

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 June 8, 2020

CALL TO ORDER

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

ROLL CALL

Committee Members Present: Elizabeth Flowers (attended remotely), Scott Gengler (attended remotely), Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: Judy Gilmour

Also Present: Matt Asselmeier (Senior Planner), Scott Koeppel (County Administrator), Dan Kramer, Valarie Epperson, Raymond Epperson Richard Clawson, Grigore Ratiu, and Greg Chrissie

APPROVAL OF AGENDA

Member Kellogg made a motion, seconded by Member Flowers, to approve the agenda as presented. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Member Kellogg made a motion, seconded by Member Flowers, to approve the minutes of the May 11, 2020, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report. Member Kellogg made a motion, seconded by Member Flowers, to forward the expenditures to the Finance Committee. With a voice vote of four (4) ayes, the motion carried.

The Committee reviewed the six (6) month Planning, Building and Zoning Financial Report. Mr. Asselmeier noted that the payments to the Part-Time Code Enforcement Officer have been deducted from the incorrect line item. Staff was working to get that issue corrected.

NEW BUSINESS

Approval of a Setting a Date and Time for a Second Meeting of the Planning, Building and Zoning Committee in the Month of June 2020

Chairman Prochaska informed the Committee that he would like to have a combined meeting with ZPAC, the Kendall County Regional Planning Commission, and the Kendall County Zoning Board of Appeals on Monday, June 29th, at 5:00 p.m., to discuss the Zoning Ordinance Project. There were no objections from the Committee regarding having a meeting on June 29th at 5:00 p.m.

Recommendation of a Resolution Granting a Three (3) Year Extension to the Recording of the Final Plat of Subdivision for Camelot Farm (Petition 08-18)

Mr. Asselmeier summarized the request.

The Planning, Building and Zoning Department received a request from the owner of the Camelot Farm subdivision requesting a three (3) year extension of the requirement to record the final plat of the subdivision.

According to the Subdivision Control Ordinance, a final plat must be recorded within six (6) months of approval unless granted an extension by the County Board after recommendation by the PBZ Committee. Since 2009, the County Board has granted annual extensions to the recording requirement for this subdivision. On June 20, 2017, the County Board granted a three (3) year extension to the recording requirement for this subdivision.

Staff has no objections to the requested extension.

Member Kellogg made a motion, seconded by Member Gengler, to recommend approval of the requested extension.

The votes were as follows:

Yeas (4): Flowers, Gengler, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Gilmour

The motion carried. The request goes to the County Board on June 16, 2020.

Approval of a Request by Goprobball, LLC for a Ninety (90) Day Application Fee Waiver and Fee Clarification for a Preliminary Plat Application and Site Plan Application for the Proposed Go Pro Subdivision Located on the Northern 18.7 Acres at 195 Route 52 (09-13-200-002) in Seward Township; Site Plan Fee is for Proposed Athletic Facility Portion of the Site Only

Mr. Asselmeier summarized the issue.

At the March 18, 2020, County Board meeting, the County Board approved a request to amend the Future Land Use Map reclassifying approximately eighteen (18) acres of the northern portion of 195 Route 52 from Public/Institutional to Commercial (Petition 19-37) and a map amendment rezoning the northwestern portion of the property to B-4 Commercial Recreation District (Petition 19-38) for the construction of an indoor athletic facility.

As part of the development, the Petitioners plan a four (4) lot commercial subdivision. The athletic facility would be on one (1) of the lots. An indoor/outdoor storage facility (the review of which is still ongoing), space for a commercial strip center, and a private road would be located on the remaining lots.

On May 14, 2020, the Petitioners' Attorney submitted the attached letter requesting a waiver of fees for the preliminary plat application and site plan application. On May 19, 2020, the

Petitioners' Attorney submitted an email clarifying that the fee waiver request would be for a 90-day waiver. Both of these documents were provided.

The application fee for a preliminary plat for a commercial subdivision is \$1,000 plus \$100 per acre. The application fee for site plan approval is \$375.

The Petitioners decided to have two (2) separate preliminary plats, one (1) for the athletic facility and one (1) for the remainder of the site. However, the Petitioners would have one (1) unified final plat. If the Petitioners have two (2) separate preliminary plats, the question regarding charging the \$1,000 base fee twice arises.

If the preliminary plats were 1 application, the outstanding balance for the total preliminary plat would be \$1,373.54 (18.7354 acres X 100 = \$1,873.54 + \$1,000 = \$2,873.54 - \$1,500 (previously paid funds)). But, if they were 2 separate applications, then the outstanding balance for the athletic facility's portion would be \$2,004.52 (10.0452 acres X 100 = \$1004.52 + \$1000). It should also be noted that, under the second scenario, the Petitioners would still owe \$369.02 (8.6902 acres X 100 = \$869.02 + \$1,000 = \$1,869.02 - \$1,500 (previously paid funds)) for the preliminary plat for the remainder of the site.

As of the date of this memo, the Petitioners have not submitted a preliminary plat application or site plan application for the athletic facility portion of the site. The Petitioners have submitted a preliminary plat for the remainder of the site and a final plat application for the entire. Outstanding items related to these plats have not been resolved, as of the date of this memo. As noted in the previous paragraph, the Petitioners have paid \$1,500 towards the preliminary plat application. The Petitioners have also paid the application fee for the final plat.

Staff requested guidance regarding determining the outstanding application fee and whether or not the Committee favors a 90-day waiver of the preliminary plat and site plan application fees as requested by the Petitioners.

Member Kellogg asked if the subject property was one (1) parcel number. Mr. Asselmeier responded that the property is presently one (1) parcel number. However, if the subdivision is approved as proposed, there would be four (4) parcels and four (4) parcel numbers.

Member Kellogg asked why the Petitioner submitted multiple applications. Dan Kramer, Attorney for the Petitioner, explained the status of the zoning requests associated with the subdivision and proposed uses. Mr. Kramer explained that the owner of the athletic facility has lost all of their income because of the closures caused by the COVID-19 pandemic.

Member Kellogg asked about the difference in fees. Mr. Asselmeier explained that the fee waiver for one (1) application would be One Thousand Seven Hundred Forty-Eight Dollars and Fifty-Four Cents (\$1,748.54) and the fee waiver for two (2) applications would be Two Thousand Seven Hundred Forty-Eight Dollars and Fifty-Four Cents (\$2,748.54).

Member Kellogg asked about setting a precedent. Mr. Asselmeier said that he was not aware of any precedent, but other applicants, in similar situations, could make the same request. Member Kellogg expressed concerns about setting a precedent.

Member Kellogg made a motion, seconded by Member Gengler, to approve the ninety (90) fee waiver effective starting today (June 8, 2020) and setting the fee at Two Thousand Seven Hundred Forty-Eight Dollars and Fifty-Four Cents (\$2,748.54).

The votes were as follows:

Yeas (4): Flowers, Gengler, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Gilmour

The motion carried.

Request for Guidance Regarding Potential Violations at a Private Park Located in the Fox River Gardens Subdivision (PIN: 02-27-327-010) in Bristol Township

Mr. Asselmeier summarized the issue.

On April 24, 2020, the Kendall County Planning, Building and Zoning Department received a complaint regarding activity and damage at the private park located in the Fox River Gardens Subdivision. On May 14, 2020, the Kendall County Planning, Building and Zoning Department received a follow-up email regarding the activities at the private park. Both of these emails were provided.

The plat of Fox River Gardens Subdivision shows the property as a private park. To Staff knowledge, no homeowners' association exists in this subdivision and the plat is unclear as to who is responsible for overseeing the property. A copy of the plat was attached. The private park is approximately 4.5 acres in size.

According to Kendall County Assessor Andy Nicoletti, no owner of record exists for the property and nobody pays taxes on the property.

The Kendall County Sheriff's Department has been made aware of the activities at the park.

Staff requested guidance as to how to proceed.

Valarie Epperson explained the activities she witnessed. She expressed concerns about people cutting down trees and vegetation. She noted that litter was occurring on the property. She provided pictures of damage on the property. Her focus was protecting the wildlife. Raymond Epperson expressed concerns about someone placing a tent on the property.

Mr. Asselmeier noted that the Department sends citations to property owners and works with property owners to resolve issues.

Discussion occurred about the County cleaning up the property and placing liens on the property or acquiring the property through adverse possession.

Member Flowers asked if the homeowners could acquire ownership of the park. Mr. Asselmeier responded that the homeowners could work together to maintain and secure the park.

Chairman Prochaska suggested referring the matter to the State's Attorney's Office regarding ordinance enforcement, utilizing adverse possession to acquire the property, and questions regarding trespass. The consensus of the Committee was to proceed with the State's Attorney's Office in the manner suggested by Chairman Prochaska.

Request for Guidance Regarding an Alleged Violation to the Stormwater Management Ordinance at 56 Riverside Drive (PIN: 02-27-328-007) in Bristol Township; Committee Could Authorize WBK Engineering to Perform Work Related to the Investigation at a Cost Not to Exceed Two Thousand Dollars (\$2,000)

Mr. Asselmeier summarized the issue.

The Kendall County Planning, Building and Zoning Department received a complaint regarding an alleged violation of the Kendall County Stormwater Management Ordinance at 56 Riverside Drive. The email and pictures related to the complaint were provided.

If, as the complainant alleges, the property owner changed the layout of their property over the period of thirty-two (32) years, then research will be required to determine the extent of a violation and possible remedies of the violation, if any violation(s) exists.

WBK Engineering provided a cost estimate for investigating the violation; the cost estimate was provided.

Staff requested guidance as to how to proceed.

Richard Clawson, Attorney for the Property Owner, stated that a property dispute exists between the neighbors and that this matter is a civil matter.

Greg Chrise, neighbor, said that no legal dispute is occurring. He provided background on the dispute between the neighbors. He stated the owner of 56 Riverside engaged in activities on his property without proper permits. Mr. Chrise described the activities of the owner of 56 Riverside.

Mr. Clawson said that no agreement exists regarding the lot line location.

Grigore Ratiu, owner of the subject property, explained the location of the property line. He explained his activities on the property. He explained his work on Riverside Drive.

Member Kellogg asked if a precedent existed. Mr. Asselmeier said that precedents exist where the Committee has and has not paid for further stormwater investigations.

Member Flowers asked about the ultimate remedy. Mr. Asselmeier responded that WBK does an investigation, finds a violation, and the property either applies for a stormwater permit or WBK suggestions a remedy to bring the situation into compliance. The Committee could also decide not investigate the matter further. The matter would then become a civil matter.

Member Gengler asked if any violations existed regarding dumping. Mr. Asselmeier explained that the Stormwater Management Ordinance requires a permit if someone dumps fill three feet (3') or higher on their property. The Junk and Debris Ordinance would also apply depending on the nature of materials dumped.

Member Kellogg asked if the Health Department should be involved regarding the landscaping material being hauled onsite. Mr. Asselmeier said the Health Department could investigate the matter.

Mr. Chrise asked the Committee to examine the pictures submitted in the packet to see if any violations exist.

Member Kellogg asked about the ownership of Riverside and Park Drives. The two (2) streets are private roads.

Discussion occurred regarding LiDAR flyovers.

Member Gengler made a motion, seconded by Member Kellogg, to authorize WBK Engineering to conduct an investigation at a cost not to exceed Two Thousand Dollars (\$2,000).

The votes were as follows:

Yeas (4): Flowers, Gengler, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Gilmour

The motion carried.

Approval to Forward to the State's Attorney's Office Violation of Stormwater Management Permit 18-06 at 84 Woodland Drive (PIN: 01-20-352-018) in Little Rock Township (Dumping Without Permit Amendment)

Mr. Asselmeier explained that the property owner dumped additional fill on the property without seeking an amendment to their existing stormwater management permit.

Chairman Prochaska made a motion, seconded by Member Flowers, to forward the complaint to the State's Attorney's Office.

The votes were as follows:

Yeas (4): Flowers, Gengler, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Gilmour

The motion carried.

Recommendation of an Intergovernmental Agreement between the Village of Plattville and the County of Kendall to Administer the County's Ordinances for Zoning, Building Code, Subdivision Control, and Stormwater Management within the Jurisdiction of the Village of Plattville for a Term of One (1) Year in the Amount of \$1.00 Plus Associated Costs Paid by the Village of Plattville to the County of Kendall

Mr. Asselmeier summarized the issue.

The proposed Intergovernmental Agreement is the same as the previous Intergovernmental Agreement. The Village of Plattville approved a renewal of the agreement at their meeting in May.

Chairman Prochaska made a motion, seconded by Member Flowers, to recommend approval of the Intergovernmental Agreement and place it on the consent agenda for the next County Board meeting.

The votes were as follows:

Yeas (4): Flowers, Gengler, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Gilmour

The motion carried. The proposal will go to the County Board on June 16, 2020.

Review of Annual NPDES Survey

The Committee reviewed the survey. Mr. Asselmeier noted that the survey was the same as previous years except that the website links were updated. Historically, the survey was mailed in mid-July. The Committee had no changes or other comments.

PETITIONS

20 – 11 – Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

State law (55 ILCS 5/5-1062.2) allows certain counties, including Kendall County, to establish Stormwater Planning Committees. Per State law, a Stormwater Planning Committee's primary purpose is to develop a Stormwater Management Plan.

At the March 9, 2020, Kendall County Planning, Building and Zoning Committee meeting, the Committee voted to initiate an amendment to the composition of the Stormwater Planning Committee by increasing the Stormwater Planning Committee's membership by adding one (1) additional County Board member from District 2 and adding one (1) additional municipal member from District 2. The total membership on the Stormwater Planning Committee would increase from ten to twelve (10 to 12). The proposed resolution and Resolution 2009-22 were provided.

Kendall County has a Stormwater Planning Committee. However, several of the seats are currently vacant. Per State law, the Committee must consist of an equal number of County Board members and municipal members.

County Board members are appointed by the County Board Chairman.

The municipal members are chosen by majority vote of the mayors of those municipalities based on the County Board district the municipality is located. The current municipal members are Bob Hausler, Clifton Fox, Gary Golinski, Jennifer Hughes, and Brian Murphy.

The Stormwater Planning Committee last met on April 9, 2013.

To Staff's knowledge, no plans presently exist to update or amend the Kendall County Stormwater Management Plan.

Chairman Prochaska made a motion, seconded by Member Kellogg, to recommend approval of the amended composition of the Stormwater Planning Committee as proposed.

The votes were as follows:

Yeas (4): Flowers, Gengler, Kellogg, and Prochaska

Nays (0): None
Abstain (0): None
Absent (1): Gilmour

The motion carried. The proposal will go to the County Board on June 16, 2020.

Discussion of Amending the Enforcement Provisions of the Kendall County Stormwater Management Ordinance; Committee Could Initiate Amendments to the Enforcement Provisions
Mr. Asselmeier summarized the issue and provided the existing enforcement procedures.

Because several of the municipalities in Kendall County enforce aspects of the Ordinance, Staff would like to reach out to these municipalities to see if they have any concerns regarding the enforcement section of the Ordinance. Staff would also like to obtain the State's Attorney's Office's opinion regarding citation authority as it relates to the Stormwater Management Ordinance.

Chairman Prochaska favored giving Staff citation authority on enforcement of the Stormwater Management Ordinance.

Chairman Prochaska also favored setting threshold for allowing Staff to do stormwater investigations without coming to the Committee for approval. The consensus of the Committee was to set a policy allowing Staff to initiate stormwater investigations if the cost was less than One Thousand Five Hundred Dollars (\$1,500). Mr. Koepfel suggested setting the dollar amount in a policy and not in the ordinance.

The specifics of the citation authority proposal and policy will be discussed at a future meeting.

OLD BUSINESS

Discussion of Petition 20-01 Pertaining to Recreational Vehicle and Campground Regulations; Committee Could Initiate Text Amendments to the Zoning Ordinance, Request 20-01, Text Amendment to Zoning Ordinance for Revision

Chairman Prochaska explained the issue.

Following the review and input of the State's Attorney's Office, Staff prepared a redlined proposal incorporating the Recreational Vehicle and Campground regulations into the Zoning Ordinance. This proposal was provided.

With the incorporation of the proposal into the Zoning Ordinance, Section 1 (Purpose), Section 4 (Fines), proposed Section 7 (Variances) from the 1983 regulation are moot because the Zoning Ordinance already addresses these items.

As noted in the redlined proposal, with the incorporation into the Zoning Ordinance, some questions arise regarding certain definitions.

The items in red in the attached document are new or changes from the existing Recreational Vehicle and Campground regulations from 1983 and the Zoning Ordinance.

Mr. Asselmeier noted that the definitions contained in the 1983 Ordinance specifically focused on campgrounds. Problems arise when terms, like collector road, were applied to the entire County.

Member Kellogg made a motion, seconded by Member Flowers, to forward this issue to the Comprehensive Land Plan and Ordinance Committee. With a voice vote of four (4) ayes, the motion carried.

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

Mr. Asselmeier stated that the Historic Preservation Commission will be meeting June 15, 2020. It was noted that one (1) vacancy exists on the Commission.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

The decision was made not to go into executive session for the purposes of reviewing minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)) because a quorum of the Committee was not physically present.

ADJOURNMENT

Member Kellogg made a motion, seconded by Member Gengler, to adjourn. With a voice vote of four (4) ayes, the motion carried. Chairman Prochaska adjourned the meeting at 7:54 p.m.

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

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JUNE 8, 2020**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
GREG CHRISSE	[REDACTED]	
Valarie Epperson Raymond Epperson	[REDACTED]	[REDACTED]
Richard CLAASSEN	[REDACTED]	



This area is right across from Hide-A-Way Camp ground. I would hate to see a connection develop to the camp ground from this area that has no accountability.



This is part of the path from 20 Park Drive North to the park property. being modified. The narrow part is about 10 feet wide using my foot as a 12" measurement. I took these pictures today and it appears that a young coon was hit and killed by a 4-wheeler.

