

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Historic Courthouse
Third Floor Courtroom
109 W. Ridge Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of January 11, 2021

CALL TO ORDER

The meeting was called to order by Chairman Gengler at 6:31 p.m.

ROLL CALL

Committee Members Present: Scott Gengler (Chairman), Judy Gilmour, Matt Kellogg, and Dan Koukol

Committee Members Absent: Elizabeth Flowers (Attended Remotely)

Also Present: Matt Asselmeier (Senior Planner), Gregg Ingemunson, Greg Dady, Dan Kramer (Attended Remotely), and Eric Bernacki (Attended Remotely)

APPROVAL OF AGENDA

Member Koukol 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 Kellogg made a motion, seconded by Member Gilmour, to approve the minutes of the November 9, 2020, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from November 2020, the end of fiscal year expenditure report, the end of fiscal year escrow report, and the expenditure report from December 2020.

Member Koukol asked how the monies listed in the escrow came in and how are they expended. Mr. Asselmeier responded that, when a stormwater project occurs, the applicant pays money into an escrow account. As WBK does work on the individual project, WBK's expenses are charged to the escrow account of the project. If funds remain in the escrow account upon completion of the project, those funds are refunded to the applicant.

Member Kellogg asked if revenues were tracking the same at the start of the current fiscal year compared to this time at the last fiscal year. Mr. Asselmeier responded that revenues for December 2020 were down compared to revenues for December 2019.

PETITIONS

Amended Petition 20-02 Greg Dady on Behalf of DTG Investments

Amended Petition 20-05 Greg Dady on Behalf of DTG Investments

Member Kellogg made a motion, seconded by Member Gilmour, to postpone Petitions 20-02 and 20-05 until the February 8, 2021, Committee meeting. With a voice vote of four (4) ayes, the motion carried.

Gregg Ingemunson, Attorney for the Petitioner, stated that he would contact Mr. Asselmeier to discuss additional restrictions on the proposed text amendment.

The proposals will be reviewed again by the Committee at their February 8, 2021, meeting.

Petition 20-27 Sunny Simon on Behalf of Boulder Hill Property, LLC

Mr. Asselmeier summarized the request.

On August 18, 2015, the Kendall County Board granted a special use permit for the operation of a place of worship at 81 Boulder Hill Pass, Oswego. Restriction 1 of the special use permit stated that the special use permit shall be for the Strong Tower of Refuge Ministries. Ordinance 2015-15, which granted the special use permit, was provided.

On October 16, 2020, the Planning, Building and Zoning Department conducted a visual inspection of the property and found no evidence of the Strong Tower of Refuge Ministries at the property.

On October 19, 2020, the Kendall County Planning, Building and Zoning Department sent a letter to the property owner asking if the place of worship was still in operation at the property and requesting that the special use permit be revoked if the church had vacated the space. On November 5, 2020, the owner of the property submitted a letter requesting that the special use permit be revoked. This request is included as part of the draft revocation ordinance.

The draft revocation ordinance was provided.

The subject property is zoned B-3. If the special use permit is revoked, the property will retain its B-3 zoning classification.

Staff recommended approval of the proposed special use permit revocation.

Member Kellogg made a motion, seconded by Member Koukol, to recommend approval of the requested special use permit revocation. With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the Kendall County Board on January 19, 2021, on the consent agenda.

Petition 20-31 Carolyn Meinzer on Behalf of Landscape Depot Yorkville, LLC and William Savoree on Behalf of D Construction.

Mr. Asselmeier summarized the request.

Landscape Depot Yorkville, LLC owns the parcel created by the T-intersection created by the intersection of Identa Road and Route 126 and addressed as 9211 Route 126 (PIN 05-04-400-003). The property is northeast of Identa Road and south of Route 126 and is a vacant farmstead zoned A-1 Agricultural.

D Construction was awarded a project by the Illinois Department of Transportation for work in the area and they contracted with the owner of the subject property to use the site for stockpiling and processing/recycling aggregates and crushing concrete for use on D Construction's Illinois Department of Transportation Project.

In December 2019, the Planning, Building and Zoning Committee granted the Petitioners a temporary use permit for a portable concrete crushing plant and stockpiling dirt as part of a construction site at the subject property. Condition 1 of the temporary use permit stated that the permit was valid for one (1) year and could be renewed a maximum of two (2) additional times.

On December 2, 2020, D Construction submitted an application renewing the temporary use permit.

The proposed renewed temporary use permit was provided. The conditions in the proposed renewed temporary use permit are the same as the original temporary use permit with the exception that the Petitioners can apply for one (1) more renewal in condition 1 instead of the original two (2) more renewals. The renewed temporary use permit would be valid for one (1) year.

The project should be completed by July 2021.

Petition information was sent to the United City of Yorkville and Kendall Township on December 1, 2020, and the Bristol-Kendall Fire Protection District on December 2, 2020. Yorkville reported that they filed one (1) complaint with the Illinois Department of Transportation regarding an earlier than allowed start time. This issue has been resolved and Yorkville had no objections to the renewal. Kendall Township and the Bristol-Kendall Fire Protection District did not submit comments.

The Kendall County Sheriff's Department, Health Department, and Highway Department expressed no objections to the requested renewal.

Because the requested temporary use permit is sought to expedite a public project on a highly trafficked State-maintained highway, Staff recommends approval of the temporary use permit subject to the following conditions:

1. This temporary use permit shall be valid for a period of one (1) year from the date of the issuance of the temporary use permit at the location and configuration shown on the site plan. The permit may be renewed for one (1) successive one (1) year period at the same location.
2. The site may only be used for concrete, dirt, and recycled asphalt pavement generated or used as part of the work related to Route 71 reconstruction.
3. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The old building foundations may be permanently removed from the site.
4. Hours of operation must be 7am-5:30pm Monday thru Saturday. These hours of operation may be reduced by the Petitioners.
5. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
6. The site shall be operated in a manner compliant with all applicable federal, state, and local laws for this type of use. Accordingly, the Petitioners shall secure all necessary permits and pay applicable fees related to the proposed use.
7. Failure to comply with one or more of the above conditions could result in the revocation of the temporary use permit.

Member Flowers asked about Yorkville's complaint, if the early hours of operation occurred frequently. Mr. Asselmeier stated that early start time only occurred one (1) time and that Yorkville did not file any additional complaints.

Member Kellogg made a motion, seconded by Member Gilmour, to approval the renewal of the temporary use permit with the conditions proposed by Staff. With a voice vote of four (4) ayes, the motion carried.

NEW BUSINESS

Approval of Annual Renewal of Mobile Home Permit at 13443 Fennel Road

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

Request from Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC to Waive the Stormwater Review Fee of \$1,250 for the Map Amendment and Special Use Permit Application at 9000 Route 34 Yorkville (PINs: 02-27-151-001 and 02-27-151-003) in Bristol Township

Mr. Asselmeier summarized the request.

The Petitioners felt that the additional stormwater would be small and that no additional stormwater would leave the property.

Mr. Asselmeier explained that the Stormwater Management Ordinance requires a permit when fill in placed greater than three feet (3') in height.

Member Gilmour asked if the Committee had previously granted similar waivers. Mr. Asselmeier responded that the Committee had previously granted temporary waivers to allow Petitioners to pay at a later date than the application deadline. However, the Committee has not approved an outright waiver of a fee.

The fee might not be a one (1) time fee if additional review is necessary to examine stormwater issues related to the project. If no escrow account exists, then the County would pay for the review out of the Planning, Building and Zoning Department's budget.

Member Koukol asked if there was water on the property after heavy rains. Mr. Asselmeier was not aware of standing water. Chairman Gengler said that he observed pile of material greater than three feet (3') on the property.

Several Committee members expressed concerns regarding setting a precedent.

Member Kellogg made a motion, seconded by Chairman Gengler, to grant the waiver. With a voice vote of four (4) nays, the motion failed.

Discussion of Amending the Kendall County Stormwater Management Ordinance to Reflect the Issuance of Bulletin 75; Committee Could Initiate Amendments to the Stormwater Management Ordinance Related to Bulletin 75

Mr. Asselmeier summarized the issue.

Bulletin 70 was a document used by the Illinois State Water Survey (ISWS) to evaluate rainfall frequency in Illinois.

In March 2019, Bulletin 70 was updated and the County Board adopted the update to Bulletin 70 on October 15, 2020, through Ordinance 2019-26.

In March 2020, the ISWS updated Bulletin 70 again and changed its name to Bulletin 75.

WBK Engineering reviewed the revision and offered additional changes to the Kendall County Stormwater Management Ordinance caused by the update. The redlined version of changes to the Stormwater Management Ordinance were provided.

If the County does not update to the most current version of Bulletin 70/75, then the County would be utilizing outdated rainfall figures when designating and evaluating stormwater infrastructure. A copy Bulletin 75 was provided.

Accordingly, Staff recommends that the Kendall County Stormwater Management Ordinance be updated to reflect the changes proposed by WBK Engineering.

Pursuant to Section 808 of the Kendall County Stormwater Management Ordinance, no amendments to the Stormwater Management Ordinance can occur without a public hearing by the County Board.

Mr. Asselmeier noted that the Federal Emergency Management Agency recently issued another bulletin related to agricultural and accessory structures. WBK submitted a proposal to review this bulletin, which will be on the Committee's February agenda. WBK suggested doing the public hearings for both proposals at the same time.

The consensus of the Committee was to lay over this proposal until the February meeting.

Review of 2021 Planning, Building and Zoning Application Calendar

The Committee reviewed the application calendar.

Kendall County Regional Planning Commission Annual Meeting-February 6, 2021, at 9:00 a.m.

The Committee reviewed the meeting announcement.

Kendall County Historic Preservation Commission Annual Meeting-February 10, 2021, at 6:30 p.m.

The Committee reviewed the meeting announcement.

OLD BUSINESS

None

NEW BUSINESS

Request from Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC to Waive the Stormwater Review Fee of \$1,250 for the Map Amendment and Special Use Permit Application at 9000 Route 34 Yorkville (PINs: 02-27-151-001 and 02-27-151-003) in Bristol Township

Chairman Gengler reported that the Committee denied the request.

Dan Kramer, Attorney for the Petitioners, explained the request. The water would not run-off the property.

Mr. Asselmeier stated that the Committee denied the request because of the concerns regarding precedents and future run-off.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

Member Kellogg asked about the violation at 120 Augusta. The County is still trying to serve the property owner. The consensus of the Committee was to aggressively pursue this case because of the age of the complaint.

Review of FY 19-20 Inspection Report

The Committee reviewed the report.

Update on 45 Cheyenne Court

Mr. Asselmeier announced the property has a court date on January 28, 2021. The original permit for this project was pulled in 2008.

Member Kellogg asked if Brian Holdiman will be in court. Mr. Asselmeier responded yes.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

Mr. Asselmeier reported that the Hide-A-Way Lakes campground has sold.

Member Koukol asked about the special use permits for Hide-A-Way Lakes. Mr. Asselmeier explained the special use permit, including the site plan, for the property. Mr. Asselmeier reported that the new owner is considering changing the site plan. The new owner can continue to operate under the rules of the existing special use permit.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Approval of a Recommendation Authorizing the County Board Chairman to Sign a Certified Local Government Agreement Between Kendall County and the Illinois State Historic Preservation Office

The Committee reviewed the agreement.

Member Gilmour asked about the Five Hundred Dollar (\$500) application fee. Mr. Asselmeier stated that the Five Hundred Dollar (\$500) application fee is in the Historic Preservation Ordinance.

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

The proposal goes to the Kendall County Board on January 19, 2021, on the consent agenda.

REVIEW PERMIT REPORT

Review of November 2020 Permit Report

The Committee reviewed the report.

Review of December 2020 Permit Report

The Committee reviewed the report.

Review of 2020 Year-End Permit Report

The Committee reviewed the report.

REVIEW REVENUE REPORT

Review of November 2020 Revenue Report

The Committee reviewed the report.

Review of 2019-2020 End of Fiscal Year Revenue Report

The Committee reviewed the report.

Review of December 2020 Revenue Report

The Committee reviewed the report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

Chairman Gengler announced that Member Gilmour will be the Vice-Chairman of the Committee.

ADJOURNMENT

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

Chairman Gengler adjourned the meeting at 7:30 p.m.

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

Enc.



**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JANUARY 11, 2021**

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)
<i>Gregg Jinx</i>		