

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 June 10, 2024***

CALL TO ORDER

The meeting was called to order by Chairman Wormley at 6:32 p.m.

ROLL CALL

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

Committee Members Absent: Elizabeth Flowers

Also Present: Matthew H. Asselmeier, Director, Wanda A. Rolf, Office Assistant, Eleanor Engel, Intern, Dan Kramer, Jerry Styrzula, Tim O'Brien, Bruce Miller, Pete Fleming, Joan Soltwisch, and Carlos Moreno

APPROVAL OF AGENDA

Mr. Asselmeier requested modifying the agenda to move Correspondence between Petitions and New Business.

Member Koukol made a motion, seconded by Member Rodriguez to modify the agenda to move Correspondence between Petitions and New Business. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Member Koukol made a motion, seconded by Member Rodriguez, to approve the minutes of the May 6, 2024, meeting. With a voice vote of four (4) ayes, the motion carried.

NEW BUSINESS

Introduction of Planning, Building and Zoning Department Intern Eleanor Engel

Mr. Asselmeier introduced the Department's summer intern, Eleanor Engel.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the Expenditure Report from May 2024.

The Committee reviewed the Six (6) Month Financial Report.

PETITIONS

Petition 24-06 Jerry Styrzula on Behalf of A&D Properties, LLC

Mr. Asselmeier summarized the request.

A&D Properties, LLC would like a map amendment rezoning approximately sixteen point four more or less (16.4 +/-) acres located on the west side of Route 47 addressed as 7789 Route 47

from B-3 Highway Business District to M-1 Limited Manufacturing District in order to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors, and similar uses at the subject property.

The application materials and pictures of the property were provided.

The property has been zoned B-3 since 1975. The ordinance rezoning the property to B-3 was provided. The property was previously used as a distributorship for International Harvester.

The plat of survey was provided.

If the map amendment is approved and if the Petitioner wants to make changes to the site, site plan approval will be required. To date, the Petitioner was working on a site plan proposal.

The property is addressed as 7789 Route 47, Yorkville.

The property is approximately sixteen (16) acres in size.

The current land use is Vacant and Improved Commercial.

The property is zoned B-3 Highway Business District.

The County's Future Land Use Map calls for this property to be Mixed Use Business. Yorkville Future Land Use Map calls for the property to be Estate/Conservation Residential.

Route 47 is a State maintained Arterial Road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Single-Family Residential, Agricultural, and Vacant Manufacturing.

The adjacent properties are zoned A-1 and M-1 in the unincorporated area and R-2 and R-3 inside Yorkville.

The County's Future Land Use Map calls for the area to be Rural Residential and Mixed Use Business. Yorkville's Future Land Use Map calls for the area to be Agricultural, Suburban Neighborhoods, and Estate/Conservation Residential.

The properties within one point five (1.5) miles are zoned A-1, A-1 SU, R-1, R-4, B-3, and M-1 in the County and R-2, R-3, B-1, and B-3 in Yorkville.

The A-1 special use permit to the north is for a landscaping business.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on March 12, 2024. The LESA Score was 157 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Kendall Township on March 20, 2024. The Kendall Township Planning Commission reviewed the proposal on April 15, 2024, and recommended approval of the proposal. The Kendall Township Board reviewed the proposal on April 16, 2024, and concurred with the Kendall Township Planning Commission. The email from the Township was provided.

Petition information was sent to the United City of Yorkville on March 20, 2024. Yorkville reviewed the proposal at their meetings in May and did not have an objection. An email to this effect was provided.

Petition information was sent to the Bristol-Kendall Fire Protection District on March 20, 2024. To date, no comments received.

ZPAC reviewed the proposal at their meeting on April 2, 2024. Discussion occurred regarding the semis already parked at the property and restricting semis on Conservation Drive. Site plan approval will be required and they will need to comply with the M-1 zoning regulations, if the map amendment is approved. ZPAC recommended approval by a vote of seven (7) in favor and (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 April 24, 2024. It was noted that the subject property had been recently reclassified as Mixed Use Business on the Future Land Use Map. Trucks will not be allowed to access the property via Conservation Drive, per agreement between the Petitioner and Kendall Township. The intention was to use the property for a truck and trailer sales business. If the map amendment was approved, the Petitioner would still need site plan approval. The Petitioner intended to install a paved parking lot, applicable lighting, remodel the existing building, and possibly construct a second building. The Petitioner was attempting to relocate the trailers presently onsite. Discussion occurred regarding current activities on the property; a request was made regarding clarifying the current use of the property because drivers were getting picked up and dropped off at the site. Discussion occurred regarding the County's voluntary compliance policy. It was noted that the subject property and Mixed Use Business area was not very large. The Kendall County Regional Planning Commission recommended approval of the map amendment by a vote of eight (8) in favor and (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 April 29, 2024. Discussion occurred regarding the trailers on the property and the plans to remove them. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of the hearing were provided.

The Petitioner would like to rezone the property to operate a trucking business.

There are two (2) existing buildings on the property. The northern building is approximately five thousand, three hundred sixty-six (5,366) square feet in size. The southern building is approximately eleven thousand, three hundred (11,300) square feet in size.

Any future buildings would have to meet applicable building codes.

The site is serviced by a well and septic. There is electricity and natural gas onsite.

The property fronts Route 47 and has one (1) access point off of Route 47. There is a deceleration lane for south bound traffic off of Route 47. The property also has one (1) access point off of Conservation Drive.

There is existing parking around the southern building; the parking spaces are not marked. If improvements are made to the site, parking spaces would need to be marked.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

There are lights on both buildings and a streetlight is lying on the ground at the entrance off of Route 47.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property. Lighting would need to be evaluated as part of site plan review.

There are several mature plants around the perimeter of the property. No changes to the landscaping or property screening are proposed as part of the map amendment.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

The owners of the property would have to follow applicable noise control regulations based on future land uses. Noise control measures would need to be evaluated as part of site plan approval.

The Petitioner submitted an application for a stormwater permit.

The Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, single-family residential, office, and light industrial, including outdoor storage. The property is presently vacant, but was previously used as a site for the sale of agricultural equipment.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and M-1 in the unincorporated area and R-2, R-3, and B-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners proposed use of the property, for the operation of a trucking business, is not allowed in the B-3 Zoning District. The site itself could be used for a trucking business, if properly zoned.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural, storage and warehousing, and other light industrial type uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the

Land Resource Management Plan was recently amended to Mixed Use Business. The M-1 Zoning District is consistent with the Mixed Use Business classification.

Staff recommended approval of the proposed map amendment.

The draft ordinance was provided.

Dan Kramer, Attorney for the Petitioner stated that his client never gave permission to have people picked up or dropped off at the site. To solve this problem, a cable blocking the entrances off of Route 47 and Reservation Drive was installed. The Petitioner moved most of the semi-trailers out of the lot and they went to an auction company. The auction company will take the rest of the trailers out as soon as possible. Mr. Kramer stated there was a streetlight that was on the ground, but it has been completely removed. There was a local farmer who cleaned up the property and bailed the hay. The Petitioner has a landscape plan. The Petitioner's primary business was selling brand new trailers in Shorewood. At times, he receives used trailers and moves them to an auction company.

Member Koukol asked if there was well and septic on the property. Mr. Kramer stated it has both well and septic. Member Koukol asked if the well was recently installed. Mr. Kramer stated the well was installed years ago. The property also has a storm detention pond.

Mr. Kramer also stated that Kendall County will benefit from the tax revenue.

Member Rodriguez asked if the Petitioner will be putting in a blacktop parking lot. Mr. Kramer said yes; the Petitioner will put in a blacktop parking lot.

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

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley
Nays (0): None
Abstain (0): None
Absent (1): Flowers

The proposal will go to the June 18, 2024, Kendall County Board meeting on the consent agenda.

Petition 24-09 Tim O'Brien on Behalf of Seward Township

Mr. Asselmeier summarized the request.

On August 18, 2009, the County Board approved Ordinance 2009-31, granting a special use permit for a governmental building and facility at 14719 O'Brien Road.

The Petitioner is proposing to amend the site plan approved in Ordinance 2009-31 by a constructing an approximately eight thousand four hundred (8,400) square foot pole-type maintenance/storage building to the west of the existing Seward Township building and installing an asphalt driveway connecting the existing parking lot to the new building. For reference, the existing building is approximately nine thousand six hundred (9,600) square feet in size and is used for maintenance, storage, and offices.

Though not shown on the site plan approved in 2009, Seward Township received a permit and installed a sign on the property in 2010. The sign is shown on the proposed site plan.

No other changes to the site were proposed.

The application materials, proposed site plan, and Ordinance 2009-31 were provided.

The property was approximately five (5) acres in size.

The existing land use was Public/Institutional.

The future land use was Commercial.

O'Brien Road was a Township Road classified as a Local Road.

There were no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent properties were used as Agricultural.

The adjacent properties were zoned A-1.

The Land Resource Management Plan calls for the area to be Commercial, Rural Estate Residential, and Rural Residential.

Properties within one half (1/2) of a mile were zoned A-1 and A-1 SU.

There is one (1) home located within one half (1/2) mile of the subject property.

The special use to the west is for a banquet facility and related uses.

EcoCat submitted on April 23, 2024, and consultation was terminated.

A NRI application was submitted on April 30, 2024. The LESA Score was 191 indicating a low level of protection. The NRI Report was provided

Seward Township was emailed information on April 30, 2024.

The Lisbon-Seward Fire Protection District was emailed information on April 30, 2024. No comments received. No comments were received.

ZPAC reviewed the proposal at their meeting on May 7, 2024. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on May 22, 2024. It was noted that the Petitioner was working on incorporating stormwater detention into the site plan. Member Wilson felt that Seward Township was not transparent in how they obtained approval from the Township electors for this project; she still supported the major amendment. Discussion also occurred regarding salt storage at the property; salt was already stored indoors. The Kendall County Regional Planning Commission recommended approval of the requested major amendment with conditions proposed by Staff and the addition to stormwater detention infrastructure on the site plan by a vote of eight (8) 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 May 28, 2024. The Petitioner introduced a new site plan with stormwater infrastructure shown. No members of the public testified at the public hearing. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing were provided.

The proposed building will have to obtain applicable building permits.

As required in the special use permit from 2009, the subject property has fifteen (15) parking spaces, including one (1) handicapped parking space. Given that the proposed amendment will not increase public visitation at the property, the number of parking spaces should be adequate.

The Petitioner submitted an application for a stormwater permit.

In 2009, the Petitioner was granted a variance to the stormwater runoff storage facilities by Ordinance 2009-26; a copy of the variance was provided. An amendment to this variance, the installation of stormwater storage facilities, submittal of a fee-in-lieu payment, or some combination thereof will be required. A letter from WBK Engineering was provided. The Petitioner was considering a variance to the Stormwater Management Ordinance. However, they were working on an alteration to the site plan to include stormwater detention.

The Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The expansion will improve the public health, safety, comfort, and general welfare because the new building will allow the township to do its work inside a new facility.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The existing use has been in place since 2009. The adjacent land uses are agricultural and the construction of a maintenance building will not injury the use and enjoyment of neighboring land owners.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true except for drainage. Drainage concerns can be addressed through a stormwater permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Seward Township has used the subject property for public/institutional purposes since 2009. Accordingly, allowing the Township expand its facilities is consistent with a goal found on Page 9-20 of the Kendall

County Land Resource Management Plan which calls for “mutually supportive, non-adversarial team of municipal, township, . . . county, and other governments working toward the benefit of everyone in Kendall County.”

Staff recommended approval of the requested amendments to the existing special use permit for a governmental building and facility, pending resolution of Kendall County Stormwater Ordinance issues subject to the following conditions and restrictions:

1. The site plan attached as Group Exhibit A of Ordinance 2009-31 is hereby amended to include the site plan submitted as Exhibit C. (Site plan submitted at the Zoning Board of Appeals hearing).
2. None of the buildings or structures allowed by this major amendment to an existing special use permit shall be considered agricultural structures and must secure applicable permits.
3. The remaining conditions and restrictions contained in Ordinance 2009-31 shall remain valid and effective.
4. The use allowed by this major amendment to an existing special use permit shall follow all applicable federal, state, and local laws.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

The draft ordinance was provided.

Member Rodriguez asked if the building would be used for meetings. Bruce Miller, Engineer for the Petitioner stated that there will be no public access to the building. It will be used for storage and maintenance.

Chairman Wormley asked when will they start the project. Mr. Miller stated that he is working on the drawings for the building and states it will be started this year. He would like the concrete to be poured before winter so they can work through the winter.

Member Rodriguez made a motion, seconded by Member Koukol, to recommend approval of the major amendment.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley
Nays (0): None
Abstain (0): None
Absent (1): Flowers

The proposal will go to the June 18, 2024, Kendall County Board meeting on the consent agenda.

Petition 24-14 Tim O'Brien on Behalf of Seward Township

Mr. Asselmeier summarized the request.

In an effort to preserve the agricultural character of the Township and protect the Aux Sable Creek Watershed, Seward Township has proposed the submitted new Future Land Use Map. The existing Future Land Use Map was also provided.

The proposed changes are as follows:

1. All of the land west Arbeiter and Hare Roads will be reclassified to Agricultural. The Commercial area at the intersection of Route 52 and Grove Road will be retained and the Commercial area at the intersection of Arbeiter Road and Route 52 will also be retained.
2. The Seward Township Building on O'Brien Road, the church on Van Dyke Road, and lands owned by the Kendall County Forest Preserve District and Conservation Foundation west of Arbeiter and Hare Roads will be classified as Public/Institutional.
3. The residentially planned areas east of Arbeiter and Hare Roads will be reclassified to Rural Estate Residential.
4. The floodplain of the Aux Sable Creek was added to the map.
5. Text contained in the Land Resource Management Plan in conflict the above changes will be amended.

Mr. Asselmeier said that he would add a disclaimer at the beginning of the Seward Township portion of the Land Resource Management Plan noting that the map would supersede the text in the event of a conflict.

The Seward Township Planning Commission approved this proposal at their meeting on February 5, 2024. The Seward Township Board approved this proposal at their meeting on March 12, 2024. Seward Township held a community forum on the proposal on April 18, 2024. The Kendall County Comprehensive Land Plan and Ordinance Committee also reviewed the proposal at their meetings in February and April 2024.

A composite future land use map of the County and the municipalities' comprehensive plans was provided.

This proposal was sent to Plattville, Minooka, Shorewood, and Joliet on April 30, 2024. This proposal was sent to the Bristol-Kendall, Lisbon-Seward, Minooka, Troy, and Joliet Fire Departments on April 30th. To date, no comments received.

ZPAC reviewed this proposal at their meeting on May 7, 2024. Mr. Guritz said that he attended the forum in Seward Township and felt that the meeting was well attended and attendees seemed in favor of the proposal. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission held a public hearing on this proposal on May 22, 2024. Other than the Petitioner, no other person testified in favor or in objection to the proposal. One (1) person asked what a comprehensive plan was and another person requested clarification regarding the land use classifications along Route 52 between County Line and Ridge Roads. Seward Township explained the public's involvement in the proposal, to date. Discussion occurred regarding the removal of the Commercial area near the intersection of Route 52, O'Brien, and McKanna Roads and the retention of the Commercial area at the intersection of Grove Road and Route 52; the area was retained for traffic and trail reasons. Discussion occurred regarding the impact of property owners to ask for map amendments, if the proposal was approved. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of six (6) in favor, one (1) in opposition, and three (3) absent. The minutes of the hearing were provided.

The Kendall County Zoning Board of Appeals reviewed this proposal at their meeting on May 28, 2024. Discussion occurred regarding residential development in unincorporated Seward Township; the Chairman of the Seward Township Planning Commission felt that large lot subdivisions were unlikely to occur. Information was provided on previous public meetings Seward Township held on the proposal. Discussion occurred regarding the procedure that would occur if someone wanted to rezone their property, but lacked forty (40) acres. The Kendall County Zoning Board of Appeals voted to forward the proposal to the County Board by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the meeting were provided.

The draft resolution was provided.

Member Rodriguez asked, if a property was already zoned residential, would that property be grandfathered. Mr. Asselmeier said it would be grandfathered. Member Rodriguez asked if there was a large amount of properties that would be grandfathered. Mr. Asselmeier said there wasn't a large amount but there were a few subdivisions and some individual lots that were zoned as R-1. If this Petition was approved, those properties could go back to A-1 zoning.

Member Koukol asked Mr. Asselmeier to explain what he meant by his side note that the map would supersede the text. Mr. Asselmeier said that if the text of the Land Resource Management Plan stated something that conflicted with the Future Land Use Map, the Future Land Use Map would override the text of the Land Resource Management Plan. There is a table of land uses in the Seward Township Plan that will be updated to reflect the percentages of land uses.

Member Koukol asked if any of the properties proposed for reclassification were in Joliet. Mr. Asselmeier stated no, the map only governed unincorporated Kendall County.

Chairman Wormley asked the Petitioner if they worked with Joliet. Pete Fleming, Chairman of the Seward Township Planning Commission, spoke about the open forum and the public meetings that were previously held. Mr. Fleming stated they invited all the nearby municipalities. Shorewood and Minooka attended and supported the proposal. Joliet did not come to the meeting and they have not heard from Joliet. Chairman Wormley stated that when a new development comes in a municipal plan will supersede the newly proposed Land Resource Management Plan. Mr. Fleming stated he was aware of this fact.

Member Koukol asked what was the end goal. Mr. Fleming stated they were updating the conceptual plan from what the 2005 because much has changed since the plan was originally

adopted. Member Koukol said much will change in the near future. Member Koukol favored more non-residential uses along Route 52 and Ridge Road than what was presently proposed.

Joan Soltwisch, Seward Township Planning Commission, was asked if they saw the map from 2005; it allowed Joliet to annex. It was similar to their current proposed map.

Mr. Fleming asked if Shorewood, Minooka and Joliet have future agriculture on their maps. The Committee reviewed the composite future land use map. Chairman Wormley stated he had not seen a new map for Minooka.

Mr. Fleming said that typically townships don't want to have an industrial corridor on a map in which a village or municipality has residential. He expressed concerns regarding potential conflicts that could arise if one (1) governmental entity showed industrial on their map and another government entity showed residential in the same area on their respective map. Ms. Soltwisch stated that they used The Protect Kendall Map Now, which protects the Aux Sable Creek and is a Class A water stream, as their guide to determine the line between the agricultural area and the non-agricultural area.

Chairman Wormley said that some of the feedback he received was the proposal did not take into account annexations and the plans of surrounding municipalities. For example, Kendall County met with Morris during the previous week and their vision differed from the proposal.

Discussion occurred regarding whether the proposal prevented growth. Mr. Fleming responded that they were not against growth.

Chairman Wormley expressed concerns regarding the lack of industrial areas on the proposed map. Member Koukol stated that more industrial businesses would go to Grundy County instead of Kendall County because they know the land was already zoned or planned to be industrial. Mr. Fleming stated that most industrial projects will go through municipalities. Chairman Wormley stated there was a large demand for M-1 and M-2 zoning.

Member Koukol asked Mr. Fleming if the township would be willing to table this proposal for sixty (60) days. Mr. Fleming provided a history of the evolution of the proposed map. Mr. Fleming responded that they went through a land use evaluation in previous meetings and all the committees voted for the proposal.

Member Shanley asked Mr. Asselmeier to clarify the ramifications if the Committee denied the request. Mr. Asselmeier stated that nothing prevented Seward Township from passing this proposal at the township level. Mr. Asselmeier responded that townships can pass their own plan. In that case, the Township would have their plan and the County would have its plan. If there is a conflict between the Township and the County, the township could file formal objections to text amendments, map amendments, and variance, if the proposal was against their plan. Member Shanley asked Mr. Asselmeier if there was positive feedback from the other committees that previously reviewed the proposal. Mr. Asselmeier stated that they received positive feedback from the other committee meetings regarding the proposal.

Member Rodriguez asked which plan takes precedence if the County's plan differs from Seward Township's plan. Mr. Asselmeier said that he would note the differences between the plans, if a proposal occurred, advise applicants of the conflict, and issue recommendations based on the

County's plan. He explained the impacts of a township filing formal objections. Discussion occurred regarding the inability of property owners to rezone to R-1 in the event they lack a housing allocation, if the proposal.

Mr. Fleming said that warehouses would likely get annexed into a municipality because of the need for public water and sewer.

Member Koukol favored doing additional research with the municipalities.

Member Koukol made a motion, seconded by Member Rodriguez, to table the proposal for sixty (60) days.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley
Nays (1): Shanley
Abstain (0): None
Absent (1): Flowers

The proposal will return to the Planning, Building and Zoning Committee on August 12, 2024.

CORRESPONDENCE

May 14, 2024, Letter from TC Energy Regarding ANR Pipeline's Heartland Project

The Committee reviewed the letter; there will be an open house at the Yorkville Library on June 12, 2024.

NEW BUSINESS:

Approval to Initiate Text Amendments to the Kendall County Zoning Ordinance Pertaining to Pipe Line Depth

Chairman Wormley explained the issue.

TC Energy's ANR Pipeline is purposing a pipeline project in Kendall County; to date, they have not submitted an official application.

Concerns have been raised regarding the proposed pipeline depth and the existing pipeline depth requirements currently in the Kendall County Zoning Ordinance; TC Energy has indicated that they intend to follow Kendall County's regulations. The current regulations are as follows in Section 6:07 of the Kendall County Zoning Ordinance; these regulations are the standard regulations found in Agricultural Impact Mitigation Agreements:

A. Pipeline Depth

1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:

a. A minimum of five (5) feet of top cover where it crosses cropland.

b. A minimum of five (5) feet of top cover where it crosses pastureland or other agricultural land comprised of soils that are classified by the USDA as being prime soils.

- c. A minimum of three (3) feet of top cover where it crosses pastureland and other agricultural land not comprised of prime soils.
 - d. A minimum of three (3) feet of top cover where it crosses wooded/brushy land or other sensitive areas.
 - e. Substantially the same top cover as an existing parallel pipeline, but not less than three (3) feet, where the route parallels an existing pipeline within a 100-foot perpendicular offset.
2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous stratum of gravel exceeding two hundred (200) feet in length are encountered, the minimum cover will be thirty (30) inches.

Chairman Wormley had concerns about a three foot (3') depth; he favored five feet (5') of topsoil above the pipeline. He said most pipelines were eight feet to twelve feet (8'-12') deep.

Member Koukol asked about inspections. Chairman Wormley said that the County could inspect during construction.

Member Rodriguez was concerned about safety in general; he would like an expert's opinion on the matter. He questioned the additional costs of burying the pipeline an additional two feet (2').

Chairman Wormley noted that federal regulations might supersede County regulations.

Member Koukol favored the five foot (5') proposal in order to protect the forest preserve and public safety.

Member Shanely made a motion, seconded by Member Koukol, to initiate text amendment by setting the minimum depth at five feet (5').

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanely, and Wormley
Nays (0): None
Abstain (0): None
Absent (1): Flowers

The proposal goes to ZPAC on July 1, 2024.

Review of Annual NPDES Survey

Every year at the end of June or beginning of July, Kendall County sends an NPDES survey to the townships.

WBK reviewed the survey and suggested adding two (2) questions regarding quality of surface water and two (2) questions regarding training/good housekeeping to the survey.

The revised survey incorporating WBK's suggestions was provided.

The Committee had no changes or comments on the survey.

Approval of an Intergovernmental Agreement between the Village of Plattville and the County of Kendall to Administer the County's Ordinances for Zoning, Building Code, Subdivision Control,

Comprehensive Plan, and Stormwater Management Within the Jurisdiction of the Village of Plattville for a Term of One (1) Year in the Amount of \$1.00 Plus Associated Costs Paid by the Village of Plattville to the County of Kendall

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

Since July 1, 2023, sixteen (16) inspections occurred in Plattville.

Other than the dates, no changes to the agreement are proposed.

The Village of Plattville approved the Agreement at their meeting on May 20, 2024.

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

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanely, and Wormley
Nays (0): None
Abstain (0): None
Absent (1): Flowers

The proposal will go to the June 18, 2024, Kendall County Board meeting on the consent agenda.

Approval of a Contract for Plumbing Inspections Between Kendall County and Mayer Construction, LLC, D.B.A. Mayer Plumbing, LLC

The contract between Kendall County and Mayer Construction, LLC, D.B.A. Mayer Plumbing, LLC for plumbing inspections expires near the end of June.

The County is proposing to renew the contract for a period of one (1) with the option of subsequent one (1) year renewals instead of an initial two (2) year period.

Other than the change listed in the previous paragraph, which can be found in term #30 in the contract, the rest of the contract remains unchanged.

Member Shanely asked why the contract period was reduced to one (1) year. Mr. Asselmeier said it was because the County received a complaint and did not have time to prepare a request for proposal to explore other options.

Member Koukol made a motion, seconded by Member Shanley, to send the proposal to County Board.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley
Nays (0): None
Abstain (0): None
Absent (1) Flowers

The proposal will go to the June 18, 2024, Kendall County Board meeting on the consent agenda.

OLD BUSINESS:

Update on Stormwater Permit at 13039 McKanna Road (PIN: 09-09-100-002) in Seward Township

Chairman Wormley praised the property owner's efforts to obtain compliance.

Carlos Moreno provided an update on the project. He signed an application recently with their engineer. He hopes the engineer submits the application within the week.

REVIEW VIOLATION REPORT:

The Committee reviewed the report.

7821 Route 71 was found guilty of violating the Stormwater Management Ordinance and was fined. Mr. Asselmeier said that the Department will ask for guidance from the Committee if the property owner does not rectify or plan to rectify the issue after the thirty (30) appeal window.

The four (4) footbridges on Griswold Springs Road will be in court on June 25, 2024. The engineer was making progress.

There will be a bench trial for an illegal business in Gastville in July.

2511 Wildy Road will be in court at the end of June.

The pre-bid meeting at 1539 Collins Road is on June 11, 2024. Bids will be open at the end of the month to demolish the house.

Mr. Asselmeier said pre-violations were still on hold while the County updates the violation form. The revised form has been sent to the State's Attorney's Office for review.

REVIEW PRE-VIOLATION REPORT:

The Committee reviewed the report.

Mr. Asselmeier explained the new tracking system to track pre-violation.

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

July 15, 2024, Historic Preservation Group Summer Meeting

The Committee reviewed the save-the-date information.

REVIEW PERMIT REPORT:

The Committee reviewed the report.

REVIEW REVENUE REPORT:

The Committee reviewed the report.

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

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

Chairman Wormley adjourned the meeting at 8:04 p.m.

Minutes prepared by Wanda A. Rolf, Administrative Assistant

Enc.



**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JUNE 10, 2024**

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)
Jen Styczula Daniel J. King		
Tim O'Brien		
BRUCE MILLER		
Joan Sotnick		
R. F. Fleming		
Carlos Moreno		