

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
**Kendall County Office Building**  
**Rooms 209 and 210**  
**111 W. Fox Street, Yorkville, Illinois**  
**5:00 p.m.**  
**Meeting Minutes of May 9, 2022**

**CALL TO ORDER**

The meeting was called to order by Chairman Gengler at 5:00 p.m.

**ROLL CALL**

Committee Members Present: Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), Dan Koukol, and Robyn Vickers

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner), Kristine Heiman, Frank Badus, Maria Badus, and Miguel Angel Fernandez

**APPROVAL OF AGENDA**

Member Koukol made a motion, seconded by Member Vickers, 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 Koukol, to approve the minutes of the April 11, 2022, meeting.

With a voice vote of four (4) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

The Committee reviewed the expenditure report from April 2022.

**PETITION**

Petition 22-09 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

In October 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee initiated discussions regarding changing the Future Land Use Map for properties located along the Eldamain Road Corridor south of the Fox River, in light of the funding for the Eldamain Road Bridge and the abandonment of the centerline for the Prairie Parkway. In particular, the Committee discussed possible commercial and/or manufacturing investment in this area.

The Kendall County Future Land Use Map currently calls for this area to be Rural Residential (Max Density 0.65 DU/Acre) and Mixed Use Business. A copy of the existing Future Land Use Map was provided.

The Yorkville Future Land Use Map currently calls for this area to be Estate Residential. The Millbrook Future Land Use Map currently calls for this area to be Business Park Office and

Commercial with Industrial near the former Prairie Parkway alignment. The Plano Future Land Use Map currently calls for the area in their planning jurisdiction to be Estate Residential (0-0.8 DU/Acre). Copies of all of the Future Land Use Maps for this area were provided.

Following meetings with property owners in the area in October and December 2021, the Committee decided to limit changes to three (3) properties along the railroad tracks west of Fox Road. Letters to impacted property owners were mailed in mid-December 2021, mid-February 2022, and mid-March 2022.

At their meeting on February 23, 2022, the Comprehensive Land and Ordinance Committee voted to forward the proposal to the Kendall County Regional Planning Commission.

At their meeting on March 24, 2022, the Kendall County Regional Planning Commission voted to initiate the amendment to the Future Land Use Map.

A copy of the updated map was provided.

Petition information will be sent to Fox Township, the Village of Millbrook, and the United City of Yorkville on March 29, 2022. Yorkville will be reviewing this proposal in May and June.

ZPAC reviewed the proposal at their meeting on April 5, 2022. Mr. Klaas felt that no commercial or industrial development would occur on the subject properties unless they were annexed into a municipality. Discussion also occurred regarding the boundary agreements of the municipalities in the area. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission held a public hearing on this proposal on April 27, 2022. No members of the public testified at the public hearing. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The minutes of the hearing were provided.

The Kendall County Zoning Board of Appeals reviewed this proposal at their meeting on May 2, 2022. No members of the public spoke at the meeting regarding this Petition. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The draft resolution was provided.

The Eldamain Road extension was shown on the GIS as a comparison with the maps provided.

Member Koukol asked about a property identified as commercial on the map on Route 71. Mr. Asselmeier responded, to his understanding, that was the site of a former motel.

Member Koukol asked for examples of mixed use businesses. Mr. Asselmeier responded light manufacturing businesses, warehouses, and business that might use the railroad in compliment with roads.

Member Koukol made motion, seconded by Member Vickers, to recommend approval of the proposal.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on May 17, 2022, on the regular agenda.

### **NEW BUSINESS**

#### **Approval to Schedule a Second Planning, Building and Zoning Committee Meeting During the Month of May 2022**

Chairman Gengler wanted the meeting to end a 6:30 p.m.

Without objection, this item was moved to the end of the meeting.

#### **Approval of a Request by John and Laura Gay for an Extension to the Requirement to Install Vegetation and Berms as Required by Condition 2.B of Ordinance 2022-09 at 3601 Plainfield Road (PIN: 03-28-100-004) in Oswego Township**

Mr. Asselmeier summarized the request.

Condition 2.B of Ordinance 2022-09, which granted a special use permit for a kennel at the subject property, requires that the berm and vegetation shown on the site plan be installed by June 1, 2022. The Ordinance also allows the Planning, Building and Zoning Committee to grant extensions to the installation deadline. A copy of Ordinance 2022-09 was provided.

On April 19, 2022, the Petitioners submitted a request asking that the deadline to install the berm and vegetation be extended to July 31, 2022. A copy of the request was provided.

It was noted that excavating was occurring at the property.

Chairman Gengler made motion, seconded by Member Gilmour, to approve setting the deadline at July 31, 2022.

With a voice vote of four (4) ayes, the motion carried.

#### **Approval of a Request by Robert Velazquez for an Extension to the Requirement to Install Landscaping and Fencing as Required by Condition 2.J of Ordinance 2021-23 at 10744 Route 47 (PIN: 05-28-400-002) in Kendall Township**

Mr. Asselmeier summarized the request.

Condition 2.J of Ordinance 2021-23, which granted a special use permit for a landscaping business at the subject property, requires the landscaping to be installed by June 1, 2022. The Ordinance also allows the Planning, Building and Zoning Committee to grant extensions to the installation deadline. A copy of Ordinance 2021-23 was provided.

On April 27, 2022, the Petitioner's Attorney submitted a request asking that the deadline to install the landscaping be extended to October 1, 2022. A copy of the request was provided.

Member Koukol noted the improvements at the property.

Member Koukol made motion, seconded by Member Vickers, to approve setting the deadline at October 1, 2022.

With a voice vote of four (4) ayes, the motion carried.

Approval of a Request by James and Denise Maffeo for the Extension to the Requirement to Install Landscaping and Fencing as Required by Condition 4.B of Ordinance 2020-14 and Condition 2 of the Minor Amendment to an Existing Special Use Permit Granted on September 13, 2021 at 14339 County Line Road (PIN: 09-13-200-014) in Seward Township

Mr. Asselmeier summarized the request.

Condition 4.B of Ordinance 2020-14, which granted a special use permit for a storage facility at the subject property, requires certain landscaping at the property. On April 12, 2021, the Planning, Building and Zoning Committee granted the first extension to the installation requirement. On September 13, 2021, the Planning, Building and Zoning Committee granted a second extension to the installation requirement. The second extension set the new deadline for installing the landscaping at June 1, 2022. A copy of Ordinance 2020-14 and the September 13, 2021 extension were provided.

On May 2, 2022, the Petitioners' Attorney submitted a request asking that the deadline to install the landscaping be extended to October 1, 2022. A copy of the request was provided.

Member Koukol asked about the dirt pile at 195 Route 52. Mr. Asselmeier explained that the business at 195 Route 52 was a forester under agricultural. The owner of 195 Route 52 is different than the owner of the subject property.

Member Gilmour did not favor granting additional extensions after this extension.

Member Vickers made motion, seconded by Member Koukol, to approve setting the deadline at October 1, 2022, and that this be the final extension granted.

With a voice vote of four (4) ayes, the motion carried.

Approval to Authorize WBK Engineering, LLC to Investigate a Drainage Issue at 7405 Audrey Avenue (PIN: 05-02-201-006) in Kendall Township at an Amount not to Exceed \$2,200; Related Invoices to be Paid from the PBZ Consultant's Line Item 11001902-63630

Mr. Asselmeier summarized the request.

The owner of the subject property contacted the Planning, Building and Zoning Department and requested assistance regarding drainage.

A drainage easement is located along the eastern property line of the subject property. This easement was dedicated to Kendall County. The related pages from the plat were provided.

WBK Engineering, LLC prepared a scope of work to investigate the matter. The proposal was provided.

Mr. Asselmeier provided two (2) additional pictures that were provided by the property owner.

Frank and Maria Badus, property owners, explained the drainage issue. Mr. Badus explained the drainage patterns in the area.

Member Koukol asked where the water originated. The water comes from Minkler Road. The water should drain into property owned by the homeowners' association.



Mr. Badus had talked to the Kendall Township Highway Commissioner. The Highway Commissioner said the easement was not Township property.

Mr. Asselmeier stated that the drainage easement was dedicated to the County. WBK could investigate issues inside the easement, the drainage area, and provide suggestions to improve drainage.

Mr. and Mrs. Badus discussed the damage to their property caused by the water. The water saturates the grass and does not drain. The neighboring lot does not have the same water issues. They purchased the property in 2018.

Member Koukol suggested having field tile installed. Mr. Badus wanted to go through the process with the homeowners' association and Kendall County.

Mr. Asselmeier explained the scope of WBK's proposal.

Mr. Badus provided a video of drainage in the area.

Discussion occurred regarding a pipe inside the easement.

Member Koukol suggested having Fran Klaas and the Kendall Township Highway Commissioner examine the issue. The consensus of the Committee was not to ask Mr. Klaas to investigate the matter.

Discussion occurred regarding the age of the subdivision.

Member Vickers discussed why the homeowners' association referred the matter to the County.

Member Koukol asked if Mr. Badus would contribute funds for the investigation. Mr. Badus declined.

Discussion occurred regarding the homeowners' associations maintenance activities. It was noted that, if the homeowners' association did not provide maintenance, any County activities would be temporary fixes only. It was noted that water should flow through the easement. Water flows into the common area and then flows back onto the subject property.

Mr. Badus said the homeowners' association position is that the issue is a design issue. Member Vickers said it could be the builder's issue because the site was not correctly graded.

Discussion occurred regarding the state of the existing drain tile.

Mr. Badus was advised to cut and clean a portion of the homeowners' association property.

The topographic maps of the area were examined. It was noted a neighbor dumped sod on the common ground.

Members Gilmour and Vickers favored the study.

Discussion occurred about getting the homeowners' association on board with maintenance in the area.

Mr. Badus said drainage in the area has been a problem for years.

Member Koukol requested comments from the homeowners' association.

The intent of doing the project is to rule-out the County related issues as the cause for the drainage problem.

Member Vickers made motion, seconded by Member Gilmour, to approve WBK's proposal.

The votes were as follows:

Yeas (3): Gengler, Gilmour, and Vickers

Nays (1): Koukol

Abstain (0): None

Absent (0): None

The motion carried.

*Recommendation on Annual Facility Inspection Report for NPDES Permit for Stormwater Discharges from Separate Storm Sewer Systems (MS4)*

Mr. Asselmeier summarized the request.

Kendall County is required to submit certain documents annually by June 1st as required by its NPDES Permit.

The proposed Annual Report was provided.

The 2022 Annual Report is similar to the 2021 Annual Report.

There is a One Thousand Dollar (\$1,000) submittal fee, which has been unchanged for several years.

Chairman Gengler made motion, seconded by Member Vickers, to recommend approval of the Annual Report.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on May 17, 2022, on the consent agenda.

*Discussion of Intergovernmental Agreement between Kendall County and Village of Plattville for Zoning Ordinance, Building Code, Stormwater Management Ordinance, and Subdivision Control Ordinance Enforcement within the Village of Plattville; Committee Could Amend Existing Agreement; Committee Could Approve a Recommendation Regarding the Agreement*

Mr. Asselmeier summarized the request.

The intergovernmental agreement between Kendall County and the Village of Plattville expires in July.

Three (3) permits were issued in Plattville in 2021 and zero (0) investigations occurred in Plattville in 2021.

The proposed narrative portion of the agreement was provided. Other than the dates, no changes to agreement are proposed.

To date, the Village of Plattville had not reviewed this proposal.

Member Vickers made motion, seconded by Member Koukol, to recommend approval of the Intergovernmental Agreement.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on May 17, 2022, on the regular agenda.

*Recommendation on Authorizing the County Board Chairman to Sign and Submit an Illinois Grant Accountability and Transparency Notice of State Award for a Certified Local Government Grant for an Historic Structure Survey in Unincorporated Kendall and Bristol Townships; Grant Amount is \$29,750 and County's Match is \$12,750 for a Total Project Cost of \$42,500*

Mr. Asselmeier summarized the request.

In December 2021, Kendall County submitted a Certified Local Government Grant application with the State to conduct a historic structure survey in unincorporated Kendall and Bristol Townships with the exception of that portion of Helmar located in Kendall Township. The grant was for Twenty-Nine Thousand, Seven Hundred Fifty Dollars (\$29,750); the County's match was Twelve Thousand, Seven Hundred Fifty Dollars (\$12,750); the total project cost was Forty-Two Thousand, Five Hundred Dollars (\$42,500).

On April 28, 2022, the County received the Notice of State Award. The State requires this document to be signed prior to sending the grant agreement documents.

Accordingly, Staff requests that the Planning, Building and Zoning Committee recommend that the County Board Chairman sign the attached Notice of State Award.

Member Vickers made motion, seconded by Member Koukol, to recommend that the County Board Chairman sign the Notice of State Award.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on May 17, 2022, on the consent agenda.

*Discussion of Plumbing Inspection Contract; Committee Could Forward the Contract to the State's Attorney's Office for Review*

Mr. Asselmeier summarized the request.

The Planning, Building and Zoning Department has been informed that Randy Erickson was no longer available to do plumbing inspections.

Brian Holdiman researched possible replacements and recommended Anthony Mayer of Mayer Plumbing, LLC. The email containing Brian Holdiman's recommendation was provided.

The redlined version of the proposed contract was provided. The following changes are proposed:

1. Throughout the document, replace Randy Erickson and Erickson Construction with Anthony Mayer and Mayer Plumbing, LLC. This includes updating the business' address.

2. In Section 1, the State Plumbing Code is updated from the 2004 edition to the 2014 edition.
3. In Section 6, the hours of availability are changed to 7:00 a.m. – 5:00 p.m.

Staff recommended that the proposed contract be forwarded to the Kendall County State's Attorney's Office for review.

Pete Ratos from the United City of Yorkville is presently doing plumbing inspections for the County under the terms of the existing intergovernmental agreement between the County and Yorkville.

Member Koukol made motion, seconded by Member Vickers, to forward the contract to the State's Attorney's Office for review.

With a voice vote of four (4) ayes, the motion carried.

*Approval of a Certified Local Government Grant for an Historic Structure Survey in Unincorporated Kendall and Bristol Townships; Grant Amount is \$29,750 and County's Match is \$12,750 for a Total Project Cost of \$42,500; Committee Could Refer the Matter to the State's Attorney's Office*

Mr. Asselmeier distributed the grant document. He noted the County had several comments and concerns related to the document. The State had not provided an updated grant document.

The Historic Preservation Commission has not reviewed the grant.

Member Gilmour made motion, seconded by Member Vickers, to forward the grant to the State's Attorney's Office for review when the County receives the final grant document.

With a voice vote of four (4) ayes, the motion carried.

### **OLD BUSINESS**

*Update on Violations to the Building Code (Driveway and Parking Pad Installed Without a Permit), Violation of the Zoning Ordinance (Operating a Landscaping Business on A-1 Zoned Property Without a Special Use Permit), and Violations to the Kendall County Junk and Debris Ordinance at 1038 Harvey Road (PINs 03-12-100-004 and 03-12-100-013) in Oswego Township; Committee Could Direct Staff to Issue New, Additional Citations*

Mr. Asselmeier provided pictures of the property. He also noted that the proposal was still under review at the Kendall County Regional Planning Commission.

Miguel Angel Fernandez, attorney for the property owner, discussed the timeline previously given to the owner.

Discussion occurred regarding the access permit application with the Village of Oswego.

Committee members did not want issue new citations for junk and debris. Discussion occurred regarding Oswego Township's new junk and debris ordinance.

Discussion occurred regarding the driveway. The Committee reviewed historic aerials of the property. Discussion occurred regarding the location of the driveway in relation to the property

line. Member Koukol noted that the County historically did not issue citations if a Petitioner was going through the process. The consensus of the Committee was to issue citations for the installation of the driveway and parking pad without a permit with Members Gengler, Gilmour, and Vickers in favor and Member Koukol in opposition.

Chairman Gengler favored issuing a citation for operating the business without a special use permit. Mr. Asselmeier explained the deadline imposed by the Regional Planning Commission for the May meeting. At the earliest, the proposal could get to the Planning, Building and Zoning Committee in June. Members Vickers and Gilmour wanted to see what happens with the Village of Oswego. The consensus of the Committee was not to issue citations for operating a business without a special use permit.

The item will be brought back to the Committee in June.

### **NEW BUSINESS**

#### **Approval to Schedule a Second Planning, Building and Zoning Committee Meeting During the Month of May 2022**

The consensus of the Committee was not to have a second meeting in May.

The items not discussed at the May meeting were forwarded to the June meeting.

### **ADJOURNMENT**

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

Chairman Gengler adjourned the meeting at 6:56 p.m.


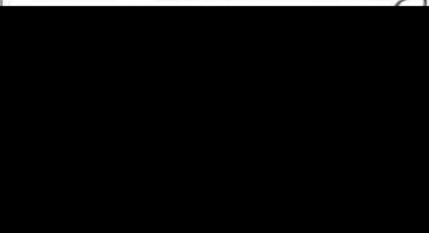
Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.

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**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
MAY 9, 2022**

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)
Miguel Fernandez		
Frank Bades MARIA Bades		







