

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 August 10, 2020

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 6:33 p.m.

ROLL CALL

Committee Members Present: Scott Gengler, Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner), Valarie Epperson, and Greg Chrisse

Due to technical difficulties caused by the lack of a speaker for the computer used for remote attendance, Chairman Prochaska declared the remote attendance portion of the meeting cancelled and the meeting shall be in-person only.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Kellogg, to approve the minutes of the July 13, 2020, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report.

PETITIONS

None

OLD BUSINESS

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 distributed information from the Kendall County Assessor's Office explaining assessment information and the Kendall County Circuit Clerk's Office stating the Office was unable to locate a will for the Tumas.

Discussion occurred regarding the ownership of the subject property; ownership of the property was unknown.

Mr. Asselmeier stated that code enforcement is based on ownership. Short of catching someone in the act of violating a law, no mechanism existed for enforcing zoning regulations.

Discussion occurred regarding unclaimed property regulations and enforcing tax collection on the property.

Tuma descendent information was unknown.

The consensus of the Committee was to ask the State's Attorney's Office if the subdivision created a Homeowners' Association, can the Homeowners' Association take over ownership of the park.

The consensus of the Committee was to ask the Assessor's Office if someone can claim ownership paying the taxes.

Request for Guidance Regarding an Alleged Violation to the Stormwater Management Ordinance at 56 Riverside Drive (PIN: 02-27-328-007) in Bristol Township

Mr. Asselmeier presented the LiDAR information and updated information from WBK. A general lack of information regarding the contours prevented greater enforcement of the regulations.

Discussion occurred about shooting elevations on private property to establish baseline elevations. No as-built information existed for the subject property. The existing LiDAR data could be used as a baseline going into the future.

Discussion occurred regarding Illinois Drainage Law. Illinois Drainage Law is enforced civilly.

If a subdivision was created today, a larger amount of topographic data would be available.

Discussion occurred about the thresholds needed to require a stormwater management permit.

Brian Holdiman will investigate alleged junk and debris ordinance violations on the subject property.

NEW BUSINESS

Discussion of Petition 20-14 Request from the Kendall County Regional Planning Commission for Text Amendments to the Kendall County Zoning Ordinance

Mr. Asselmeier summarized the petition.

The summary of the proposed changes to the Zoning Ordinance incorporating the changes made at the June 29, 2020, special meeting of the advisory boards and the July 7, 2020 ZPAC meeting were provided. Only those sections of the Zoning Ordinance with significant proposed changes were provided with memo. Most of the sections with minor changes (i.e. typographical corrections, citation corrections, renumbering, adding of acronyms, etc.) that did not alter the meaning or intent of the regulations were not provided. Some sections with minor changes were provided for illustrative purposes. Section 14 was not provided because no changes were proposed to that Section.

Also, language was added allowing the Kendall County Regional Planning Commission to establish bylaws.

The townships were notified of this proposal on July 1, 2020, and the outcome of the Kendall County Zoning Board of Appeals hearing on July 28, 2020. To date, no township has provided comments.

The minutes of the June 29, 2020, combined meeting were provided.

At the July 7, 2020, ZPAC meeting, ZPAC added language to Section 13:09.C.1 pertaining to the 200 foot grid soil survey and soils classified as unsuitable for conventional septic systems when considering open space. The minutes from the July 7th ZPAC meeting were provided.

The Comprehensive Land Plan and Ordinance Committee reviewed this proposal at their meeting on July 22, 2020, and offered no changes to the proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 22, 2020. The Kendall County Regional Planning Commission recommended approval by a vote of nine (9) in favor and zero (0) in opposition. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on July 27, 2020. One (1) member of the public requested a change regarding short-term rentals. The Kendall County Zoning Board of Appeals, by a vote of seven (7) in favor and zero (0) in opposition recommended approval of the proposal with the following recommendation: Add the sentence "Accessory structures used for residential purposes prior to 1970 shall not be required to provide an occupancy permit" to the end of the definitions of Hotel, Motel, or Inn and Short-Term Rental. The minutes of the hearing were provided.

One complete copy of the entire Kendall County Zoning Ordinance with all proposed change can be found on the Kendall County website.

Several members expressed concerns about exempting the train car from having an occupancy permit.

Discussion occurred regarding the 200 foot soil survey grid. Discussion occurred regarding how open space or reserved space would be noted. Plats usually show the location of easements or areas that are reserved for a reason. The proposal was made by the Health Department because of concerns of the costs of installing and maintaining septic systems in challenging soils.

Discussion occurred regarding the homeowners' association requirements, property owners not maintaining homeowners' association, and back-up special service areas.

Discussion occurred regarding allowing the Kendall County Regional Planning Commission to create bylaws. The Commission would like to allow their Chairman to call special meetings. The Commission already has bylaws; this proposal would clarify that they could establish these bylaws.

For the September Planning, Building and Zoning Committee, accepting the proposed language related to occupancy for accessory structures used for short-term rentals, will be listed specifically on the agenda.

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

Mr. Asselmeier summarized the request.

The intergovernmental agreement between Kendall County and the Village of Millbrook expires in September. The Planning, Building and Zoning Department does not propose any changes to the body of the agreement.

At their meeting in July, the Village of Millbrook approved the agreement with no changes.

A copy of the proposal was provided.

Member Kellogg made a motion, seconded by Member Gengler, to forward the Intergovernmental Agreement to the next County Board meeting for placement on the consent agenda. With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on August 18, 2020.

Approval of Request from Michael Isadore to Renew a Special Use Permit for Swimming Lessons Granted by Ordinance 1982-02 at 15331 Burr Oak Road, Plano

Mr. Asselmeier summarized the request.

In 1982, the Kendall County Board granted a special use permit for swimming lessons at 15331 Burr Oak Road (Ordinance 1982-2). Restriction #1 of this special use permit required annual renewal by the County Board/Committee.

On July 31, 2020, the property owner, Michael Isadore, submitted an email requesting the special use permit be renewed.

Member Kellogg made a motion, seconded by Member Gengler, to approve renewing the special use permit. With a voice vote of four (4) ayes, the motion carried.

Approval of Rescheduling the September 14, 2020 Planning, Building and Zoning Committee Meeting

The consensus of the Committee was to schedule a special meeting for September 3, 2020, at 5:00 p.m., instead of holding a meeting on September 14, 2020.

Request for Guidance Regarding Alleged Zoning Ordinance and Stormwater Management Ordinance Violations on the Southern 20+ Acres at 195 Route 52 (PIN: 09-13-200-002) in Seward Township; Committee Could Forward the Matter to the State's Attorney's Office

Mr. Asselmeier summarized the issue.

In July, the Kendall County Planning, Building and Zoning Department received a complaint regarding an alleged landscaping business operating on the southern portion of 195 Route 52 in Seward Township. Upon inspection from the right-of-way, a landscaping type business was observed operating at the property with piles of landscaping materials taller than the allowed three feet (3').

On July 27, 2020, a warning letter was mailed to the owner on file for the property. The owner contacted the Department and stated that the property was recently sold.

Neither the Assessment Office nor the Recorder's Office has information regarding a sale. However, the sale of the northern portion of the property for the indoor athletic facility and

indoor/outdoor storage business is also not reflected in the information from the Assessment Office or the Recorder's Office.

The consensus of the Committee was to have Mr. Asselmeier ask the State's Attorney's Office for guidance on serving the warning letter to the subject property's owner.

Request from Mayra Vallejo for Swimming Pool Permit Refund in the Amount of \$200 for an Unused Permit at 5 Woodridge Drive, Montgomery (PIN: 03-04-303-006) in Oswego Township
Mr. Asselmeier present the information.

Larry Simmons confirmed the pool had not been installed. No other work by the Department occurred.

Member Gengler made a motion, seconded by Member Gilmour, to approve the requested refund. With a voice vote of four (4) ayes, the motion carried.

OLD BUSINESS

Discussion of Scheduling a Special Planning, Building and Zoning Committee Meeting in Boulder Hill; Committee Could Select a Date, Time, Location, and Agenda Items for the Special Meeting

Committee members reviewed the draft agenda. The meeting would be at 7:00 p.m. on September 9, 2020.

Brian Holdiman, Rob DeLong, Bob Rogerson, a representative from the Sheriff's Department, the Oswego Village President, and a representative from Montgomery will be invited.

The Committee wanted discussion of the County's junk and debris ordinance added to the agenda.

Member Kellogg requested that Mr. Asselmeier check to see if an extra cost existed for the Church of the Brethren for cleaning related to having the meeting at that location.

Chairman Prochaska would like subdivisions zoned A-1 SU PUD to be covered by the noise ordinance; this item would be on the September 3, 2020, agenda.

Chairman Prochaska made a motion, seconded by Member Gilmour, to approve the agenda for the September 9, 2020, meeting in Boulder Hill. With a voice vote of four (4) ayes, the motion carried.

Recommendation on Stormwater Management Ordinance Citation

Mr. Asselmeier provided the draft citation letter. The letter is similar to the letter used for zoning violations. The State's Attorney's Office has reviewed the draft.

Chairman Prochaska made a motion, seconded by Member Gilmour, to forward the draft to the County Board for the next meeting's consent agenda. With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the Kendall County Board on August 18, 2020.

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 is working on gathering information needed for the Certified Local Government application.

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

None

ADJOURNMENT

Member Gengler, made a motion, seconded by Member Gilmour, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Chairman Prochaska adjourned the meeting at 7:58 p.m.

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