

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
8:00 a.m.
Meeting Minutes of April 30, 2019

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 8:00 a.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Judy Gilmour, Matt Kellogg (Vice-Chairman), John Purcell (arrived at 8:18 a.m.), and Matthew Prochaska (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Brian Holdiman (Code Inspector), Ed Gruber, Linda Wilkinson, Chris Paluch, Greg Petersen, Todd Milliron, and June McCord

APPROVAL OF AGENDA

Member Gilmour made a motion, seconded by Member Kellogg, to move the Plattville Intergovernmental Agreement item to ahead of Petitions and approve the agenda as amended. With a voice vote of four (4) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Flowers, to approve the minutes of the April 8, 2019, meeting. Mr. Asselmeier noted that the minutes were corrected at the April 16, 2019, County Board meeting regarding 790 Eldamain. With a voice vote of four (4) ayes, the motion carried unanimously.

EXPENDITURE REPORT

Mr. Asselmeier gave the report and noted that one (1) of the Department's trucks was in the shop because of a nail in one (1) of the tires. Motion by Member Gilmour, seconded by member Kellogg, to forward the report to Finance for review. With a voice vote of four (4) ayes, the motion carried unanimously.

PUBLIC COMMENT:

Linda Wilkinson would like to see a limit on hours of operation for gun ranges to daylight hours. She would like to see fencing in addition to berming. She would like to see measurements from property lines and not firing lines. She would like to see a minimum bond set in the ordinance. She agreed with the language related to forest preserves. She would like to see the grandfathering apply to lawfully permitted operating gun ranges.

Chris Paluch would like the grandfathering provisions for outdoor shooting ranges to apply to legally permitted ranges only.

Greg Petersen did not agree with some of the reversals made by the Planning, Building and Zoning Committee of the recommendations made by the Kendall County Zoning Board of

Appeals. He believed that fencing should be around the berms. He believed measurements should note the residential areas of a property instead of tillable acres of a property.

Todd Milliron would like to see a map showing the locations of all gun ranges for prospective home buyers.

NEW BUSINESS

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

Mr. Asselmeier summarized the request.

The proposed Intergovernmental Agreement is the same as previous years.

The proposal will go to the Plattville Village Board on May 20, 2019.

Plattville Village President June McCord stated that the Village had some questions regarding costs associated with the agreement. Mr. Asselmeier will be attending the Plattville Village Board meeting on this topic.

Member Kellogg made a motion, seconded by Member Gilmour, to recommend approval of the Intergovernmental Agreement.

Yeas (4): Flowers, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Purcell

The motion carried. The proposal will go to the County Board after the Village of Plattville approves the Intergovernmental Agreement.

PETITIONS

Petition 19-01 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

On July 11, 1972, the Kendall County Board granted a special use permit for a Day Nursery School at 43 West Street in Bristol. Restriction 4 of the special use permit stated that the special use permit shall be subject to review every two (2) years.

Since 1972, the subject property was divided into three (3) parcels. The parcel addressed as 43 West Street has a parcel identification number of 02-16-228-012. This property is owned by Jude and Carrie Vickery; the Vickery's submitted an email stating their support for the revocation of the special use permit.

The southwestern parcel, identified by parcel identification number 02-16-276-020 is owned by Brad, William, and Kay Phillips. This parcel was created in 2005. The Phillips family owns the land northwest of the subject property.

The southeastern parcel, identified by parcel identification number 02-16-276-022, is owned by Karen Klatt and her late husband Tom. This parcel was created in 2010 and the Klatts owned the property northeast of the subject property.

Based on the County's databases, no structures exist on the parcel owned by the Phillipses or the Klatts and no demolition permits were issued by Kendall County in the last two years.

The Planning, Building and Zoning Department sent letters to each property owner on August 22, 2018, asking if the property owners desired to keep the special use permit. No response was provided. On November 19, 2018, the Department mailed certified letters to each property owner. The green cards are on file in the Planning, Building and Zoning Department office. Neither the Klatts nor the Phillips responded to the follow-up letter.

At their meeting on December 10, 2018, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit on these properties. The property owners were invited to this meeting, but none of them attended.

The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

On April 1, 2019, the Kendall County Zoning Board of Appeals held a public hearing on this request. Zero (0) members of the public testified in favor or in opposition to the request. The Kendall County Zoning Board of Appeals unanimously approved the following Findings of Fact and recommended approval of the requested revocation.

§ 13.08.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the revocation of special use permits.

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the information stated in Jude Vickery's email of December 10, 2018, the fact that no structures exist on the two parcels created from the original parcel, and the fact that no demolition permits were issued on the subject properties in the last two (2) years, the special use has been discontinued for a continuous period of two (2) years.

Staff recommends approval of the proposed special use permit revocation.

The typographical error in the memo regarding Brad Phillips' name will be corrected.

Member Gilmour made a motion, seconded by Member Kellogg, to recommend approval of the revocation.

Yeas (4): Flowers, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Purcell

The motion carried. This proposal will go to the County Board on May 7th.

Petition 19-03 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

On October 15, 1996, the Kendall County Board granted a special use permit for a truck driver training school at 14525 Route 71, Yorkville. Restriction 12 of the special use permit stated that the special use permit shall be subject to review every two (2) years. On November 16, 1999, the Kendall County Board granted an amendment to the special use permit to add a classroom and office building and a sign to the approved site plan.

The current property owners, Kerry and Susan Fierke, purchased the property in 2006. No advertisements or signage exists noting that the property has a truck driver training school. In addition, based on the aerial, the classroom and office building was not constructed. No building or demolition permits are on file in the Planning, Building and Zoning Department.

The Planning, Building and Zoning Department sent a letter to the property owners on August 22, 2018, asking if the property owners desired to keep the special use permit. No response was provided. On November 19, 2018, the Department mailed a certified letter to the property owners. The green card is on file in the Planning, Building and Zoning Department office. No response was provided to the follow-up letter.

At their meeting on December 10, 2018, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit on this property. The property owners were invited to this meeting, but did not attend.

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

On April 1, 2019, the Kendall County Zoning Board of Appeals held a public hearing on this request. Zero (0) members of the public testified in favor or in opposition to the request. The Kendall County Zoning Board of Appeals unanimously approved the following Findings of Fact and recommended approval of the requested revocation.

§ 13.08.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the revocation of special use permits.

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the lack of advertisement and the fact that the additional structure requested in 1999 was not built, the special use has been discontinued for a continuous period of two (2) years.

Staff recommends approval of the proposed special use permit revocation.

Member Kellogg made a motion, seconded by Member Gilmour, to recommend approval of the revocation.

Yeas (4): Flowers, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Purcell

The motion carried. This proposal will go to the County Board on May 7th.

Petition 19-18 Cindy Harney and Maria Serrano

Mr. Asselmeier summarized the request.

In 2013, Kendall County granted a Conditional Use Permit for an ECHO Housing Unit at 13443 Fennel Road. This Conditional Use Permits has been renewed annual as required by the Kendall County Zoning Ordinance.

The current property owner, Cindy Harney, is attempting to sell the property and the prospective buyer, Maria Serrano, has a qualifying family member that wishes to occupy the ECHO Housing Unit. The necessary paperwork has been filed with the Kendall County Planning, Building and Zoning Department.

Staff recommends approval of the requested transfer with the condition that the transfer not occur until the sale of the subject property is final.

Member Kellogg made a motion, seconded by Member Flowers, to approve the transfer.

Yeas (4): Flowers, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Purcell

The motion carried.

NEW BUSINESS

Review of Plumbing Inspection Contract Between Kendall County and Randy Erickson, D.B.A. Erickson Construction

Mr. Asselmeier summarized the request.

Kendall County's contract with Randy Erickson, D.B.A Erickson Construction expires in December 2019.

The County's insurance consultant recommended changes to the section pertaining to insurance. The proposed contract contains more detailed insurance requirements than the existing contract.

The Planning, Building and Zoning Department would like the Committee's input before negotiating with Randy Erickson; Mr. Erickson has not reviewed the contract.

Member Purcell arrived at this time (8:18 a.m.).

Member Flowers made a motion, seconded by Member Kellogg, to recommend approval of the insurance changes as proposed.

Yeas (4): Flowers, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (1): Purcell
Absent (0): None

The motion carried. Mr. Erickson will be notified of the proposed changes.

Discussion of Junk and Debris Ordinance

Mr. Asselmeier presented information. The Committee reviewed the existing Junk and Debris Ordinance and the suggestions of the State's Attorney's Office. The Committee also reviewed a similar Health Department related ordinance and a regulation from Kane County.

Mr. Holdiman expressed his opinion that the Health Department regulation has historically been enforced by the Health Department, but the simpler method would be to rewrite the Junk and Debris Ordinance with the same enforcement procedure as the Inoperable Vehicle Ordinance.

Discussion occurred regarding burning regulations. Garbage collection service in the rural areas is not provided in many cases. People can burn landscaping waste on their property if the waste is generated on the property.

The definition of junk seems subjective. Mr. Holdiman explained how he investigates junk and debris complaints. The consensus of the Committee was to investigate junk, and not burning, regulations.

Mr. Holdiman recommended that the enforcement provisions of the Junk and Debris Ordinance should be the same as Inoperable Vehicle Ordinance.

The consensus of the Committee was to ask the State's Attorney's Office to do a general revision of the Junk and Debris Ordinance with a similar enforcement provision as the Inoperable Vehicle Ordinance without creating conflicts with existing Health Department regulations.

OLD BUSINESS

Update on 45 Cheyenne Court

Mr. Asselmeier provided an update. The property owner's deadline for providing an invoice for siding is April 30th.

REVIEW OF THE VIOLATION REPORT

The Committee reviewed the violation report.

REVIEW NON-VIOLATION COMPLAINT REPEORT

The Committee reviewed the non-violation report.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

Letter Regarding Dumping at Newark High School

Mr. Asselmeier read the correspondence.

June 17, 2019-Illinois Agriculture and Water: Protecting and Controlling a Valuable Resource
Flyer

Mr. Asselmeier read the flyer.

Letter to Fran Klaas from Friends of the Fox River

Mr. Asselmeier read the letter.

PUBLIC COMMENT

None

COMMENTS FROM THE PRESS:

None

EXECUTIVE SESSION

Motion by Member Gilmour, seconded by Member Flowers, to enter into executive session for the purposes of reviewing minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

Yeas (4): Flowers, Gilmour, Kellogg, and Prochaska
Nays (1): Purcell
Abstain (0): None
Absent (0): None

The motion carried. The Committee recessed at 9:00 a.m.

Chairman Prochaska called the Committee back to order at 9:03 a.m.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Judy Gilmour, Matt Kellogg (Vice-Chairman), John Purcell, and Matthew Prochaska (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Brian Holdiman (Code Inspector)

NEW BUSINESS

Approval to Release the Executive Session Minutes of April 30, 2019

Member Purcell made a motion, seconded by Member Kellogg, to recommend releasing the executive session minutes of April 30, 2019.

Yeas (5): Flowers, Gilmour, Kellogg, Purcell, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the County Board on May 7.

The consensus of the Committee was to ask Mr. Asselmeier to inform the Kendall County Regional Planning Commission that the Committee will not discharge the proposed changes to the Land Resource Management Plan in Lisbon Township to the County Board.

ADJOURNMENT

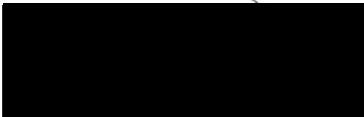
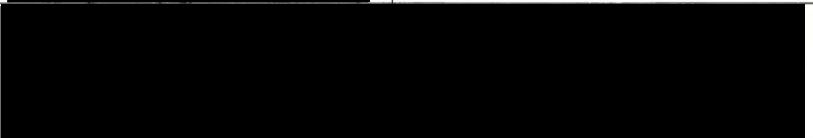
Member Kellogg made a motion, seconded by Member Flowers, to adjourn. With a voice vote of five (5) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 9:06 a.m.

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

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
APRIL 30, 2019**

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)
<i>Ed Gruber</i>		
<i>Synda Wilkinson</i>		
<i>Chris Paluch</i>		
<i>Meg Peterson</i>		
<i>Todd Miller</i>		