

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of April 25, 2018*

Members Present: Larry Nelson (Chairman), Megan Andrews (arrived 5:36 p.m.), Bill Ashton, Robert Davidson, Matthew Prochaska (on behalf of Scott Gryder), and Jeff Wehrli (arrived at 5:09 p.m.)

Member Absent: John Shaw and Randy Mohr

Others Present: Matt Asselmeier and Andrez Beltran

Chairman Larry Nelson called the meeting to order at 5:02 p.m.

1. **APPROVAL OF AGENDA**

Mr. Prochaska made a motion to approve the agenda. Mr. Ashton seconded the motion. With a voice vote of four (4) ayes, the motion carried.

2. **APPROVAL OF MINUTES**

Mr. Davidson made a motion to approve the minutes of the March 28, 2018 meeting. Mr. Prochaska seconded the motion. With a voice vote of four (4) ayes, the motion carried.

3. **NEW/OLD BUSINESS**

Discussion of Proposed Amendments to the Land Resource Management Plan for Properties Along Route 47 in Lisbon Township

Mr. Asselmeier presented the revised future land use map based on the Committee's comments from the previous meeting. The mixed use business area was extended to the west to correspond to the Village of Lisbon's Comprehensive Plan.

Discussion occurred about the Village of Lisbon's sewer issues and financial situation.

Mr. Wehrli arrived at this time (5:09 p.m.)

Discussion occurred regarding incentives to bring businesses to the Lisbon area. Andrez Beltran discussed opportunities to work with Grundy County. Wisconsin, Indiana, and Grundy County use personal property tax. Grundy County imposes the tax on large

companies; only five (5) companies in Grundy County pay the tax. Mr. Beltran will do additional research on Grundy County's personal property tax on businesses. Mr. Beltran discussed the lack of gas infrastructure in southern Kendall and northern Grundy Counties. Mr. Beltran will check the size of the gas mains and capacity along Route 47.

Discussion occurred regarding septic systems and water concerns in the area, both potable and fire suppression. Mr. Andrez said that Grundy County is working on increasing water capacity at Minooka to increase the number of buildings. Discussion occurred regarding grants for water towers; there use to be loans available. Most grants are for water quality improvements. The County previously used the revolving loan fund to assist municipalities with similar projects, but that is not applicable anymore according to the State.

Discussion occurred regarding the Grundy County Economic Development Project Area. Mr. Beltran said that getting an Area requires a greater legislative process than Tax Increment Finance (TIF) Districts.

Mr. Beltran discussed the importance of attracting logistics to the area and the importance of distance to the interstate.

Discussion occurred regarding using the water pumped from the quarries as a water source. Mr. Beltran discussed creating a combined sanitary and water district to assist the Village of Lisbon and provide water and sewer services in the area.

Mr. Beltran said that the focus of the County's economic development activities is industrial businesses and Eldamain Road and the northern part of the County.

Megan Andrews arrived at this time (5:36 p.m.)

Discussion occurred regarding which entity had jurisdiction of a quarry-type project.

Mr. Beltran discussed the current incentives available in Kendall County, including the Enterprise Zone.

Mr. Asselmeier will research the possibility and regulatory issues concerning using water from quarries as a potable or fire suppression water source and the water quality standards. Ms. Andrews will reach out to the Bureau of Water for resources. Mr. Beltran will research the management of this type of facility.

The consensus was to run the changes to the Land Resource Management Plan by the Planning, Building and Zoning Committee before having a public hearing. Mr. Ashton made a motion, seconded by Mr. Wehrli, to move the proposed changes forward to the

Planning Commission with a favorable recommendation. With a voice vote of all ayes, the motion passed unanimously.

Request from the Kendall County Planning, Building and Zoning Committee for Comments Pertaining to Petition 18-07 Regarding Text Amendments Establishing Procedures for Renewing Special Use Permits

Mr. Asselmeier read his memo on the subject.

At their meeting on April 9, 2018, the Planning, Building and Zoning Committee reviewed the concerns of the Kendall County Regional Planning Commission regarding Petition 18-07 pertaining to proposed text amendments to Section 13.08 regarding special use permit renewal procedures.

The Planning, Building and Zoning Committee would like the County Board to have the ability to amend or revoke special use permits for cause by a supermajority vote. The Planning, Building and Zoning Committee also wanted the language related to previous owner(s) to remain in the proposal to avoid “shell games” of business entities changing their names. Mr. Asselmeier noted his proposed changes.

Mr. Asselmeier noted Staff’s concerns that the proposed procedure could create a conflict with the existing revocation procedures outlined in the Zoning Ordinance, a copy of which is attached. The majority of the special use permits issued in the last several years had provisions which stated the special use permit could be amended or revoked if the terms of the special use permit were violated.

Mr. Asselmeier noted that DeKalb, Kane, DuPage, and McHenry require renewals to go through the complete special use application process. Grundy County requires special use permits go through the entire process only if a violation occurred. If no violation occurred, then the special use permit was automatically renewed.

The Planning, Building and Zoning Committee requested the Kendall County Regional Planning Commission’s comments and suggestions regarding Petition 18-07 pertaining to proposed text amendments to Section 13.08 regarding special use permit renewal procedures.

The consensus of the Committee was that the County Board could only initiate amendments or revocation for cause and only after a special use permit holder was found guilty of a violation.

Mr. Ashton made a motion, seconded by Mr. Wehrli, to recommend the following changes:

In paragraph 1, “or if” shall be replaced with “because”. The County Board would only

be able to amend or revoke special use permits if a special use permit holder were found guilty through the courts or administrative adjudication.

Paragraph 2 would be deleted in its entirety.

Paragraph 3 would remain unchanged.

In paragraph 4, the first sentence would be changed to read, "This Sub-Section shall apply to any special use permit issued after the date of adoption of this ordinance (insert date) requiring renewal."

With a voice vote, the motion passed with five (5) in favor and none opposed. Ms. Andrews abstained.

Discussion of Petition 18-03 Pertaining to Text Amendments to the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments

Mr. Asselmeier read his memo on the subject. Mr. Asselmeier noted the hearing on this subject is April 30th.

Chairman Nelson asked Planning Commission members for their input and they had concerns regarding applications moving through the process without adequate review.

Mr. Ashton noted that the Planning Commission does not have time limit for comments. Mr. Asselmeier noted the requirement that the County Board is only supposed to make their decisions based on the record created by the Zoning Board of Appeals.

Mr. Davidson will take the petition back to the Planning, Building and Zoning Committee and request the Zoning Board of Appeals to layover the petition at their meeting on April 30th.

There were no additional comments from the public or press.

Adjournment:

The next meeting will be May 23, 2018. Mr. Prochaska made a motion to adjourn the meeting. Mr. Wehrli seconded the motion. With a voice vote of six (6) ayes, the motion passed and the meeting adjourned at 6:54 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner