

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 November 7, 2022

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 (Vice-Chairwoman), Dan Koukol, and Robyn Vickers

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner), Jim Williams, and Jairo Ortega

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 Vickers, to approve the minutes of the October 6, 2022, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

Jim Williams, Boulder Hill Resident, provided a history of code enforcement in Boulder Hill. He would give the County's code enforcement a D. He complained about parties getting extensions from the Department and the courts. He noted that the Committee's meeting at the Boulder Hill School was a highly attended meeting. He complained about cars not getting moved. He also said that people do not know how to file complaints.

EXPENDITURE REPORT

The Committee reviewed the expenditure report. Mr. Asselmeier noted that invoice to pay WBK Engineering to review the Kendall County Stormwater Management Ordinance in relation to the State's new model floodplain ordinance was paid in full as requested by the Committee at their October meeting. He also discussed the meetings with the Department and residents of Boulder Hill with Oswego Township.

PETITIONS

Petition 22-19 Jairo Ortega

Mr. Asselmeier summarized the request.

In February 2022, the Petitioner and his wife purchased the property across from 2735 Route 52 from Tri-Star Development, Inc. Prior to the sale, on September 21, 2021, through Ordinance 2021-18, the County Board rezoned a majority of the property to R-1. A portion of the Petitioner's property was not included in the 2021 rezoning and the Petitioner would like to rezone the remainder (approximately 0.785 acres) to R-1 in order for the property to have one (1) zoning classification. The Petitioner wishes to construct a house on the property.

Chairman Gengler asked about Seward Township's reasons for opposing the request. The Township's reasons were:

The property is heavily wooded and immediately surrounded to the north, west and southwest by floodplain. This is a direct watershed to the protected Aux Sable Creek.

The property is adjacent to the Conservation Foundation land and the Forest Preserve.

There is currently minimal enforcement throughout the County to make sure dumping and other activities within the dense wooded areas does not take place. We already have this exact same problem near the Aux Sable Creek as well as other similar areas in the Township which has been happening for many years. It does not make sense to add to the problem again on Rt. 52 next to a Forest Preserve and Conservation Land.

The property is located along Rt. 52 with heavy traffic (including more trucks every day) near the Aux Sable Creek bridge. The addition of another driveway at this location will increase the likelihood of a bad accident near the bridge and entrance to Bakers Woods Forest Preserve. This is one of the reasons that Seward Township moved its location years ago to O'Brien Rd away from the Aux Sable Creek and bridge.

The Seward Township Planning Commission and Board have agreed to propose a revised Land Use Map to the County for review that will change this property and a good portion of the remainder of the Township back to Ag Use on the Future Land Use Map. Currently the entire Seward Township is shown as Residential and Commercial with no Ag Use at all. This does not match with the goals of the residents of Seward Township. It would be disingenuous of our planning commission to vote in favor of this zoning change when at the same meeting they have approved the land use change on the Future Land Use Map which will be sent for review to the County.

Last and foremost, it is our opinion that the best use for this piece of land is not Residential. It is our opinion that the best use is to be kept Ag zoning.

The email outlining the Seward Township's reasons for denial was provided.

Mr. Asselmeier said that Seward Township decide not submit a formal objection to the request.

Member Koukol asked if the Petitioner owned the adjoining properties. Mr. Asselmeier responded no.

Member Koukol asked if there was any floodplain in the area. Mr. Asselmeier responded that the location where the Petitioner would like to construct the house was not in the floodplain. There is floodplain in the vicinity west and south of the subject property.

Member Gilmour asked if a driveway existed at the property. Mr. Asselmeier said a driveway was not located at the property. The Petitioner would have to get permission from the Illinois Department of Transportation to install an access point. The Illinois Department of Transportation submitted an email with no comments on the proposal. The email was provided.

Member Koukol asked the Petitioner what type of house would be constructed at the property. Jairo Ortega, Petitioner responded that he planned to construct one (1) single-family home on the property for his family.

Discussion occurred regarding the current and projected taxes on the property.

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

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

The proposal goes to the County Board on November 15, 2022, on the consent agenda.

Petition 22-23 Mary Maly on Behalf of the Mary D. Maly Living Trust

Mr. Asselmeier summarized the request.

On November 19, 2013, the Kendall County Board granted a special use permit for a small animal and small poultry processing plant at the subject property. Ordinance 2013-20 was provided.

Ordinance 2013-20 required the site to be developed in accordance to a site plan. Condition 14 required fifty feet (50') of the driveway to be tar and chipped within five (5) years of the approval of the special use permit. Condition 19 required the site to be assessed as industrial for tax purposes.

The Petitioner does not want to tar and chip the driveway and they do not want the property to be assessed as industrial; the property has not been assessed as industrial.

On October 14, 2022, the Petitioner 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.

Staff recommended approval of the proposed special use permit revocation.

Member Vickers made motion, seconded by Member Gilmour, to recommend approval of the revocation of the special use permit.

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

The proposal goes to the County Board on November 15, 2022, on the consent agenda.

NEW BUSINESS

Recommendation on 2022 Noxious Weed Annual Report

Mr. Asselmeier summarized the request.

Kendall County is required by Illinois law to submit a Noxious Weed Annual Report to the State by December 1st of each year. The proposed 2022 Noxious Weed Annual Report was provided.

During 2022, the Kendall County, Planning, Building and Zoning Department received zero complaints of noxious weeds. In 2021 and 2020, the Department also received zero complaints. The Village of Oswego's information was included in the Report. None of the other municipalities reported noxious weeds in 2022.

Member Koukol made a motion, seconded by Member Vickers, to recommend approval of the meeting Annual Report.

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

The proposal goes to the County Board on November 15, 2022, on the consent agenda.

Special Use Permit Enforcement Update

Mr. Asselmeier provided the following updates:

1. Ordinance 2009-25-Special Use Permit for a Specialty Gift Store at 7275 Route 34
Issue: Condition 1 requires an annual inspection. During site visits in 2021 and 2022 the business appeared to have ceased. Efforts to contact the property owner to see if they would like to retain the special use permit have been unsuccessful.
How Department Became Aware of Potential Violation: Annual Inspection
Current Status: Staff requested guidance as to how to proceed. The consensus of the Committee was to place a letter at the property asking the owner if they would like to retain the special use permit and giving the owner one (1) additional month to respond.
2. Ordinance 2006-09-Special Use Permit for Additional Non-Family Employees in a Home Occupation at 14816 Galena Road (Business Address) and 14870 Galena Road (Home Address)
Issue: Condition 10 requires the business to be a manufacturer of plaster or cement mantels and similar architectural components.
How Department Became Aware of Potential Violation: Annual Site Visit
Current Status: Property owner was mailed a letter to confirm business operations; property owner has until November 24, 2022, to respond. Member Koukol indicated that the business was different than the type of business allowed by the special use permit.
3. Ordinance 1987-25-Special Use Permit for a Church Camp at 1626 Route 31 (Camp Quarryledge)
Issue: Various conditions require the use to be connected to a church camp use, including the name "Camp Quarryledge".
How Department Became Aware of Potential Violation: Contacts from Potential Buyers of the Property
Current Status: Property is pending annexation to the Village of Oswego as a health camp/education center; annexation likely will be complete in November or December 2022.
4. Ordinance 2022-09-Special Use Permit for a Kennel at 3601 Plainfield Road
Issue: Installation of Berm and Landscaping by October 31, 2022.
How Department Became Aware of Potential Violation: Previous Deadline Extension Requests

Current Status: As of October 31, 2022, the property owners have installed and seeded the berm and installed most of the landscaping. Mr. Asselmeier said an additional inspection was required to determine if the landscaping materials were installed in the quantities outlined in the special use permit.

5. Ordinance 2005-37-Special Use Permit for a Landscaping Business at 5681 Whitewillow Rd

Issue: Condition 6 requires a right-of-way dedication

How Department Became Aware of Violation: Property owner submitted a special use permit for a craft fair.

Current Status: As of October 26, 2022, the County Highway Engineer is working with an engineer and property owner to complete the necessary documents for the dedication.

6. Ordinance 2012-26-Special Use Permit for YPAC

Issue: Condition 6 requires paved parking lot by 2014 with 28 parking spaces

How Department Became Aware of Violation: YPAC approached County for financial assistance in 2018.

Current Status: PBZ Department has been instructed not to issue a citation on this property until January 1, 2023. As of October 26, 2022, no additional paving has occurred. The property owner was considering submitting an amendment to the special use permit to remove the paving requirement.

7. Ordinance 2014-21-Special Use Permit for Peaceful Pathways Montessori School at 8250 Route 71

Issue: Condition 2 requires the gravel driveway to be paved with asphalt no later than May 15, 2017

How Department Became Aware of Violation: The Parcel ID number for the property was updated in 2021 and Staff discovered the condition.

Current Status: The property owner has until April 30, 2023, to pave the driveway. As of October 26, 2022, required paving is almost complete. The property owner is also paving a portion of the parking area. The final inspection will occur after the paving of the parking area is complete.

8. Ordinance 2020-01-Special Use Permit for a Kennel and Veterinary at the Northeast Corner of Ridge and Bell Roads

Issue: Condition 2.A requires adherence to the site plan and lighting plan. The property owner has installed one (1) additional light on the northwest corner of the property and the fence for the play area seem further south than shown on the site plan.

How Department Became Aware of Violation: Complaint filed by a driver on Ridge Road.

Current Status: As of October 26, 2022, the property owner was finalizing plans to submit a major amendment of the special use permit to the Department. The property owner wanted to meet with Seward Township prior to final application submittal.

OLD BUSINESS

None

REVIEW VIOLATION REPORT

The Committee reviewed the violation report. It was noted that the owners of 7796 Madeline Drive were found guilty and fined Four Hundred Dollars (\$400) for illegal parking of a recreational vehicle.

REVIEW PRE-VIOLATION REPORT

The Committee reviewed the pre-violation report.

Member Koukol asked if people respond to the Department when they receive a letter. Mr. Asselmeier responded the overwhelming majority respond to the Department.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier reported that the Commission would like to have meetings at historic buildings throughout the County. The Commission was also working with WJE on the historic structure survey.

REVIEW PERMIT REPORT

The Committee reviewed the report. Discussion occurred regarding solar permits.

REVIEW REVENUE REPORT

The Committee reviewed the report. It was noted that the monthly revenues for October were the highest since the housing boom in the early 2000s.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

Member Gilmour made a motion, seconded by Member Vickers, to enter into executive session for the purposes of discussing litigation, when action against, affecting, or behalf of the particular public body has been filed and is pending before a court (5 ILCS 120/2(c)(11)).

The votes were as follows:

Yeas (4): Gengler, Gilmour, Koukol, and Vickers
Nays (0): None
Abstain (0): None
Absent (1): Flowers

The motion carried.

The Committee recessed at 7:06 p.m.

Chairman Gengler called the Committee back to order at 7:15 p.m.

Scott Gengler, Judy Gilmour, Dan Koukol, Robyn Vickers, and Matt Asselmeier were present when the Committee was called back to order.

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 7:15 p.m.

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