

**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 December 11, 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, Scott Gryder (arrived at 7:11 p.m.) and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Mr. and Mrs. Jayson Greenslade, Jim Williams, Duane Torgerson, Bob Rogerson, Chris Lindley, and Ryan Leonard

**APPROVAL OF AGENDA**

Motion by Member Kellogg to approve the agenda with the following amendments: the item at 18 Ridgefield Road, the Red Hawk Landing item and the item at 5586 Fields Drive were moved to between Public Comment and Petitions, seconded by Member Cullick. With a voice vote of four ayes, the motion carried.

**APPROVAL OF MINUTES**

Motion by Member Kellogg, seconded by Member Cullick, to approve the minutes of the November 13, 2017 meeting. With a voice vote of four ayes, the motion carried.

**EXPENDITURE REPORT**

The Committee reviewed the claims report, the Fiscal Year 2016-2017 End of Year Report for the Planning, Building and Zoning Department and the Fiscal Year 2016-2017 End of Year Escrow Report. Motion by Member Kellogg, seconded by Member Cullick, to approve the claims report. With a voice vote of four ayes, the motion carried.

**PUBLIC COMMENT**

None

**NEW BUSINESS**

Approval to Forward a Trailer Parked in the Front Yard/Driveway Complaint at 18 Ridgefield Road, Montgomery to the State's Attorney's Office or Code Hearing Unit

Mr. Asselmeier presented information on the case. A trailer can be parked in the front yard for a maximum seventy-two (72) hours in a one (1) week for loading/unloading and maintenance.

Mr. and Mrs. Jayson Greenslade, property owners, stated that they did not receive a definitive time amount from Planning, Building and Zoning Department. The Greenslade family has invested several thousand dollars in their house in recent months. They are presently remodeling the kitchen and the cabinets are in the garage. The family has lived in the house for eleven (11) years.

Jim Williams, Boulder Hill, is a neighbor to the property. Mr. Williams filed the complaint against the Greenslades. Mr. Williams said that the trailer has not moved; the Greenslades disagreed with this statement.

Chairman Davidson asked how long it would take Mr. Greenslade to move the trailer. Mr. Greenslade said that he would get it moved as quickly as possible.

The consensus of the Committee was to give the property owner thirty (30) days to remove the trailer.

## **OLD BUSINESS**

### **Red Hawk Landing Stormwater Issue**

Bob Rogerson, Oswego Township Highway Commissioner, said that the drainage issue was a private property matter. However, the Township previously did work in the area. Mr. Rogerson introduced Chris Lindley of WBK Engineering to explain the situation. Mr. Lindley explained their exploration efforts of field tile in the area and the conditions of the field tiles in the area. Mr. Lindley proposed to make repairs to the field tiles where trees roots have infiltrated the field tile. He proposed removing forty feet (40') of field tile in the area where the tree roots damaged the field tile. He also suggested removing the trees causing the problem.

Duane Torgerson, Red Hawk Drive, said that the problem is not the large water flows; the problem is that the tile plugs up and causes back-ups. The water backs up into adjoining leach fields and causes raw sewage to flow downstream.

Mr. Rogerson proposed determining the location and ownership of the trees. The survey could cost Three Thousand Dollars (\$3,000). He would like financial assistance from the County on the survey and potential fix.

John Constantine, Plainfield Road, stated that his family owns the land south of the site. He said that he has standing water on his property if the tile was not blocked.

Several Committee members expressed concerns about spending public money on private property and lamented that a drainage district did not exist in the area.

The State's Attorney's Office's opinion was that the County had no liability on this matter.

The consensus of the Committee was that the issue was not a County matter and Mr. Rogerson should try to resolve the issue with the private property owners.

### **Update on Stormwater Issue in Fields of Farm Colony Unit 4 (5586 Fields Drive)**

Mr. Asselmeier said that Oswego Township did not have jurisdiction or any files on this property. The County also did not have liability on this matter.

Ryan Leonard, property owner, discussed the drainage system at his property.

The consensus of the Committee was that this issue was not a County matter and the owner of the property was responsible for jetting the line.

Member Gryder arrived at this time (7:11 p.m.).

**PETITION**

Petition 17-30-Kendall County Planning, Building and Zoning Committee Requested Text Amendments to Section 3.02 (Definitions), Section 10.01.C.10 and Section 10.01.C.11 (Special Uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District) of the Kendall County Zoning Ordinance By Extending the Expiration Deadline from January 1, 2018 to July 1, 2020 for the County Medical Cannabis Related Zoning Regulations

Mr. Asselmeier summarized the request. At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance extending the expiration deadline for the County’s medical cannabis regulations. When the County adopted medical cannabis regulations in 2014 (by Ordinances 2014-28 and 2014-31) the expiration date was set at January 1, 2018. The Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.) expires on July 1, 2020.

This proposed amendment does not change any language, other than the expiration date, contained within the Zoning Ordinance on this topic.

ZPAC reviewed this proposal at their meeting on October 3<sup>rd</sup> and unanimously recommended approval of the proposed text amendments. The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 25<sup>th</sup> and unanimously recommended approval of the proposed text amendments. The public hearing before the Kendall County Zoning Board of Appeals occurred on October 30<sup>th</sup>. No members of the public spoke in favor or in opposition to this proposal. The Zoning Board of Appeals unanimously recommended approval of the proposal. The townships were notified of the decision of the Zoning Board of Appeals on October 31<sup>st</sup>. No comments were received from any township.

Member Gilmour asked if language could be added stating that the regulations must meet federal law. Mr. Asselmeier responded that the County tried to place that language in the original proposal in 2014, but the State’s Attorney’s Office advised against it at that time.

Motion by Member Kellogg, seconded by Member Cullick, to forward the proposed text amendments to the County Board.

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

The motion carried. This matter will go to the County Board on December 19<sup>th</sup>.

**NEW BUSINESS**

Approval of Scheduling a Special Meeting of the Planning, Building and Zoning Committee in the Month of January 2018 for the Purposes of Discussing and Amending Proposed Changes to Kendall County’s Outdoor Shooting Range Regulations. The Specific Date, Time and Location of the Meeting Shall be Determined at the December 11, 2017 Meeting

Motion by Member Kellogg, seconded by Member Gryder, to schedule the special meeting for January 30, 2018 at 6:00 p.m. in the County Board Room for the purposes of discussing and amending proposed changes to Kendall County's outdoor shoot range regulations.

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

The motion carried.

The existing gun ranges/gun clubs will be notified of the meeting date and time.

*Discussion of Future Use of Code Hearing Unit (Administrative Adjudication Hearing Officer) and Related Amendment to the Definition of Code Found in the Code Hearing Unit Regulations*

Mr. Asselmeier read his memo on the subject. At the November 29<sup>th</sup> meeting of the Kendall County Regional Planning Commission, the Commission wondered if the County intended to use the Code Hearing Unit on a more frequent basis. If the County desires to use the Code Hearing Unit on a more frequent basis, the definition of the term "code" would require amendment.

Member Gilmour asked who is the Hearing Officer. Mr. Asselmeier responded that Walter Werderich is the Hearing Officer.

Chairman Davidson said that he would like to see the Hearing Officer used more frequently.

The consensus of the Committee was to check the County's existing regulations with State law and to review the fines contained in the various ordinances. This matter will be brought back to the January meeting.

*Discussion of Special Use Permit Renewal Procedures*

Mr. Asselmeier read his memo on the subject. Of the approximately two hundred (200) special use permits issued by Kendall County, twenty-seven (27) require some form of review. This review ranges from inspections to review to renewals.

The Zoning Ordinance does specifically identify the process for renewing a special use permit. This issue raises several questions including:

1. Do special use permits automatically expire if they are not renewed?
2. Do special use permit renewals require the same process and the same fee (\$1,155) as new special use permits?

Staff requested guidance as to how the Committee would like the Department to proceed on special use permit renewals.

Member Gilmour expressed concerns about allowing public to express an opinion on renewal requests.

The consensus of the Committee was for Staff to draft a proposal outlining a renewal procedure and to bring the proposal to the January Committee meeting.

### **OLD BUSINESS**

#### **Update on Bridge Issue at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)**

Mr. Asselmeier stated that the State's Attorney's Office was working on a letter to Mr. Antos. The State's Attorney's Office requested that the Illinois Department of Natural Resources be contacted to investigate and supply an additional letter.

The consensus of the Committee was that they would like the property owner to come into compliance with the Stormwater Management Ordinance and that a letter from the Illinois Department of Natural Resources could delay that process.

#### **Review Violation Report**

The Committee reviewed the Violation Report

#### **Review Non-Violation Report**

The Committee reviewed the Non-Violation Report.

### **UPDATE FOR HISTORIC PRESERVATION COMMISSION**

#### **Approval of Historic Tax Credit Resolution**

Mr. Asselmeier read his memo on the subject. At their meeting on November 20<sup>th</sup>, the Historic Preservation Commission recommended approval of the proposed resolution.

The Chairwoman of the Historic Preservation Commission also sent a letter to our elected officials in Washington, D.C. expressing support for the Historic Tax Credit Program.

The consensus of the Committee was that this matter should be laid over until the January meeting because some Committee members felt they needed more information and other Committee members felt that the resolution was moot given the current tax policy negotiations in Washington.

### **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 on this matter. The Village of Oswego is leading the investigation of this issue and sent a violation letter to the owner. The Village of Oswego continues to gather water samples. The owner of the horse property was not happy about the stormwater runoff onto his property. The owner of the adjoining property in the Churchill Club subdivision was also not happy about the water in her backyard.

Member Gryder asked about the catch basin near the church. Mr. Asselmeier responded that the Village of Oswego said that everything was constructed correctly.

Correspondence Related to the Operation of a Garage or Mechanic Shop at 57 Sonora Drive  
Mr. Asselmeier read the correspondence.

Member Gryder said that he spoke with members of the family in the past, but it is hard to catch the neighbor using the property for a garage or mechanic shop.

Memo from Matt Asselmeier to Planning, Building and Zoning Committee Regarding the Kendall County Regional Planning Commission Establishing a Sub-Committee Named the Comprehensive Land Plan and Ordinance Committee

Mr. Asselmeier read the memo. At their November 29<sup>th</sup> meeting, the Chairman of the Kendall County Regional Planning Commission created a sub-committee pursuant to Article XI of the By-Laws of the Kendall County Regional Planning Commission. The name of the sub-committee is the Comprehensive Land Plan and Ordinance Committee. The tentative members of the sub-committee are:

Larry Nelson, Chairman  
Kendall County Regional Planning Commission Chairman or His Designee  
Kendall County Zoning Board of Appeals Chairman or His Designee  
Kendall County Board Chairman or His Designee  
Kendall County Soil and Water Conservation District Designee  
Planning, Building and Zoning Committee Chairman or His Designee  
Jeff Wehrli  
John Shaw  
County Administrator (Declined Appointment)

The sub-committee has scheduled its first meeting for December 20<sup>th</sup> at 5:00 p.m. in the County Board Room.

### **PUBLIC COMMENT**

Jim Williams, Boulder Hill, expressed concerns about trailers in front yard, stock cars, boats and illegal businesses in residential zoned areas. He expressed opposition to the existing regulations allowing non-licensed cars parked on the driveway if the car starts. He stated that people do not know the procedure for filing a complaint.

Member Cullick suggested having a Planning, Building and Zoning Committee meeting in Boulder Hill, possibly March or April.

The Committee requested Staff to bring the Inoperable Vehicle Ordinance and Junk and Debris Ordinance to the January meeting.

### **COMMENTS FROM THE PRESS**

None

### **EXECUTIVE SESSION**

The minutes in question were not ready to be reviewed. The Committee decided to layover going into executive session on this issue until the January meeting.

### **ADJOURNMENT**

Member Kellogg motioned to adjourn, seconded by Member Cullick. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 8:16 p.m.

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