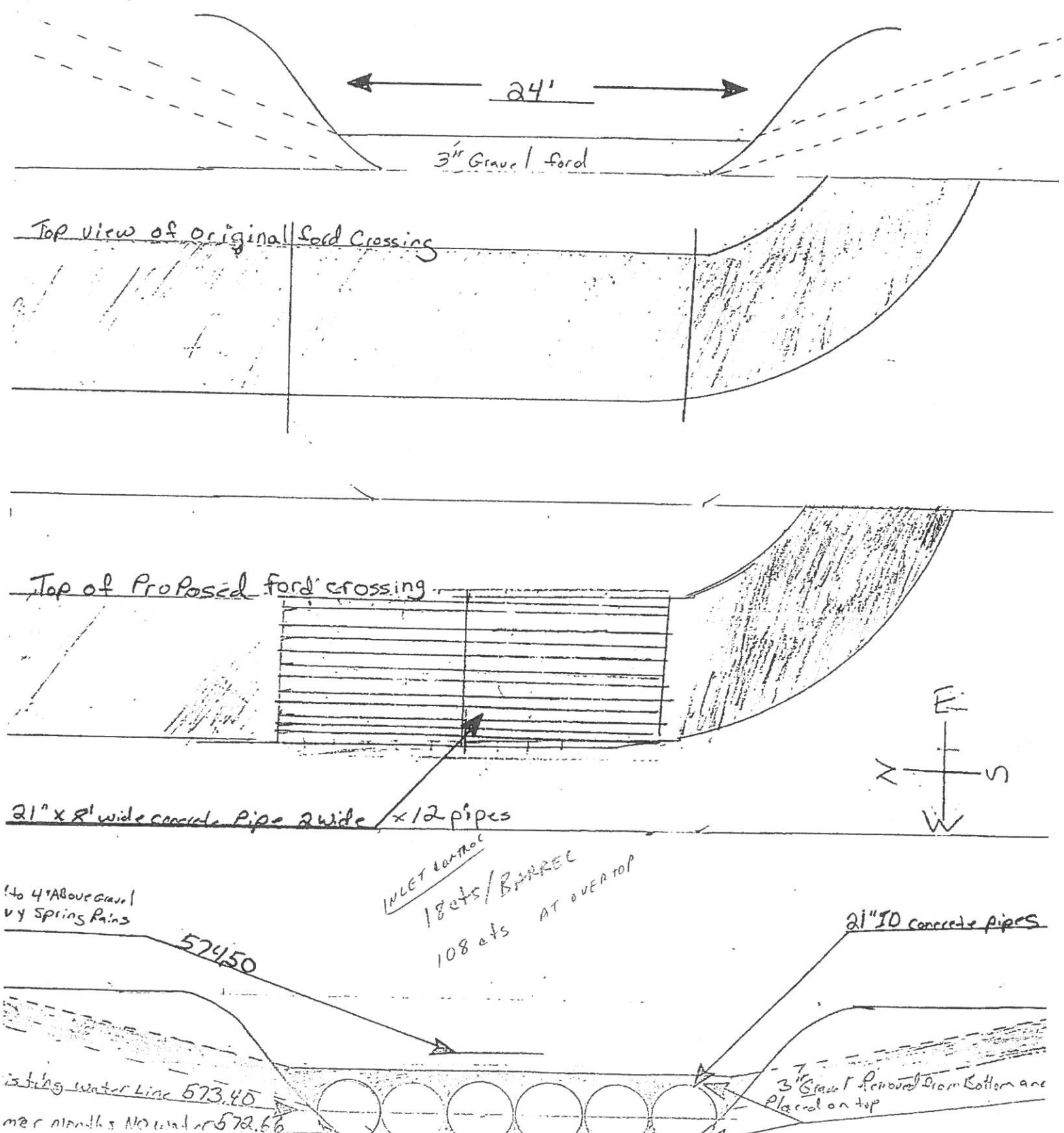
574.50

INLET cannot  
18 sets / BARREL  
108 sets AT OVER TOP

21" ID concrete pipes

existing water line 573.40  
mer north is NO water 572.66

3" Gravel removed from bottom and  
placed on top













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