

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of June 10, 2019

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 6:30 p.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Judy Gilmour, and Matthew Prochaska (Chairman)

Committee Members Absent: Matt Kellogg (Vice-Chairman)

Also Present: Matt Asselmeier (Senior Planner), Ruth Ann Sikes (Part Time Office Assistant (Zoning)), Kristin Friestad, Darlene Drew, Gideon Blustein, and Ken Hostert

APPROVAL OF AGENDA

Member Flowers made a motion, seconded by Member Gilmour to approve the agenda with a change of moving the Land Cash Ordinance agenda item to before Petitions. With a voice vote of three (3) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Flowers to approve the minutes of the May 13, 2019. With a voice vote of three (3) ayes, the motion carried unanimously.

EXPENDITURE REPORT

Review of Expenditures from the Prior Month

The Committee reviewed the Expenditure Report. Member Flowers, made a motion, seconded by Member Gilmour, to forward the report to Finance for review. With a voice vote of three (3) ayes, the motion carried unanimously.

Six Month PBZ Financial Report Review

The Committee reviewed the Six Month PBZ Financial Report.

Member Flowers asked about the dollar amount in the Ravine Woods account. Mr. Asselmeier will research the figure.

PUBLIC COMMENT

Kristin Friestad would like to see additional discussion regarding changing the Land Resource Management Plan in Lisbon Township. She invited the Committee to meet with her and her family to discuss the proposal.

OLD BUSINESS

Recommendation on Amendments to the Kendall County Land Cash Ordinance by Updating the School Enrollment Figures, Fair Market Value Calculation, and Related Tables

Mr. Asselmeier summarized the request.

Following the May 13th, Planning, Building and Zoning Committee meeting, Staff prepared a redlined version of the Land Cash Ordinance to reflect the fair market value calculations and other changes to the Land Cash Ordinance. The changes are as follows:

1. The calculation for acreage donation for school sites contained in Section 1.B was updated to reflect enrollment figures in Table 2.
2. The enrollment figures in Table 2 were updated from 2011-2012 enrollment data to 2018-2019 enrollment data.
3. The definition and references to “improved acre” contained in Section 1.C.4 were deleted.
4. The fair market value in Section 1.C.4 was set at \$47,121.
5. The calculation of the fair market value in Section 1.C.4 was set as the Kendall County Assessor’s Office shall provide the weighted average of all lot sales on a dollar per acre basis throughout Kendall County for a three (3) year period.
6. The chart of fair market value calculations was deleted.
7. The land cash donation calculation sheets were updated to reflect the new data.

Based on the new data and calculations, a two-bedroom home would pay \$1,166.38 instead of \$1,814.10. A three-bedroom home would pay \$2,196.18 instead of \$3,441.25. A four-bedroom home would pay \$3,228.91 instead of \$4,969.27. A five-bedroom home would pay \$2,954.22 instead of \$4,444.03.

Member Gilmour asked what the reason for lowering the fair market value. Mr. Asselmeier indicated that the price of land had decreased.

Darlene Drew, Newark School District #66, said the enrollment numbers were incorrect on Table #2 for Newark School District. Mr. Asselmeier indicated that he received those numbers from the Regional Office of Education in December 2018. Ms. Drew would send Mr. Asselmeier updated enrollment numbers for her school district.

Gideon Blustein, Realtors Association of the Fox Valley, stated that Realtors love strong schools and healthy tax bases. He believed that the proposal should be updated using the Naperville formula.

It was the consensus of the Committee that more current numbers should be gathered from the Regionally Office of Education before moving advancing the proposal.

Chairman Prochaska made a motion, seconded by Member Flowers, to forward the Land Cash Ordinance to the Committee as a Whole in June or July after updated enrollment figures are received from the Regional Office of Education

The votes were as follows:

Yeas (3): Flowers, Gilmour, and Prochaska
Nays (0): None

Abstain (0): None
Absent (1): Kellogg

The motion carried.

PETITIONS

18 – 04 – Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Comprehensive Land Plan and Ordinance Committee suggested removing all of the mining area around the Village of Lisbon. That same evening, the Kendall County Regional Planning Commission voted to remove mining around the Village of Lisbon except for those areas already zoned for mining uses.

Chairman Prochaska requested that this item be sent to the full County Board for consideration with either a positive, neutral, or negative recommendation.

Member Gilmour said she felt that the Committee should sit down with the residents and talk with them about this situation before advancing the proposal. She also stated that the Committee had not previously been in favor of the proposal and that the proposal was the idea of the Kendall County Regional Planning Commission

Chairman Prochaska made a motion, seconded by Member Flowers, to make a neutral recommendation on Petition 18-04.

The votes were as follows:

Yeas (2): Flowers and Prochaska
Nays (1): Gilmour
Abstain (0): None
Absent (1): Kellogg

The motion carried. The Petition will be sent to the Committee of the Whole for their June or July meeting.

19 – 13 – Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

At their meeting February 27, 2019, the Comprehensive Land Plan and Ordinance Committee requested that Staff prepare a proposed text amendment to the Kendall County Zoning Ordinance allowing research and development related home occupations to be conducted outside the dwelling or accessory structure and to address noise, dust, fumes, and odor issues.

For reference, “Home Occupation” related terms are defined as follows:

HOME OCCUPATION Any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

HOME OCCUPATION - AGRICULTURAL. A home occupation in an agricultural zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels,

clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be "home occupation".

HOME OCCUPATION- RESIDENTIAL A home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a "home occupation".

Home Occupations are permitted uses in the A-1 District and all Residential Districts. Home Occupations are special uses in the RPD Districts.

At their meeting on March 27, 2019, the Kendall County Regional Planning Commission voted to initiate the text amendment.

According to the Kendall County Zoning Ordinance, research and development is defined as follows:

RESEARCH AND DEVELOPMENT: A building or group of buildings in which are located facilities for scientific research, experimental study, investigation, testing and experimentation, but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

At their meeting on April 2, 2019, ZPAC unanimously voted to forward the proposal to the Kendall County Regional Planning Commission.

On April 2, 2019, a copy of this proposal was mailed to each township. On April 11, 2019, Fox Township submitted comments against the proposal.

The Kendall Regional Planning Commission reviewed this proposal at their meeting on April 24, 2019 and unanimously recommend forwarding the proposal to the Zoning Board of Appeals.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on April 29, 2019. No members of the public testified in favor or in opposition to the request. The Kendall County Zoning Board of Appeals unanimously recommended approval of the proposal.

Member Flowers stated that she feels this may open the door for other, unintended uses.

Chairman Prochaska provided a history of the proposal and explained that many of the home occupations that occur outdoors would normally be legal uses if the activity was not part of a business.

Member Gilmour made a motion, seconded by Chairman Prochaska, to forward Petition 19-13 to the County Board.

The votes were as follows:

Yeas (2):	Gilmour and Prochaska
Nays (1):	Flowers
Abstain (0):	None
Absent (1):	Kellogg

The motion carried. The Petition will go to the County Board on June 18th.

NEW BUSINESS

Recommendation on an Ordinance Amending the Fee Schedule of the Kendall County Planning, Building and Zoning Department by Establishing a Rental Fee and Rental Terms for 2012 National Rifle Association Range Source Book

Mr. Asselmeier summarized the request.

On May 7, 2019, the County Board approved Ordinance 2019-09 amending the outdoor shooting range shooting range regulations in the Kendall County Zoning Ordinance. In two (2) locations in Ordinance 2019-09, the Ordinance stated the Planning, Building and Zoning Department shall maintain two (2) copies of the 2012 National Rifle Association's Range Source Book. One (1) of these copies shall remain in the Department's office and the other copy shall be available to the public for rent. The rental fee and terms of rental were not established in Ordinance 2019-09.

Based on current costs and the length of the document, the cost to the Department to replace the 2012 National Rifle Association Range Source Book is between Fifty-Five Dollars and Fifty-Six Dollars (\$55-\$56) depending on whether the documents is printed two (2)-sided.

Discussion occurred regarding having a digital copy of the document available and copyright issues.

Member Flowers made a motion, seconded by Member Gilmour, to recommend approval of the proposed change in fee schedule by setting the deposit at Ten Dollars (\$10.00), the duration of rental was set at thirty (30) days, and the Zoning Administrator could grant rental extensions for a time period of the Zoning Administrator's discretion. The deposit would be forfeited if the document was not returned and/or returned damaged.

The votes were as follows:

Yeas (3): Flowers, Gilmour, and Prochaska

Nays (0): None

Abstain (0): None

Absent (1): Matt Kellogg

The motion carried. The Petition will go to the County Board on June 18th.

Recommendation on Junk and Debris Citation Letter

No comment from the State's Attorney's Office.

Request for Guidance Regarding Petition 16-03 Pertaining to Dumpsters in Residential Zoning Districts-Committee Could Amend or Withdraw the Proposal

Mr. Asselmeier summarized the request.

In March 2016, the Kendall County Planning, Building and Zoning Committee initiated a text amendment adding regulations for dumpsters on private property to the Kendall County Zoning Ordinance. This proposal reached the Kendall County Regional Planning Commission in May 2016 and was laid over at their May, June, and July meetings. The proposal was not on any subsequent agendas.

The dumpster that precipitated this proposal was removed several years ago.

Staff requests guidance on how to proceed.

The problem was resolved and the entire proposal vanished.

Chairman Prochaska made a motion, seconded by Member Gilmour, to withdraw the Petition.

The votes were as follows:

Yeas (3): Flowers, Gilmour, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Kellogg

The motion carried. The Petition was withdrawn.

Approval of Setting a Date and Time for a Second Meeting of the Planning, Building and Zoning Committee in the Month of June 2019

The second meeting was scheduled for June 24th at 8:00 a.m.

OLD BUSINESS

Recommendation on Request from the Village of Plattville to Amend Section 2 of the Proposed Intergovernmental Agreement by Deleting the Reference to the Kendall County Comprehensive Plan and Clarification of Costs as Stated in Section 4 of the Proposal

Mr. Asselmeier summarized the request.

The Village Board of Plattville met on May 20, 2019. They requested that Section 2 of the proposed Intergovernmental Agreement be amended by deleting the reference to the Kendall County Comprehensive Plan contained in the Section because the Village adopted a Comprehensive Plan in 2009. If this deletion is approved, Staff has concerns regarding which Comprehensive Plan (the County's or Plattville's) should be used in making recommendations.

The Village also requested clarification of the applicable costs mentioned in Section 4 of the proposal.

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

The consensus of the Committee was to discuss this matter with representatives from the Village of Plattville. Representatives from the Village of Plattville

Member Flowers made a motion, seconded by Chairman Prochaska, to move this to the June 24th meeting.

The votes were as follows:

Yeas (3): Flowers, Gilmour, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Kellogg

The motion carried.

Update on Alleged Stormwater Ordinance Violation at 508 W. Route 126 (Anderson Tree Farm)
Mr. Asselmeier summarized the situation.

Ken Hostert, Na-Au-Say Township Road Commissioner gave a summary of his investigation and is monitoring the situation.

CORRESPONDENCE

None

PUBLIC COMMENT

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

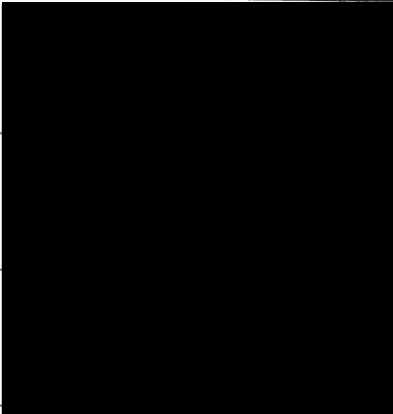
Member Flowers made a motion, seconded by Member Gilmour, to adjourn. With a voice vote of three (3) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 7:40 p.m.

Minutes prepared by Ruth Ann Sikes, Part Time Office Assistant

Encs.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JUNE 10, 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)
Kristin Triesfad		
Delene Alru		
GIDEON BLUSTEIN		
*KEN HOSTET		

Matt Asselmeier

From: Alex Finke [REDACTED]
Sent: Monday, June 10, 2019 7:13 AM
To: Matthew G. Prochaska; Matt Kellogg; Elizabeth Flowers; Judy Gilmour
Cc: Matt Asselmeier
Subject: [External]Land Cash Ordinance
Attachments: Letter to Kendall Co..docx

Good Morning -

Please see the attached letter.

I apologize for my absence at the PBZ committee meeting tonight. I have to present at a CoW meeting in another area at the same time.

My colleague Gideon Blumstein will be there in my place.

If you have any questions prior to the meeting, please let me know.

Respectfully,

Alex Finke

Government Affairs Director

Illinois REALTORS® - "The Voice for Real Estate in Illinois"

Representing:

REALTOR® Association of the Fox Valley, HomeTown, Illini Valley Associations of REALTORS®, & Quad City Area REALTOR® Association

[REDACTED]

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The Honorable Matthew Prochaska
111 West Fox Street
Yorkville, Illinois 60560

On behalf of the 1,800 members of REALTOR® Association of the Fox Valley, we would like to commend the county for their willingness to update their land cash ordinance. Additionally, we appreciate the opportunity to partner with the county from the beginning. Staff and elected officials alike have been wonderful partners in creating a meaningful piece of public policy for the citizens of Kendall County.

We are encouraged by the most recent changes made. The fair market value is now an accurate reflection of land being sold in Kendall County. Beyond this, by using land found in unincorporated Kendall County for the calculations, the ordinance finally meets the legal standard for land cash donations.

Finally, we would suggest the county to adopt the Naperville Formula for the school portion of its land cash ordinance. It is a simpler court tested formula. However, we are content with the updates as written.

If you have any questions, please let me know.

Respectfully,
Alex Finke (Government Affairs Director)



Matt Asselmeier

From: Priscilla Gruber [REDACTED]
Sent: Wednesday, June 5, 2019 8:33 PM
To: Matthew G. Prochaska; Judy Gilmour; Matt Kellogg; Elizabeth Flowers; Matt Asselmeier
Cc: MARK PERLE; Linda Wilkinson
Subject: [External]rental fees for Kendall County gun range regulations ?

Kendall County officials:

I will be out of the state on June 10th so unable to speak in person at the PBZ committee meeting. I ask you to please consider my comments below.

I hope you will not require citizens of this county or other interested persons to pay a fee to find out what our ordinance is. One of the major objections to using the NRA Source Book as part of our ordinance has been its private nature, inaccessibility, its cost, and even actual unavailability if the NRA decides to stop printing it. As I understand it, only the NRA decides who may buy their book and at what cost. That is not reasonably accessible to the public. I believe that is why the ordinance requires the county to have a book to be circulated among the citizens.

In a democracy or republic like ours, generally the rule is there is no excuse for ignorance of the law. For that to be true, the law must be published and available without charge to the citizens. If a rental fee is charged for borrowing the county's copy of the law (regulations) here, our law is not published to the citizens. When the county chose to include the NRA book as part of its ordinance it took on the responsibility to publish it and make it accessible to the public. A person with no funds should not be refused the opportunity to know what our law is, otherwise, he has a valid excuse for non-compliance. I believe we want people to obey the law regardless of economic status.

I assume the proposal to charge citizens a fee to borrow and read the several hundred page book which is part of our ordinance is to protect the county's funds invested in the book which the county chose to make a part of its ordinance. I think there are other ways to protect that interest.

1. Require contact information from all borrowers.
2. Require a lending contract be signed for a specified period with penalties to apply only if the terms are violated.
3. Publish the book on the internet as part of our ordinance.

I am sure some of you can think of other alternatives to requiring a fee for citizens to borrow a copy of part of our ordinance which is otherwise available only at a considerable cost and totally in the discretion of and from a private group.

Thank you for your consideration.
Priscilla Gruber