

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 March 13, 2023

CALL TO ORDER

The meeting was called to order by Chairman Wormley at 6:30 p.m.

ROLL CALL

Committee Members Present: Dan Koukol, Ruben Rodriguez, Brooke Shanley, and Seth Wormley

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner), Joe West, Judy Bush, Thomas Bromeland, Mary Bromeland, Paul Hertzmann, Laura Campos, Donna Sawicki, Jim Smiley, Taylor Cosgrove, Brandon Diller, and Glenn Diller, Jr.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Member Koukol made a motion, seconded by Member Shanley, to approve the minutes of the February 9, 2023, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from February 2023. The cost of mailings would be classified as postage.

PETITIONS

Petition 23 – 14 – Kendall County Planning, Building and Zoning Department

Mr. Asselmeier summarized the request.

The International Swimming Pool and Spa Code establishes the minimum requirements for design, construction, alteration, repair and maintenance of swimming pools, spas, hot tubs and aquatic facilities. The 2018 addition is fully compatible with all of the International Codes. The Department proposes the adoption of this code to provide residents of Kendall County more clarity and flexibility in regards to installing safe swimming pools on their property. Kendall County has also had a tradition of adopting similar codes to the Municipalities in the County as a matter of uniformity.

Mr. Asselmeier said Yorkville has adopted the Code.

Member Koukol made motion, seconded by Member Shanley, to recommend approval of addition.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Flowers

The motion carried.

The proposal goes to the County Board on March 21, 2023, on the consent agenda.

Petition 23 – 15 – Nancy L. Harazin on Behalf of the Nancy L. Harazin Trust Number 101

Mr. Asselmeier summarized the request.

On August 21, 2018, the Kendall County Board approved Ordinance 2018-15, granting a special use permit for a public or private utility (other) at 16400 Newark Road in Big Grove Township. At the time of application submittal, the County did not have commercial solar panel zoning regulations.

Condition 2.C of the Ordinance required certain arborvitae to be planted in a manner that created a complete buffer by August 21, 2023. A copy of Ordinance 2018-15 was provided.

On February 23, 2023, the Petitioner submitted a request for an amendment to the special use permit to extend the deadline for installing the arborvitae until August 21, 2024. A copy of the application was provided.

Petition information was sent to Big Grove Township and the Village of Newark on March 1, 2023.

Staff recommended approval of the requested extension.

Thomas and Mary Bromeland requested that the extension be denied because of concerns related to drainage and erosion. They also stated that the neighbor was trespassing on the property.

Member Koukol asked if installation of the solar panels had started. The response was no.

Discussion occurred regarding drilling on the property.

Discussion occurred regarding the steps solar companies must go through to get financing.

Discussion occurred regarding the new State solar regulations. The subject property was required to follow the terms of the existing special use permit, unless an amendment to the special use permit occurred.

The Bromelands have talked to the Kendall County Soil and Water Conservation District.

Mr. Asselmeier explained Illinois Drainage Law as it relates to agricultural activities. Once the solar project starts, then the Kendall County Stormwater Ordinance would apply.

The arborvitaes would be planted at the north perimeter of the property.

The vegetative screening could change if the property owner tried to redo the special use permit.

Member Rodriguez made motion, seconded by Member Shanley, to approve the extension.

Member Koukol supported the amendment because the amendment did not have anything to do with solar.

Member Rodriguez encouraged the Bromelands to document everything.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Flowers

The motion carried.

Petition 23 – 16 – James K. Smiley on Behalf of Cross Evangelical Lutheran Church

Mr. Asselmeier summarized the request.

On February 19, 2008, the Kendall County Board approved Ordinance 2008-04, granting a special use permit and variances for a church and school at 8609 Route 47.

Condition 1 of the Ordinance required the site to be developed in accordance to a site plan. A copy of Ordinance 2008-04 was provided.

On March 1, 2023, the Petitioner submitted a request for an amendment to the special use permit to relocate proposed building addition phase 1 from the north side of the building to the west side of the building and to reduce the square footage of the addition from fifteen thousand three hundred twenty (15,320) square feet to seven thousand twenty-five (7,025) square feet, a reduction of eight thousand two hundred ninety-five (8,295) square feet. A copy of the application was provided.

The total square footage of additions approved in 2008 was thirty-seven thousand two hundred thirty-three (37,233) square feet. The total square footage, including all existing buildings and the proposed additions in 2008, was one hundred twelve thousand, three hundred ninety-two (112,392) square feet. A reduction of eight thousand two hundred ninety-five (8,295) square feet constitutes a reduction of coverage of approximately seven point four percent (7.4%) of total building square footage. The proposed change meets the criteria of a minor amendment to an existing special use permit as outlined in Section 13:08.N of the Kendall County Zoning Ordinance.

Staff would like to point out that the proposal will not change any other aspect of the existing special use permit. In particular, no changes to the stormwater detention area or parking will be required. Condition 3 of Ordinance 2008-04, pertaining to the right-of-way dedication, will remain effective.

Petition information was sent to Kendall Township and the United City of Yorkville on March 6, 2023.

Staff recommended approval of the requested amendment.

Jim Smiley explained the difference between the 2008 proposal and the amendment.

Discussion occurred about the widening of Route 47. The house along Route 47 would be close to the road. The house was previously used by a youth minister.

Enrollment was around three hundred twenty-five (325).

The church requested a blinking light or traffic light at the intersection of Ament Road and Route 47.

Member Rodriguez made motion, seconded by Member Koukol, to approve the amendment.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Flowers

The motion carried.

NEW BUSINESS

Approval of a Request by Paul Hertzman on Behalf of the Troy Fire Protection District and the Kendall County Planning, Building and Zoning Department to Extend the Deadline for Payment of Escrow Funds to the City of Joliet (Condition 2.W) and Entering into an Annexation Agreement with the Village of Shorewood (Condition 2.X) as Outlined in Ordinance 2022-08 Until September 15, 2023

Mr. Asselmeier summarized the issue:

On March 15, 2022, the County Board approved Ordinance 2022-08 granting a special use permit for a fire station at 748 Jones Road.

Condition 2.W of Ordinance 2022-08 required the Troy Fire Protection District to submit an escrow payment to the City of Joliet for improvements to Jones Road within one (1) year of the approval of the special use permit. The condition also allowed the Planning, Building and Zoning Committee to extend this deadline.

Condition 2.X of Ordinance 2022-08 required the Troy Fire Protection District to enter into a pre-annexation with the Village of Shorewood within one (1) year of the approval of the special use permit. The condition also allowed the Planning, Building and Zoning Committee to extend the deadline.

On March 1, 2023, Troy Fire Protection District Chief Paul Hertzmann submitted an email requesting a six (6) month extension to Condition 2.X.

Per conversations with the Village of Shorewood, the property will likely be annexed using a Chatham annexation on April 11, 2023. Once the agreement is in place, the County's special use permit, including Condition 2.W, will be superseded by the agreement.

Staff believes it is appropriate to extend both deadlines because it does not make sense to issue citations, if the special use permit will be superseded within six (6) months.

The escrow was for the upgrading of Jones Road. The escrow was originally a requirement for the property when the special use permit for the church existed at the property.

Chief Paul Hertzmann explained the history of the project and provided an update on the project. Discussion occurred regarding the investment the Fire District was making at the property.

Discussion occurred regarding impact fees from developments within the Troy Fire Protection District. Discussion also occurred regarding the cost for fire equipment.

Member Koukol made motion, seconded by Member Shanley, to approve the extensions.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Flowers

The motion carried.

Discussion of Regulations of Chickens on Residentially Zoned Property; Committee Could Initiate Text Amendments on the Topic

Mr. Asselmeier provided a redlined document that would allow a maximum six (6) hens on properties zoned and used for single-family residential purposes. A comparison table was also provided.

The matter before the Committee would be to initiate a text amendment; the earliest the proposal could reach the County Board is June 20, 2023.

Joe West, Oswego Township, favored increasing the setback for confinements to thirty feet (30') from the lot line. He expressed concerns about the County's staff's ability to enforce the regulations. Chairman Wormley explained the County has difficulty enforcing existing regulations and allowing chickens in certain areas would be cheaper for the County to enforce. Discussion occurred regarding the process for text amendments to the Zoning Ordinance. Chicken waste can be removed by trash can.

Laura Campos requested verification that the proposal would apply to all residential districts; that was the case. She owns three (3) chickens. She felt the proposal was fair. She was unaware of the number of people owning hens in Boulder Hill. She has not had any issues with mice or raccoons.

It was noted that the proposal only applied to chickens; other poultry would not be allowed.

Discussion occurred on what people would do with roosters if they acquired them as chicks.

Mr. Asselmeier said that all chicken cases in Boulder Hill were on hold. Once the chicken regulation issue is resolved and the case is closed, a Freedom of Information request can be submitted to obtain information on individual cases.

Member Koukol discussed the insurance liability of owning chickens.

Member Koukol favored not taking action on the proposal; he did not want to hire an employee to investigate chickens in Boulder Hill.

Judy Bush, Oswego Township Trustee, expressed concerns about the lack of code enforcement in Boulder Hill. She said Boulder Hill was a residential neighborhood and not a commercial or farming area.

Taylor Cosgrove, Kendall County Animal Control Director, explained how Animal Control would handle a chicken call. They would only go out for health and welfare checks. Animal Control does not have the facilities to hold chickens for the long term. Discussion also occurred regarding avian flu and avian flu cases were investigated by the State and Federal government.

Donna Sawicki, Oswego Township Trustee, discussed homeowners' associations regulating hens. She discussed the wildlife in her subdivision. Discussion occurred regarding which entities enforce the various regulations.

Chairman Wormley felt the proposal was a reasonable balance for regulating chickens in residential areas.

Member Shanley made motion, seconded by Member Rodriguez, to approve initiating the text amendment.

Mr. Asselmeier stated the meeting dates for the various advisory boards and County Board where the proposal will be reviewed.

Member Koukol asked why each of the townships get to review the proposal. Mr. Asselmeier explained the proposal impacts every township.

The votes were as follows:

Yeas (3): Rodriguez, Shanley, and Wormley

Nays (1): Koukol

Abstain (0): None

Absent (1): Flowers

The motion carried.

The proposal goes to ZPAC on April 4, 2023.

Member Koukol voted no because the proposal will be reviewed by all of the townships and could impact other townships.

OLD BUSINESS

Special Use Permit Enforcement Update

Mr. Asselmeier reported the following:

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: The property owner verbally stated that they would like to do a voluntary revocation of the special use permit. There was a death in the property owners' family which has prevented the property owner from submitting the necessary paperwork.

2. 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 April 2023.

3. 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: Matter is closed.

4. 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: There has been difficulty contacting the property owners. Staff is waiting until Spring 2023, when the business reopens, to attempt to contact the property owners.

5. 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: Passed inspection on February 28, 2023, and the matter is closed.

Discussion of Stormwater Management Ordinance Violation at 8150 Schlapp Road (PIN: 06-15-100-007)

Mr. Asselmeier summarized the issue.

In December 2022, the Department received a complaint of piles of material at least three feet (3') in height deposited without a permit at 8150 Schlapp Road. Complaint information was provided.

At their meeting in January 2023, the Planning, Building and Zoning Committee gave the property owner a deadline for the end of March for the issuance of a stormwater management permit.

In February 2023, the property owner submitted an application, but requested that the application not be processed until March 2023 because they would like to appeal having to obtain the permit.

Staff would like to note that no calculations were provided and that the plat was dated 2015.

Staff requests guidance as to how to proceed.

Brandon Diller and Glenn Diller, Jr. explained the piles of dirt would be used for flowering plants to help bees. They noted that a horse statue on Schlapp Road did not need a stormwater permit because it was agricultural.

Chairman Wormley felt that the property owner had changed the original intent for the piles.

It was noted that the Dillers could use the engineering firm that prepared plans in 2015 to do the drainage calculations.

The Dillers would contact the original engineering firm for calculations.

The deadline would remain March 31, 2023. Chairman Wormley agreed to grant extensions to the deadline, if progress was shown on obtaining a permit. If no progress was shown, the Stormwater Management Ordinance would be enforced.

Follow-Up on February 15, 2023, Kendall County Historic Preservation Group Meeting

Mr. Asselmeier reported that approximately twenty (20) people attended the meeting and the meeting went well.

Update on 1539 Collins Road

The Committee reviewed an email from the State's Attorney's Office.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

REVIEW PRE-VIOLATION REPORT

The Committee reviewed the report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

None

REVIEW PERMIT REPORT

The Committee reviewed the report.

REVIEW REVENUE REPORT

The Committee reviewed the report. Mr. Asselmeier noted that revenues fiscal year to date were similar to the numbers for 2018.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

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

Chairman Wormley adjourned the meeting at 8:13 p.m.


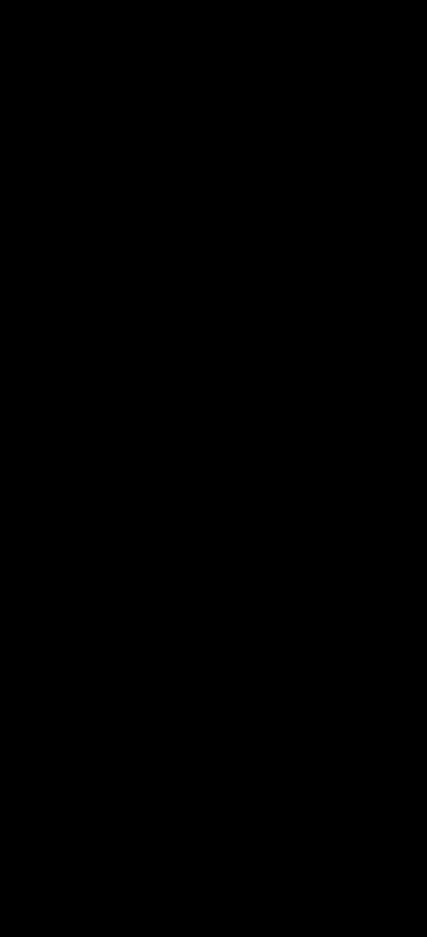
Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

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**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
MARCH 13, 2023**

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)
Joe West		
Joey Busht		
Thomas Bromeland		
Mary Bromeland		
PAUL HERTZMANN		
Laura Campos		
DONNA SAWICKI		
Brandan Diller		
Mike Diller		