

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of February 26, 2020 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: None

Staff Present: Scott Koeppel, County Administrator

Others Present: None

Chairman Ashton introduced Bob Stewart from Kendall Township.

APPROVAL OF AGENDA

Member Wilson made a motion, seconded by Member Bledsoe, to approve the agenda. With a voice vote of nine (9) ayes, the motion carried.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the minutes of the January 22, 2020, meeting. With a voice vote of nine (9) ayes, the motion carried.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the minutes of the February 1, 2020, Annual Meeting. With a voice vote of nine (9) ayes, the motion carried.

PETITIONS

19-41 Kendall County Planning, Building and Zoning Committee

Mr. Koeppel summarized the request from Mr. Asselmeier's memo.

For the last several months, the Planning, Building and Zoning Committee has been discussing allowing the Planning, Building and Zoning Department to issue citations in an effort to streamline and increase the time for obtaining compliance for violations to the Zoning Ordinance.

In summary, this proposal does the following:

1. Moves the procedure for handling violations of the signage portion of the Ordinance (Section 12) to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the signage portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.
2. Establishes the procedures for issuing citations and other remedies of violations to the Zoning Ordinance.
3. Abolishes the Hearing Officer for Zoning Ordinance violations. All citations will be sent to court for hearings.

4. Clarifies the fines the County may pursue in cases of violations.
5. Sets the fine structure for violations of the site plan review portions of the Zoning Ordinance as the same as other violations of the Zoning Ordinance.
6. Moves the procedure for handling violations of the site plan review portions of the Zoning Ordinance to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the site plan portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.

On October 7, 2019, the Planning, Building and Zoning Committee voted to initiate this text amendment and have the State's Attorney's Office assist in preparing the amendment. On November 12, 2019, the Committee reviewed the changes Staff incorporated based on the State's Attorney's Office's comments and the Committee did not object to the changes to the proposal. The Committee was asked to review retaining the Hearing Officer. At their meeting on January 13, 2020, the Committee chose not to amend the proposal and remove the Hearing Officer.

This proposal was sent to the townships on January 22, 2020. To date, no comments have been received from the townships.

ZPAC reviewed this proposal at their meeting on February 4, 2020. ZPAC recommended approval of the proposal without objection; three (3) members were absent.

The redlined copy of the proposal was provided.

Mr. Koeppel noted that this proposal was similar to a parking ticket. This proposal is similar to the enforcement language in the Junk and Debris Ordinance and Inoperable Vehicle Ordinance. Compliance remains the primary goal.

Member Wilson asked about eliminating the Hearing Officer. Mr. Koeppel said that the County has a low volume of citations and the State's Attorney's Office favors cases going to courts. Municipalities have administrative adjudication because municipalities want control and collect fees. The Hearing Officer could be brought back if the number of cases increased.

Member Nelson asked if the County was in the field looking for violations. Mr. Koeppel responded that the County was complaint driven. However, now, if an inspector sees something while in the field, they can start the citation process. The County will not patrol per se. Member Nelson expressed concerns about selective enforcement.

Member Wilson requested clarification on the notice. Mr. Koeppel said that the party is given time to comply before a court date is set. The goal is resolve the glaring cases.

Member McCarthy-Lange encouraged having a paper trail for complaints. Mr. Koeppel stated the County has an existing complaint process which will remain in place if this proposal is adopted.

Member Wilson asked about the complaint process. Mr. Koeppel responded that someone submits the complaint. The complaint is then investigated. Cases currently go to the Planning, Building and Zoning Committee, which has the discretion for giving someone additional time to remedy a violation. If this proposal is approved, the party would have time to remedy the violation and then would go to court.

Member Nelson asked if devices were installed in County vehicles showing where and when they are going on investigations. Mr. Koepfel responded that GPS devices are not presently installed on or in Planning, Building and Zoning vehicles. Member Nelson suggested that such devices should be installed in the vehicles.

Member Wilson asked if violations go to tenants or to the property owner in the cases where the tenant committed the violation. Mr. Koepfel said the tenant would be notified, if possible. The owner would also get notified. The Planning, Building and Zoning Department would work with people to obtain compliance.

Member Wilson asked about the definition of “served upon”. Mr. Koepfel responded hand delivered.

Member Nelson made a motion, seconded by Member Hamman, that a condition be added that written administrative procedures be established regarding enforcement documentation and processing and that the Department provide quarterly reports to the Regional Planning Commission on the number of violations.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Stewart
Nays (1): Wilson
Absent (0): None

Member Wilson voted no because she felt that the proposal contains specific written procedures. Discussion occurred regarding the availability of certain information in complaints.

Member Nelson made a motion, seconded by Member Hamman, to forward the proposal to the Kendall County Zoning Board of Appeals as amended.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None

The motion passed. The proposal goes to the Zoning Board of Appeals on March 2, 2020.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Approval to Initiate Text Amendments to Section 1:00 “Title” of the Kendall County Zoning Ordinance

Mr. Koepfel summarized the proposal.

Mr. Nelson noted that the goal of the proposal was to have all of the sections in one (1), searchable document.

Approval to Initiate Text Amendments to Section 2:00 “Intent and Purpose” of the Kendall County Zoning Ordinance

No discussion occurred specifically on this topic.

Approval to Initiate Text Amendments to Section 3:00 “Rules and Definitions” of the Kendall County Zoning Ordinance and Related Appendices

Member Wilson asked about the purpose of Floor Area Ratio, specifically why grain elevators and petroleum tanks were included in the definition.

Member Casey asked about furriers.

Approval to Initiate Text Amendments to Section 4:00 “General Provisions” of the Kendall County Zoning Ordinance

Member Wilson asked about number of buildings in Section 4:10. The Section applies to residential buildings. Discussion occurred about adding a definition of principal building.

Member Nelson made a motion, seconded by Member Hamman, to layover the initiation of the Petitions until March.

With a voice vote of nine (9) ayes, the motion carried.

Further discussion on these matters will occur at the March 25, 2020, Comprehensive Land Plan and Ordinance Committee meeting.

Member Wilson asked if a way existed to get rid of some of the regulations. The response was some of the regulations were proposed for removal.

OLD BUSINESS

Discussion of Amending the Future Land Use Map in Land Resource Management Plan by Having the Transportation Plan Correspond to the 2019-2039 Long Range Transportation Plan, Updating Municipal Boundaries, Reclassifying Islands in the Fox River from Unknown to Open Space and Reclassifying the Remaining Unknown Properties to Match Adjoining Land Use Classifications

Mr. Koeppel summarized the request.

In December 2019, the County Board approved a 2019-2039 Long Range Transportation Plan.

This Plan has several changes from the Future Land Use Map contained in the Land Resource Management Plan. Fran Klaas suggested the following changes to the Land Resource Management Plan:

Remove

- Prairie Parkway
- Lisbon / Helmar Bypass.
- Caton Farm Road West Route 71
- Fox River Drive Westerly Bypass of Village of Newark.
- Whitfield Road Extension North to Griswold Springs Road
- Gates Lane West of Route 47
- County has now taken position to keep WIKADUKE Trail on the existing Stewart Road alignment all the way to Rance Road and then extend a new alignment northeasterly to Route 30 and Heggs Road, using the Village of Oswego’s alignment for the WIKADUKE Trail.

Add

- Millington Road Extending North of Lions Road to Connect to Route 34.
- Walker Road Relocated West of Route 71 to Make Connection to New Fox River Drive / Crimmins Rd intersection
- Westerly Extension of Collins Road West of Minkler Road to Route 71.

At their February meeting, the PBZ Committee suggested having Douglas Road's alignment correspond to the Village of Oswego's plans, aligning Cannonball Trail to Dickson Road and Gordon Street, aligning Millbrook Road and Whitfield Road behind the existing bank building, extending Cherry Road into the Henneberry Woods Forest Preserve, adding the extension of Johnson Road east from Ridge Road to the County Line, changing the Suburban Residential classification for the properties south of the Johnson Road extension to Mixed Use Business, and having the former FS property on Wabena Road be classified as Mixed Use Business.

In addition to the changes to the Transportation Plan changes, Staff is proposing to update the Future Land Use Map to reflect municipal annexations that occurred since the last map update, correct the classification of the Minooka School District property near the intersection of Route 52 and County Line Road, and to classify the parcels of land shown as "Unknown" on the Future Land Use Map.

Member Nelson requested that Fran Klaas attend an upcoming Comprehensive Land Plan and Ordinance Committee meeting to discuss the reasons for some of the proposal. Mr. Koeppel suggested that Chairman Gryder, who is also the Chair of the Highway Committee, attend the meeting as well. Discussion also occurred about having a joint meeting of the Highway Committee and Comprehensive Land Plan and Ordinance Committee.

Discussion occurred regarding Miller Road and the importance of placing roads on the Future Land Use Map.

Discussion occurred regarding changing future land uses along and near Route 47 in Lisbon Township.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petition 19-47, regarding the kennel and veterinary at the northeast corner of Ridge Road and Bell Road, was approved.

OTHER BUSINESS/ANNOUNCEMENTS

Chairman Ashton reported that the text amendment to the Zoning Ordinance pertaining adding truck storage area or yard to the list of permitted uses in the M-1 was proposed by the owner of 3485 Route 126. The owner of this property wants to change the Future Land Use Map and rezone his property to M-1 in order to have that business on the property.

Discussion occurred regarding cannabis regulations.

Discussion occurred regarding a proposal in Springfield, SB 2466, related to the revocation of special use permits. A conviction would be required to revoke a special use permit.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn. With a voice vote of nine (9) ayes, the motion passed. The Kendall County Regional Plan Commission meeting adjourned at 8:29 p.m.

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