

KENDALL COUNTY
ZONING AND PLATTING ADVISORY COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

June 6, 2017 - 9:00 a.m.

CALL TO ORDER

ROLL CALL: **County Board:** Robert Davidson, PBZ Committee Chair; **County Highway Department:** Fran Klaas, County Engineer; **Wills Burke Kelsey:** Greg Chismark, Stormwater Consultant; **County Health Department:** Aaron Rybski, Director Environmental Health; **Forest Preserve District:** David Guritz, Director; **SWCD:** Megan Andrews, Resource Conservationist; **Sheriff's Office:** Commander Jason Langston; **PBZ:** Brian Holdiman, Code Official; Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of the May 2, 2017 ZPAC meeting minutes.

PETITIONS:

1. **17-14 Kendall County Zoning Board of Appeals**
Request Purpose Text Amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance
Amendment Would 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.
2. **17-15 Kendall County Zoning Board of Appeals**
Request Purpose Text Amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance
Amendment Would Reduce 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.
3. **17-16 Kendall County Zoning Board of Appeals**
Request Purpose Text Amendment to Section 13.06.D of the Kendall County Zoning Ordinance
Amendment Would Reduce 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.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. 16-22 Jet's Towing
2. 16-26 Pagel Rezoning

UPDATES OF PETITIONS

1. 16-14 Delaney Gun Range

OLD BUSINESS/NEW BUSINESS

PUBLIC COMMENT

ADJOURNMENT- Next meeting on July 11, 2017

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
May 2, 2017 – Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:05 a.m.

Present:

John Burscheid – Highway Department
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve (Arrived at 9:12 a.m.)
Megan Andrews – Soil & Water Conservation District
Robert Davidson – PBZ Committee Chair (Arrived at 9:14 a.m.)
Matt Asselmeier – PBZ Department

Absent:

Brian Holdiman – PBZ Department
Greg Chismark – WBK Engineering, LLC

Audience: Robert Velazquez, Jeff Corneils and Robert Walker

AGENDA

Mr. Rybski made a motion, seconded by Ms. Andrews, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Ms. Andrews made a motion, seconded by Mr. Rybski, to approve the March 7, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITION

17-09 Semper Fi Land, Inc. (Robert Velazquez) – Special Use Request to Operate a Landscape Waste Composting Facility at 1996 Cannonball Trail Approximately 0.5 Miles South of Galena Road in Bristol Township (PIN 02-15-101-003)

Mr. Asselmeier provided a summary of the request. The petitioner desires to operate a landscape waste composting facility at the subject property. The petitioner already possesses a special use permit to operate a landscaping business at the property; the petitioner lives at the subject property. The property is zoned A-1 Agricultural District. All of the adjoining properties are zoned Residential and are inside the boundaries of the United City of Yorkville. The Land Resource Management Plan calls for the area to be Rural Residential.

As part of the previous special use permit, the petitioner had to dedicate a certain amount of land for trails. The petitioner has dedicated the requested land. The Highway Department requested that the special use plat classify this area as right-of-way instead of trails only.

The EcoCat consultation was terminated and the LESA score was 169. Ms. Andrews stated that the proposed use would not prevent the property from reverting to other agricultural uses in the future.

The petitioner agreed to follow the standard noise regulations of 65 dBA during the day and 55 dBA during the night as measured at the property line.

The petitioner will have a sign as listed in their business plan.

The petitioner agreed to have all vehicles and equipment that could be placed inside during non-operational hours be placed inside one of the buildings.

WBK provided a letter regarding the petitioner's stormwater plans. The petitioner is working with his engineer to address the items mentioned in the letter.

The requirements for landscape waste composting facilities were discussed and the petitioner agreed to all of the requirements of the Zoning Ordinance. The petitioner agreed to cease operations at 3:00 p.m. and not have Saturday hours.

Mr. Rybski discussed soil and water sampling and host fee as they relate to this type of business. Mr. Rybski felt that the regulations were scalable and that the proposed business should follow the same regulations as other landscape waste composting facilities. The water and soil sampling should occur at least once per year; the Health Department would conduct additional sampling if complaints arose. The Health Department also conducts site visits. For the other company, the weights are reported with the payment of the host fee. The petitioner would like to cap the amount of material at 26,000 cubic yards per year. Based on the proposed host fee of \$0.80 per ton, the petitioner would have to pay about \$6,700 per year. The petitioner agreed to track type of material and quantity measured by size of truck. The conversion factor is 3.3. The petitioner agreed to pay the same host fee on a monthly basis.

Mr. Davidson asked what the petitioner was going to do with the yard waste. Mr. Velazquez responded he would process everything in a tub grinder and make into a compost or mulch for reuse on projects. Mr. Davidson requested a bond be created to fund a cleanup of the site if the petitioner abandoned the property. The petitioner agreed to research bond information. Mr. Davidson also requested a limit be placed on the amount of material be placed on the property. The petitioner agreed to cap the height of piles of material at 20 feet. The petitioner hopes to start operations in 2018.

Mr. Langston asked where the petitioner would get his material and if the business would cause an increase in traffic on Cannonball Trail. Mr. Velazquez responded that the majority of material would be generated from his business, but that he would accept material from other sources, small landscape businesses. He plans to have a maximum five (5) people onsite and does not anticipate an increase of traffic on Cannonball Trail because of his business.

Discussion occurred regarding fencing and buffering. The petitioner agreed to install evergreens along the east, south, and southwest portion of the property.

A gravel road shall be installed this fall.

Mr. Corneils expressed concerns regarding odor. There was no definitive answer to this concern, but Mr. Velazquez believes that the size of the operation will minimize odor.

Mr. Walker asked about the size of trucks going onto the property. The petitioner responded that material be dumped at his shop and then hauled to the site.

Mr. Rybski made a motion, seconded by Ms. Andrews, to forward the petition onto the Plan Commission with a favorable recommendation subject to the following conditions:

1. The special use plat shall be amended to show a dedicated ROW instead of a trail.
2. The host fee shall be the same as the fee paid by Green Organics (\$0.80 per ton until November 30, 2019 then the fee goes to \$0.85 per ton starting December 1, 2019).
3. The host fee shall be converted to per cubic yard.
4. The host fee shall be paid monthly.
5. The petitioner shall create a form to track deliveries and quantities.
6. Sampling of water shall occur at least one (1) time per year.
7. Sampling of soil shall occur at least one (1) time per year.
8. The petitioner shall supply a bond to Kendall County to fund the cleanup of the site. The petitioner shall research dollar amounts for the bond.
9. No piles of materials shall be stacked higher than 20 feet.
10. The petitioner shall plant evergreen trees along the eastern, southern and southwestern property lines for screening.
11. The petitioner shall maintain the existing tree line.
12. The petitioner shall replace trees as quickly as possible if they die or severely damaged.

By a roll call vote, the motion passed unanimously.

UPDATES OF PETITIONS

Mr. Asselmeier reported that the Delaney Gun Range Case will go before the PBZ Committee on May 8th and the Pagel rezoning case will also go before the PBZ Committee on May 8th.

The request by DKR Group on Walker Road was withdrawn by the petitioner.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that the rezoning of 790 Eldamain Road from A-1 to M-1 went to the County Board on April 18th. Because Yorkville filed a formal objection, eight (8) members of the County Board were needed to approve the proposal and seven (7) members of the Board were present when the item came up for discussion. The proposal will go before the County Board on May 2nd.

OLD BUSINESS

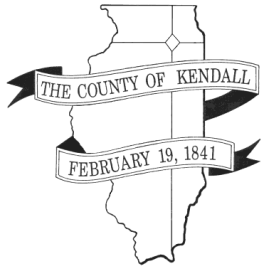
None

NEW BUSINESS

None

ADJOURNMENT

Ms. Andrews made a motion, seconded by Mr. Guritz, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:50 a.m., adjourned.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

To: Zoning, Platting and Advisory Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 26, 2017
Re: 17-14 Proposed Amendment to Section 13.01.B.9 Pertaining to Call of Meetings

At their May 1, 2017, the Kendall County Zoning Board of Appeals authorized Staff to submit an application for a text amendment to the following section of the Kendall County Zoning Ordinance.

Section 13.01.B.9 of the Zoning Ordinance currently states:

“All meetings (emphasis added) of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting. All meetings of the Board shall be open to the public.”

55 ILCS 5/5-12 states that when a hearing is required before the Zoning Board of Appeals, notice must given at least fifteen days to thirty days by publication in a newspaper of general circulation.

An occasion may arise when the Zoning Board of Appeals may wish to meet on a matter when a public hearing is not necessary. For example, the Zoning Board of Appeals may want to hold a joint meeting with the Regional Planning Commission to discuss an issue. This joint meeting would not necessitate a public hearing.

A text amendment to the Zoning Ordinance could more clearly separate the meeting notification requirements of public hearings from other meetings. Matters requiring a public hearing would have to meet the fifteen to thirty day notice requirements while matters not requiring a public hearing would have to meet the requirement of the Open Meetings Act (posting notice and agenda forty-eight hours in advance).

A copy of a draft text amendment is enclosed.

MHA

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ORDINANCE # 2017-_____

**AMENDMENT TO SECTION 13.01.B.9 OF THE KENDALL COUNTY ZONING
ORDINANCE PERTAINING TO THE CALL OF MEETINGS OF THE KENDALL
COUNTY ZONING BOARD OF APPEALS**

WHEREAS, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance related to the calling of meetings; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, 55 ILCS 5/5-12009 defines the notification requirements for hearings of Zoning Boards of Appeal on variance applications; and

WHEREAS, 55 ILCS 5/5-12009.5 defines the notification requirements for hearings of Zoning Boards of Appeal on special use applications; and

WHEREAS, 55 ILCS 5/5-12011 defines the notification requirements for hearings of Zoning Boards of Appeal on any order, requirement, decision or determination made by an administrative official charged with the enforcement of a zoning ordinance; and

WHEREAS, 55 ILCS 5/5-12014 defines the notification requirements for hearings of Zoning Boards of Appeal on text amendment and map amendment applications; and

WHEREAS, 5 ILCS 120 defines the notification requirements for meetings of public bodies within the State of Illinois; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on XXXX X, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.01.B.9 of the Kendall County Zoning Ordinance by deleting the existing language and replacing it with the following:

“13.01.B.9 a. All meetings of the Board of Appeals on matters requiring a public hearing as defined by State law shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting.

13.01.B.9.b All meetings of the Board of Appeals on matters not requiring a public hearing as defined by State law shall be held at the call of the Chairman and at such other times as the Board may determine provided that the requirements of the Illinois Open Meetings Act are fulfilled prior to the start of the meeting.

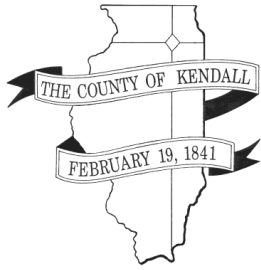
13.01.B.9.c All meetings of the Board of Appeals, regardless of the topic of the meeting, shall be open to the public.”

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of XXXX, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: Zoning, Platting and Advisory Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: May 26, 2017

Re: 17-15 and 17-16 Proposed Amendment to Section 13.01.B.11 and Section 13.06.D Pertaining to Voting of the Zoning Board of Appeals

At their May 1, 2017, the Kendall County Zoning Board of Appeals authorized Staff to submit an application for text amendments to the following section of the Kendall County Zoning Ordinance pertaining to votes by the Zoning Board of Appeals:

Section 13.01.B.11 of the Zoning Ordinance currently states:

“The concurring vote of four members of a Board consisting of five members or **the concurring vote of five members of a board consisting of seven members is necessary 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 this amended ordinance to render decisions** (emphasis added).”

Section 13.06.D of the Zoning Ordinance restates the vote related to reversing orders:

“In exercising its powers, the Zoning Board of Appeals may, upon the concurring vote of four members of a five member Board or **five members of a seven member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator** (emphasis added).”

Public Act 92-128, adopted in 2001, amended 55 ILCS 5/5-12011 and lowered the vote requirements necessary for the Zoning Board of Appeals to take certain actions. The current law states:

“The concurring vote of 3 members of a board consisting of 5 members or **the concurring vote of 4 members of a board consisting of 7 members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation in such ordinance or resolution, or to recommend any variation or modification in such ordinance or resolution to the county board** (emphasis added).”

Section 13.01.B.4 of the Zoning Ordinance defines a quorum as “a majority of the members of the Zoning Board of Appeals.”

A situation could arise where a quorum of the Board is present, but final action could not occur because a fifth member is unavailable. A proposed amendment may be desirable to remove the difference between the Kendall County Zoning Ordinance and State law and to allow a quorum of

ZPAC Memo
May 26, 2017

members to decide certain matters before the Board. Accordingly, the Kendall County Zoning Board of Appeals requested text amendments to these sections of the Zoning Ordinance.

Copies of draft text amendments are enclosed.

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ORDINANCE # 2017-_____

AMENDMENT TO SECTION 13.01.B.11 OF THE KENDALL COUNTY ZONING ORDINANCE REDUCING THE NUMBER OF VOTES NECESSARY FOR THE ZONING BOARD OF APPEALS TO REVERSE ANY ORDER, REQUIREMENTS OR DETERMINATION OF THE ZONING ADMINISTRATOR, OR TO DECIDE IN FAVOR OF THE APPLICANT ANY MATTER UPON WHICH THE ZONING BOARD OF APPEALS IS AUTHORIZED TO RENDER DECISIONS FROM FOUR TO THREE ON BOARDS CONSISTING OF FIVE MEMBERS AND FROM FIVE TO FOUR ON BOARDS CONSISTING OF SEVEN MEMBERS

WHEREAS, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance related to voting requirements of the Zoning Board of Appeals in order to have the Kendall County Zoning Ordinance correspond to State law; and

WHEREAS, Public Act 92-128 amended 55 ILCS 5/5-12011 by reducing the number of votes required by a 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 to render decisions; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on XXXX X, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.01.B.11 of the Kendall County Zoning Ordinance by deleting the existing language in the first paragraph of this section and replacing it with the following:

“13.01.B.11 Jurisdiction The concurring vote of three (3) members of a board consisting of five (5) members or the concurring vote of four (4) members of a board consisting of seven (7) members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is authorized by the Kendall County Zoning Ordinance to render decisions.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of XXXX, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

ORDINANCE # 2017-_____

AMENDMENT TO SECTION 13.06.D OF THE KENDALL COUNTY ZONING ORDINANCE REDUCING THE NUMBER OF VOTES NECESSARY FOR THE ZONING BOARD OF APPEALS TO REVERSE OR AFFIRM, WHOLLY OR PARTLY, OR 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

WHEREAS, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.06.D of the Kendall County Zoning Ordinance related to voting requirements of the Zoning Board of Appeals in order to have the Kendall County Zoning Ordinance correspond to State law; and

WHEREAS, Public Act 92-128 amended 55 ILCS 5/5-12011 by reducing the number of votes required by a Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on XXXX X, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.06.D of the Kendall County Zoning Ordinance by deleting the existing language and replacing it with the following:

“13.06.D. DECISION ON APPEAL. In exercising its powers, the Zoning Board of Appeals may, upon the concurring vote of three (3) members of a five (5) member Board or four (4) members of a seven (7) member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator.”

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of XXXX, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder