

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 and 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of August 8, 2022

CALL TO ORDER

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

ROLL CALL

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

Committee Members Absent: Robyn Vickers

Also Present: Matt Asselmeier (Senior Planner), Bonnie Johnson, Gerald Gapa, Bob Patula, and Kathy Patula

APPROVAL OF AGENDA

Member Koukol 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 Flowers made a motion, seconded by Member Gilmour, to approve the minutes of the July 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 July 2022.

PETITIONS

Petition 22-01 Jose and Silvia Martinez - Committee Could Vote to Issue New, Additional Citations at This Property

Mr. Asselmeier provided an email from Attorney Judd Lofchie stating the Petitioners had difficulty securing the services of an engineering company to do the stormwater permit application. The Petitioners were requesting a continuance to the September meeting in order to get the stormwater permit calculations. The Petitioners had not submitted a stormwater permit application. Pictures were also provided showing that the business was operational.

The next court date is August 10, 2022.

The Petitioners had secured an access permit from the Village of Oswego, but had not applied for a driveway permit from the County.

The consensus of the Committee was to require a stormwater permit of the Petitioners.

Chairman Gengler and Member Flowers favored issuing new, additional citations. Member Gilmour and Member Koukol favored waiting until September to issue new, additional citations.

The citations would be for installing a driveway without a permit and operating a landscaping business without a special use permit.

The Petitioners have been operating since 2018.

Member Flowers made a motion, seconded by Member Gilmour, to continue the Petition to the September meeting and require a stormwater management permit from the Petitioners.

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

The proposal will be on the September 12, 2022, Planning, Building and Zoning Committee agenda.

The citation for operating without a special use permit was issued in 2018. The original citation for installing the driveway without a permit occurred in 2018 with a second citation issued earlier in 2022.

Petition 22-12 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

On March 3, 2022, the County received a complaint regarding lights not working on the tower at Legion and Immanuel Roads. The tower owner fixed the matter.

Upon additional discussions, the suggestion was made to change the present language contained in Section 6:06.B.3.b, pertaining to design guidelines (lighting requirements) of telecommunication carrier facilities as follows:

“Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, **which shall be conventional red lighting at night and may be white strobe during the day (unless required by the FAA or FCC to be white strobe at night)**, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.”

At their meeting on March 23, 2022, the Kendall County Comprehensive Land Plan and Ordinance Committee voted to forward a request to the Kendall County Regional Planning Commission to initiate a text amendment to the Zoning Ordinance as described in the above paragraph.

At their meeting on April 27, 2022, the Kendall County Regional Planning Commission voted to initiate the text amendment to the Zoning Ordinance as described in the above paragraph.

The proposal was emailed to the townships on May 31, 2022. No township submitted a response.

ZPAC reviewed the proposal at their meeting on June 7, 2022. It was noted that, if someone provided information from the FCC or FAA requiring different lighting requirements, the federal regulations would supersede County regulations. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on

June 22, 2022. The Kendall County Regional Planning Commission recommended approval by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on June 27, 2022. No members of the public testified at the public hearing. Several members questioned the need for the regulation; they felt the FAA should already have lighting regulations. It was noted that FAA or other federal regulations would supersede Kendall County's regulations. The Kendall County Zoning Board of Appeals recommended approval of the text amendment by a vote of five (5) in favor and zero (0) in opposition with one (1) member absent. The minutes of the hearing were provided.

The draft ordinance was provided.

Member Flowers made motion, seconded by Member Gilmour, to recommend approval of the text amendment.

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

The proposal goes to the County Board on August 16, 2022, on the consent agenda.

Petition 22-15 Bonnie R. Johnson on Behalf of the Bonnie R. Johnson Trust

Mr. Asselmeier summarized the request.

The Petitioner would like to construct one (1) structure for agricultural labor housing on the subject property at 15402B Lisbon Center Road. The proposed structure will be a pole building with living quarters in one (1) end and a shop with equipment storage in the other end of the building. The agricultural laborer will assist with the required conservation practices applicable to the property, which is enrolled in the Illinois Forestry Program through the Illinois Department of Natural Resources and in the Conservation Reserve Program through the Natural Resource Conservation Service (NRCS)

The application materials, site plan, and proposed conditional use permit were provided.

The property is approximately fifteen (15) acres in size.

The existing land use is Agricultural/Farmstead. The future land use is Agricultural.

Lisbon Center Road is a Township maintained Local Road. There are no trails planned in the area.

There are no floodplains on the property. There is not a wetland on the property; there is a wetland (pond) on the property to the north.

The adjacent land uses are agricultural, wooded, and a pond. The adjacent properties are zoned A-1. The Future Land Use Map calls for the area to be Agricultural. The properties within one half (1/2) mile are zoned A-1 or A-1 BP.

EcoCAT Report not required.

The NRI application was submitted on July 15, 2022.

The Kendall County Zoning Ordinance, in Section 7:01.E.2, places the following requirements on conditional use permits for agricultural labor housing:

1. Shall be used in connection with an agricultural purpose as defined in State Statute 55ILCS 5/5-12001 as here after amended.
2. Shall meet all requirements of the Kendall County Health Department.
3. Shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and immediate family.
4. Shall meet all required setbacks and minimum lot size.

The Petitioner agreed to the above conditions per the proposed conditional use permit.

Per the site plan, the proposed building will be at least seventy-nine feet (79') away from the eastern parcel line.

There are two (2) existing homes on the property.

The structure would be built with an agricultural exempt permit.

Member Koukol was excited that the Petitioner came to the County before constructing the new building. He also noted that the Petitioner did beautiful work on another project in the County. He thanked the Petitioner.

Member Koukol made motion, seconded by Member Gilmour to approve of the conditional use permit with the conditions proposed by Staff.

Mr. Asselmeier noted that the Petitioner had agreed to the eight (8) conditions proposed by Staff.

Member Gilmour asked how many people would live in the building. Bonnie Johnson, Petitioner, responded a maximum of two (2).

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

Petition 22-17 Stephanie Stevenson C/O C. Wahlgren

Mr. Asselmeier summarized the request.

On May 8, 1973, the Kendall County Board granted a special use permit for a commercial broadcasting station and radio tower at the subject property; this property was the original home of WSPY Radio. Ordinance 1973-9 was provided.

Condition 1 of Ordinance 1973-9 required the special use permit be reviewed every three (3) years. Condition 2 of Ordinance 1973-9 stated that the special use permit shall be revoked if the FCC permit was revoked. A check of FCC licensed towers on July 25, 2022, indicated that the subject tower was no longer permitted by the FCC.

On July 25, 2022, the owner of record submitted a request for voluntary revocation of the special use permit. This request was provided.

The draft revocation ordinance was provided.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification and the tower may remain on the property.

Staff recommends approval of the proposed special use permit revocation.

Member Koukol made motion, seconded by Member Flowers, to recommend approval of the revocation.

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

The proposal goes to the County Board on August 16, 2022, on the consent agenda.

NEW BUSINESS

Approval of a Request from Michael Isadore to Renew the 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 11, 2022, the property owner, Michael Isadore, submitted an email requesting the special use permit be renewed.

Member Koukol noted that the Committee explored giving the Petitioner longer periods between renewals, but an amendment to that effect would be costly and take time to complete.

Member Koukol made a motion, seconded by Member Flowers, to approve the renewal as requested.

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

NPDES Survey Results

Mr. Asselmeier summarized the results.

The County sent the NPDES survey to the townships at the end of June.

2022 was the fourth time the County sent the survey. Three (3) townships responded, which was down from four (4) townships in 2021 and 2020 and five (5) townships in 2019.

The topic of how to properly store and dispose common household products remained the most popular topic for increased learning.

For the first time, a majority of respondents said that they utilize the stormwater information on the County's website.

Over the years, respondents have not utilized volunteer information on the County's website and that remained true in 2022.

Respondents were least interested in river clean-ups; this has been historically the case.

Respondents would like the County to perform more visual inspections and perform more grab samples downstream when illicit discharges occur. The Townships have historically responded the same to this question.

Townships historically felt that the County does an adequate job of inspecting soil erosion and sediment control at construction sites and this remained true with in the 2022 survey.

2022 was the first year with the question regarding good housekeeping. None of the responding townships felt that they had a clear understanding of good housekeeping.

Historically, the question regarding adequate resources for training on stormwater pollution prevention practices have been mixed. In 2022, the majority of townships responded no to this question.

Historically, the townships have felt that the County was not taking necessary steps to reduce flooding; this view held true with the 2022 respondents.

The composite survey response sheet was provided.

Discussion occurred regarding drainage districts. Some portions of the County do not have drainage districts and creating new drainage districts is difficult.

Discussion occurred regarding flooding in Seward and Lisbon Townships; these tend to be flash floods and situations where drain inlets get clogged.

Member Gilmour asked what specific steps the townships wanted the County to undertake. Mr. Asselmeier responded that Seward Township was the only township to submit comments. It is not the County's job to remove trees from waterways. The County is responsible for maintaining the ditches along County highways. Member Gilmour requested that Mr. Asselmeier notify Seward Township that it is not the County's job to remove trees from creeks and rivers.

Chairman Gengler asked how the questions were created. Mr. Asselmeier responded that the questions were created by a combination of Staff, WBK, and input from the Planning, Building and Zoning Committee in 2018 as a tool of public outreach.

Mr. Asselmeier will contact WBK and the townships to see if there was a method to encourage greater participation by the townships.

OLD BUSINESS

Update on Hiring Part-Time Code Enforcement Officer

Mr. Asselmeier reported that seven (7) or eight (8) people were invited to interview. Interviews are ongoing. Hopefully, the position will be filled within the next month. Tina Dado, Brian Holdiman, and Mr. Asselmeier were conducting interviews.

Request for Guidance Regarding a Junk and Debris Issue and Container without a Permit at 19 N. Cherry Drive, Oswego; Committee Could Vote to Issue Citations at This Property

Mr. Asselmeier provided the minutes from the June 13, 2022, meeting where the Committee gave the property owner until September 1, 2022 to remove the container. He also provided pictures and background information on the property.

Gerald Gapa, property owner, explained the situation and provided a letter stating that the

container will be removed by September 5, 2022, and debris out of the yard in the next month.

Member Koukol favored granting an extension and noted the amount of belongings in the container. Furniture and other household items are in the container.

Discussion occurred regarding the timeline from the issuance of the citation to a court date. If a citation is issued on September 2nd, it would take at least ten (10) days to get to court, depending on servicing. Pictures would be taken throughout the timeframe between citation and court.

Mr. Gapa would like to move to Michigan by spring 2023.

Member Flowers favored keeping the original deadline.

Member Gilmour favored granting an extension.

Chairman Gengler favored keeping the original deadline.

Member Chairman Gengler made a motion, seconded by Member Flowers, to retain the September 1st deadline.

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

Mr. Asselmeier requested that Mr. Gapa notify the Department when the container is moved, if the container is moved prior to September 1st.

Bob Patula asked when the junk and debris would be removed. The contractor should be back during the week of August 15th.

Kathy Patula believed that the matter will end up in court and the County will ultimately take over the property. Member Koukol discussed the issues at 1539 Collins Road.

Discussion of Having a Planning, Building and Zoning Committee Meeting in Boulder Hill in 2022

The Planning, Building and Zoning Committee will have a special meeting in the cafeteria at Boulder Hill Elementary School on September 14, 2022. The meeting will start at 6:30 p.m. with doors opening at 6:00 p.m.

The Committee reviewed the draft agenda.

Mr. Asselmeier said representatives of Oswego Township, Sheriff's Department, and Health Department have been invited.

The intent of having the meeting in the cafeteria was to have space for social distancing.

Member Gilmour asked if residents would have a time limit or some other way to process questions. The suggestion was made to ask attendees to writing their comments, questions, or concerns on a card. Cards and pens would be placed near the sign-in area.

Chairman Gengler requested that protocol of the meeting be on the September 12, 2022, Planning, Building and Zoning Committee meeting. Overview of the meeting would be added as an agenda item for the September 14, 2022 agenda.

Questions would be added to agenda item number 3 on the September 14th agenda.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report. Discussion occurred regarding the next steps related to cleaning up 1539 Collins Road.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

Mr. Asselmeier discussed the noise and event space issue at a property on Creek Road.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

August 15, 2022 Historic Preservation Group Meeting in Newark

Mr. Asselmeier said the Historic Preservation Commission will have a meeting with other historic preservation organizations on August 15, 2022, at 6:00 p.m., at the Fern Dell School and Museum. The draft agenda for the meeting was provided.

The contract with WJE to conduct the historic structure survey and the signed grant agreement have been submitted to the Illinois Historic Preservation Agency.

REVIEW PERMIT REPORT

The Committee reviewed the report.

REVIEW REVENUE REPORT

The Committee reviewed the report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Flowers 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 7:49 p.m.

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

Enc.

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Monday, August 8, 2022 2:57 PM
To: Matt Asselmeier
Cc: Scott Koeppel; Scott Gengler
Subject: Re: [External]Re: Document - Jul 7, 2022

Hey Matt. Cemcon is doing the calculations. Mike May, the senior project manager, said he will have it done

So can you continue it tonight but perhaps ask if he determines if we don't need Stormwater do we still need to apply?

Thx.

Sent from my iPhone

On Aug 8, 2022, at 12:17 PM, Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

Judd:

That is more of a Committee question. The Committee has determined that a stormwater permit is a reasonable restriction for the special use permit.

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: judd lofchie [REDACTED]
Sent: Monday, August 8, 2022 12:11 PM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Scott Koeppel <skoeppel@kendallcountyil.gov>; Scott Gengler <sgengler@kendallcountyil.gov>
Subject: Re: [External]Re: Document - Jul 7, 2022

Thanks for the update. I have not been able to get calculations from either Cemcon or Weaver Consulting Group. The engineer for Cemcon is getting from vacation today but I am sure we won't have anything. I was just hoping that he had calculations done, but I am 90% sure it is not going to happen by the meeting tonight.

If I had a statement from either engineer that Detention was not needed, then we would not have to apply; correct?

Matt Asselmeier

From: judd lofchie <[REDACTED]>
Sent: Monday, August 8, 2022 4:02 PM
To: Matt Asselmeier
Subject: [External]Fwd: 1038 Harvey Rd Site

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See email from Mike at Cemcon below.

----- Forwarded message -----

From: Mike May <M[REDACTED]>
Date: Mon, Aug 8, 2022 at 3:53 PM
Subject: 1038 Harvey Rd Site
To: [REDACTED]
Cc: Kevin Serafin <[REDACTED]>

Judd,

I have reviewed the plan for 1038 Rd Site. I estimate that approximately 16,500 SF of impervious area is added per that plan and the site is just over three (3) acres.

Therefore I believe that the following section of the Kendell County Stormwater Ordinance is pertinent regarding the stormwater storage requirement:

b. A non-residential land use or a residential land use other than single family - detached property of contiguous ownership equal to or greater than three acres and:

1. resulting in more than 45,000 square feet of development, or;
2. resulting in more than 32,000 square feet of impervious surface area

The area of development and impervious surface and corresponding storage requirements shall be determined on an aggregate basis from the effective date of this ordinance (Amended 5/21/13).

However there is a section a little further down that seemingly contradicts this section as follows:

All impervious area shall be included when considering the threshold for requiring stormwater storage regardless of when it was created. No impervious surface is grandfathered with regard to the threshold. However, stormwater storage is only required on development after the effective date of this ordinance. Additionally, it is noted that a gravel surface is considered impervious unless it is designed and constructed to promote infiltration or provide stormwater storage. (Amended 5/21/13)

Still it is my professional opinion that stormwater management would not be required for this project.

I believe that the next step would be to have a meeting with Kendall County to discuss the project and make sure we are on the same page. We could then go from there and provide what they would require (a cover letter, impervious area exhibit, and stormwater permit application is all that I believe will be necessary at this time). We would just charge for the time for the meeting and then provide a proposal for any further work that the County may require.

Let me know how you want to move forward,



Michael A. May, MSCE, PE
Senior Project Manager

CEMCON, Ltd.

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2280 White Oak Circle, Suite 100, Aurora, IL 60502-9675
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mikemay@cemcon.com



CONTAINER MOVERS.COM

Movin' Made Easy.

Division of Orbital Transport, Inc.

5202 Enterprise Blvd Ste B

Toledo, Ohio

43612

MC-1271126

8/8/22

Hello,

This letter is to notify that Gerald Gapa has his container scheduled to be removed and transported off of the property located at 19 N Cherry Drive, Oswego IL 60543 on September 6th, 2022 with Container Movers. This is the absolute soonest we could schedule this, as the schedule is currently over a month out right now. If we get a cancellation however, he is first in line. If we can remove the container from the listed address above prior to the 6th we will certainly do so.

If you have any questions regarding the schedule you may reach out to me directly at 419-464-0135 or by email mary@containermovers.com.

Kindly,



Mary Finneran

Logistics Manager



**KENDALL COUNTY
HISTORIC PRESERVATION COMMISSION**
Fern Dell School • 302 Chicago Road • Newark, IL • 60541
Fern Dell Museum • 9 Front Street • Newark, IL • 60541
(630) 553-4141 Fax (630) 553-4179

AGENDA

August 15, 2022 – 6:00 p.m.

CALL TO ORDER

ROLL CALL: Eric Bernacki (Secretary), Elizabeth Flowers (Vice-Chair), Kristine Heiman, Marty Shanahan, and Jeff Wehrli (Chair)

NEW BUSINESS:

1. Tour of the Fern Dell School

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes of June 21, 2022 Meeting

CHAIRMAN’S REPORT:

PUBLIC COMMENT:

NEW/OLD BUSINESS:

1. Nomination of Officers for 2022-2023
2. Discussion of Historic Survey Project and Request for Volunteers-Ken Itle from WJE
3. Discussion of Cemeteries
4. Updates from Historic Preservation Groups
5. Discussion of Upcoming Meetings with Historic Preservation Groups

CORRESPONDENCE:

1. July 21, 2022 and August 7, 2022 Emails from Michael Bortel Regarding National Alliance of Preservation Commissions CAMP
2. August 1, 2022 Edith Farnsworth House Email Regarding New Exhibit Opening August 7th
3. August 2022 Edition of The Bell Tower

PUBLIC COMMENT:

ADJOURNMENT:

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.