

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of June 28, 2017

Chairman Ashton called the meeting to order at 7:03 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Claire Wilson and Budd Wormley

Staff Present: Matthew H. Asselmeier, Senior Planner

Members Absent: Ruben Rodriguez, John Shaw and Angela Zubko

In the Audience: Robert Davidson and Stephen Knutson

APPROVAL OF AGENDA

Ms. Wilson made a motion, seconded by Mr. Casey to amend the agenda by adding “Discussion of Forest Preserve Operating Two Venues without a Special Use Permit” under Old Business. With a voice vote of all ayes, the motion carried. Ms. Wilson made a motion, seconded by Mr. Wormley, to approve the agenda as amended. 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 May 24, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

17-14 Kendall County Zoning Board of Appeals

Mr. Asselmeier summarized the request. The proposed text amendment would amend Section 13.01.B.9 of the Kendall County Zoning Ordinance Amendment by set guidelines for the calling of meetings on items that require a public hearing and for the calling of meetings on items that do not require a public hearing as defined by State law. The proposal would give the Zoning Board of Appeals the ability to call meetings forty-eight (48) hours in advance instead of fifteen (15) days on items not requiring a public hearing.

Mr. Nelson made a motion to approve the petition amending Section 13.01.B.9 of the Zoning Ordinance as proposed, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Casey, Nelson, Wilson and Wormley (6)

No – None

Absent – Rodriguez, Shaw and Zubko (3)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 10, 2017.

17-15 Kendall County Zoning Board of Appeals

Mr. Asselmeier summarized the request. The proposed text amendment would amend Section 13.01.B.11 of the Kendall County Zoning Ordinance Amendment by reducing the number of votes required for the Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by the ordinance to render decisions from four to three on boards consisting of five members and from five to four on boards consisting of seven

members. The proposal brings the Zoning Ordinance into agreement with State law and allows a quorum of the Zoning Board of Appeals to transact business. It was noted that four (4) votes and not a simple majority would be required to approve petitions.

Mr. Nelson made a motion to approve the petition amending Section 13.01.B.9 of the Zoning Ordinance as proposed, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Casey, Nelson, Wilson and Wormley (6)

No – None

Absent – Rodriguez, Shaw and Zubko (3)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 10, 2017.

17-16 Kendall County Zoning Board of Appeals

Mr. Asselmeier summarized the request. The proposed text amendment would amend Section 13.06.D of the Kendall County Zoning Ordinance Amendment by reducing the number of votes required for the Zoning Board of Appeals to reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator from four to three on boards consisting of five members and from five to four on boards consisting of seven members. The proposal brings the Zoning Ordinance into agreement with State law and allows a quorum of the Zoning Board of Appeals to decide appeals of the Zoning Administrator.

Ms. Wilson made a motion to approve the petition amending Section 13.01.B.9 of the Zoning Ordinance as proposed, seconded by Mr. Bledsoe.

Yes – Ashton, Bledsoe, Casey, Nelson, Wilson and Wormley (6)

No – None

Absent – Rodriguez, Shaw and Zubko (3)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 10, 2017.

OLD BUSINESS

Discussion of Forest Preserve Operating Two Venues without a Special Use Permit

Ms. Wilson asked Mr. Asselmeier if a response has been received from the Kendall County Forest Preserve District regarding the Kendall County Regional Planning Commission's letter dated March 28, 2017. Mr. Asselmeier responded that the Kendall County Forest Preserve District verbally acknowledged receipt of the letter, but they were still evaluating a response. Staff has not heard anything on the subject since the May Kendall County Regional Planning Commission meeting. Mr. Davidson suggested getting an opinion from the State's Attorney's Office on the matter. Mr. Davidson will ask the State's Attorney for an opinion. Discussion occurred regarding potential liability of the Kendall County Forest Preserve District because they do not have the necessary special use permits, impressions of favoritism because the Forest Preserve did not pursue special use permits and conflict of interest on the part of the State's Attorney's Office. The consensus of the Commission was to have Mr. Ashton draft a follow-up letter to the State's Attorney's Office.

NEW BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Davidson reported that Robert Velazquez withdrew his petition for a landscape waste composting facility at 1996 Cannonball Trail. Mr. Davidson also reported that petitions cannot be killed at the PBZ Committee.

Mr. Davidson requested that Mr. Asselmeier forward the draft outdoor shooting range amendment to the Kendall County Regional Planning Commission. Mr. Davidson further requested Commission members to submit their comments on the proposal and to explain their suggestions. The petition for an outdoor shooting range at 16502 Church Road was also withdrawn. Discussion occurred regarding noise coming from outdoor shooting.

Mr. Davidson expressed concerns regarding the new septic code and the placement of storm tile. Discussion occurred regarding the determination of a high water table.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Casey to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 7:55 p.m.

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